



Texas Department *of* Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.



Consumer Protection Advisory Committee Meeting

9:00 a.m.

Thursday, June 25, 2020

AGENDA
CONSUMER PROTECTION ADVISORY COMMITTEE MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
OPEN MEETING VIA
TELEPHONE CONFERENCE CALL*
PURSUANT TO GOVERNOR'S MARCH 16, 2020, TEMPORARY SUSPENSION OF
CERTAIN OPEN MEETING PROVISIONS**
THURSDAY, JUNE 25, 2020
9:00 A.M.

THIS MEETING WILL BE HELD REMOTELY VIA TELEPHONE CONFERENCE CALL*

Teleconference Instructions:

Phone number for accessing the meeting via phone:

United States Toll Free: 1-(844)-740-1264

Meeting number/Access code: 133 691 1644

Event Password: 062520

*The public can listen to the meeting via the toll-free number listed above. If you have any technical questions about accessing the meeting, please send an email to Board.Tech.Help@txdmv.gov.

Link to June 25, 2020, TxDMV Consumer Protection Advisory Committee Meeting Documents: <https://www.txdmv.gov/about-us/txdmv-board-meetings>

**Action by Governor Greg Abbott pursuant to Texas Government Code Section 418.016

<https://gov.texas.gov/news/post/governor-abbott-allows-virtual-and-telephonic-open-meetings-to-maintain-government-transparency>

All agenda items are subject to possible discussion, questions, consideration, and action by the Consumer Protection Advisory Committee of the Texas Department of Motor Vehicles (Advisory Committee). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of consideration by the Advisory Committee. A quorum of the Board of the Texas Department of Motor Vehicles (board) may be present at this meeting for information-gathering purposes and discussion. However, board members will not vote on any Advisory Committee agenda items, nor will any board action be taken.

1. CALL TO ORDER

Roll Call and Establishment of Quorum

2. DISCUSSION, BRIEFING, AND ACTION ITEMS

- A. Refunds by Motor Vehicle Dealers and Motor Carriers Transporting Household Goods (Rulemaking Recommendation) - TxDMV Enforcement Division and Presiding Officer
- B. Title and Consumer Issues When a Dealer Goes Out of Business (Legislative Recommendation) - TxDMV Vehicle Titles and Registration Division and Presiding Officer
- C. Protecting DPPA Information (Legislative Recommendation) - TxDMV Vehicle Titles and Registration and Presiding Officer
- D. Future Meeting Schedule – Presiding Officer

3. PUBLIC COMMENT

4. ADJOURNMENT

The Advisory Committee will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Advisory Committee. No action will be taken on matters that are not otherwise part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Advisory Committee members may respond in accordance with Government Code Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting, or referring it to the board.

If you want to comment on any agenda item (including an open comment under Item #3), you must send an email to GCO_General@txdmv.gov or call (512) 465-5665 to register with one of the following prior to the agenda item being taken up by the Advisory Committee:

- 1. a completed registration form (available on the TxDMV webpage for the Board and other public meetings: <https://www.txdmv.gov/about-us/txdmv-board-meetings>); or
- 2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name and address, including your city, state, and zip code; and
 - c. who you are representing.

You must wait for the presiding officer to call on you before you verbally make your comment. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker.

Agenda items may be presented by the named presenters or other Advisory Committee members.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact David Richards by telephone at (512) 465-1423.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Tracey Beaver, General Counsel, (512) 465-5665.

Refund Authority

1. How should “refund” be defined?
 - a. Should the reimbursement of expenses be considered a refund?
 - b. Should TxDMV have the ability to order both full and partial refunds?

Proposed Recommendation:

A “refund” should be defined as the return of any percentage of funds or other consideration that a consumer paid, or contracted to pay, to a licensee or registrant, whether those funds are documented as a separate line item or included in the overall amount paid by a consumer including:

- overpayments;
- fees paid for services not rendered; and
- payments made for products not delivered.

A refund is limited to the what the consumer paid or contracted to pay the dealer or household good mover. If the consumer has to pay a third party because of harm caused by the dealer or household good mover, that would not be included in the refund. That is a separate legal concept called restitution.

Talking Point:

When the Department orders a refund, the Department should only order a dealer or household goods mover to return money and other items of value that was given to the dealer or household goods mover by the consumer. The Department should not order a dealer or household goods mover to give more money back to the consumer than the consumer paid to the dealer or household goods mover, and the Department should not order a dealer or household goods mover to give money to a consumer for something the consumer has not paid the dealer or household goods mover for.

2. Under what circumstances should TxDMV order a dealer or household good mover to provide a refund?

Proposed Recommendation:

The refund is just one sanction, or tool, that enforcement can use as part of the Department’s normal enforcement process, including during settlement negotiations. The Department may only order a refund from a dealer or household good mover after they have established that a violation was committed as part of the enforcement process outlined in the Department’s rules.

3. The Department’s authority to order a refund does not have a time limit. In order to treat refunds like already-established sanctions, the department will not limit the ability to order a refund based on how much time has passed since the time of purchase. This should not lead to the department ordering refunds on a lot of old cases because the violations must be proven and as cases age there is less evidence to gather and less likelihood that a case will be pursued.

4. The Department can only order a refund that is tied to a particular violation of the law. The scenarios below could violate one or more Department rules or laws. Should a refund be ordered in these scenarios?
- a. **Dealer.** The consumer has to purchase one or more 30-day permits because dealer did not transfer title before the buyer tag expired.

Proposed Recommendation:

The department may order a refund where a consumer had to purchase one or more 30-day permits because the dealer failed to transfer title before the buyer tag expired and where nothing outside of the control of the dealer prevented the transfer, like the consumer's actions or a natural disaster.

Talking Point:

While the consumer did not pay the dealer for the dealer to obtain a 30-day permit, the consumer did pay the dealer to transfer title as part of the TT&L collected in a transaction.

Additionally, unless a consumer is buying a salvage or non-repairable vehicle, implicit in the purchase price of the vehicle is the expectation that the consumer is purchasing a vehicle that could be legally operated on the road. In normal times, after a temporary tag expires, the only way for a consumer to continue legally operating a car on the road is to obtain a 30-day permit. As such, we believe the ability to order a refund of the cost of a 30-day permit is within the bounds of the definition of "refund."

- b. **Dealer.** The consumer has to make additional payments on a trade-in vehicle to their original lender because dealer was late in making, or did not make, the agreed-upon payoff.

Proposed Recommendation:

The Department may order a refund where a consumer has to make additional payments on a trade-in vehicle to their original lender where the dealer was late in making, or did not make, an agreed-upon payoff within a reasonable timeframe after the consumer submitted all the necessary paperwork for the dealer to legally process the trade-in since those additional payments were already built into the purchase price of the vehicle.

Talking Point:

The consideration given by the consumer – what the consumer "paid" to the dealer – was the vehicle traded in to the dealer. Additional consideration may be any negative equity from the previous loan rolled into the new loan/purchase price of the purchased vehicle.

When a dealer does not to make a payoff, and a consumer has to make additional payments, the dealer is getting more than what was negotiated; the

dealer negotiated the trade-in value of the car based on the circumstances as they existed on the date the car was traded in. When the consumer has to make additional payments on the trade, the dealer is now receiving the trade-in value of the car on the date of the trade plus the extra equity the consumer added to the trade when the extra payment or payments were made.

The Department may order a refund of that overpayment.

- c. **Dealer.** The consumer has to pay for a safety inspection that should have been completed by the dealer.

Proposed Recommendation:

The Department may order a refund where a consumer explicitly paid a dealer for a safety inspection, and dealer did not complete the inspection or take the vehicle to be inspected, or where a dealer sold a vehicle that they could not have legally sold without first having completed a safety inspection because the safety inspection was built into overall amount that the consumer paid for the vehicle.

Talking Point:

The cost of an inspection is usually a line item in a sales transaction. So usually, the Department would just be ordering a refund of a service paid for, but not rendered.

Even when the cost of the inspection is not a separate line item, the cost of an inspection is implicit in the purchase price of a vehicle where the vehicle could not legally be sold without having first obtained an inspection.

- d. **Dealer.** The consumer has out-of-pocket expenses because dealer failed to honor the written “WE OWE” portion of the contract.

Proposed Recommendation:

The Department may order a refund where a consumer has to pay an out-of-pocket expense because a dealer failed to honor the written we-owe portion of the contract. The Department may not order a refund where the dealer agreed to obtain the products or services of a third party for the consumer in the “WE OWE” portion of the contract, obtains the products or services of a third party for the consumer, and the consumer is unhappy with the performance of the third party.

Talking Point:

Here, the Department is ordering a refund of something a consumer explicitly contracted with the dealer for, but the dealer failed to deliver.

- e. **Dealer.** The consumer has to get a bonded title because dealer could not provide title or did not get a bonded title for the consumer.

Proposed Recommendation:

The Department may order a refund where a consumer has to pay an out-of-pocket expense where a dealer does not provide title or get a bonded title for the consumer when the consumer's actions did not prevent the dealer from providing title because the title is built into the overall amount the consumer paid for the vehicle.

Talking Point:

When a consumer purchases a car, they are implicitly paying the dealer for title to the vehicle – otherwise, they would essentially just be leasing/renting the vehicle.

While the consumer didn't pay the dealer to obtain a bonded title for them, they did pay for a title. If a bonded title is the only title a consumer can obtain for a vehicle, then by virtue of selling the consumer that car, and built into the purchase price the vehicle, the dealer is obligated to get the consumer that bonded title.

- f. **Dealer.** The consumer is overcharged for TT&L, documentary fees, or a non-government-regulated or mandated fee.

Proposed Recommendation:

The Department may order a refund where a consumer was overcharged for government-regulated fees such as TT&L, and documentary fees, provided the dealer did not already return those fees to the consumer through the regulatory action of another governmental body.

The Department may also order a refund where the consumer is charged an unregulated fee or fees where those fees were made to appear as if they were regulated or mandated by a governmental body.

Talking Point:

As to TT&L and documentary fees, the Department would only be ordering a refund if the consumer was charged more than the dealer was entitled to charge.

As to other fees, the Department would order a refund if a dealer, carelessly or otherwise, presented a fee to a consumer as being required by some governmental body when it wasn't.

- g. **Dealer.** The consumer purchases a third-party extended warranty offered by the dealer and the dealer does not submit the paperwork or funds. The consumer needs repairs and discovers they have no warranty.

Proposed Recommendation:

The Department may order a refund of the cost of the third-party extended warranty where a consumer paid a dealer for a third-party warranty, and the dealer failed to

obtain said warranty for the consumer. The Department may not order a refund for the cost of repairs because the costs of repairs were not paid to the dealer.

Talking Point:

If the Department were to order a refund of the cost of repairs, the Department would appear to be ordering restitution instead of a refund. As such, the refund in this instance is limited to the cost of the warranty purchased, but not delivered.

- h. **Household Goods.** Consumer is charged for costs not listed on their tariff after the household goods mover takes possession of the consumer's property; mover refused to unload goods until charges were paid.

Proposed Recommendation:

The Department may order a refund where a consumer is charged for costs not listed under a household goods mover's tariff after the household goods mover takes possession of the consumer's property, and the mover refused to unload the customer's property until those charges were paid.

The Department is further encouraged to refer unregistered carriers to law enforcement authorities.



February 27, 2020

Registration and Title Bulletin # 005-20 Policy and Procedure

TO: All County Tax Assessor-Collectors

SUBJECT: **Titling Procedures and Waiving of Fees for Out of Business Dealer Applications**

PURPOSE

To provide guidance on the titling procedures and waiving of fees when an out of business dealer fails to apply for title on the purchaser's behalf.

DETAILS

House Bill (HB) 3842, enacted by the 86th Legislature, authorizes the department to establish titling requirements and waive fees paid to a dealer by the purchaser, when an out of business dealer failed to apply for title on the purchaser's behalf as required by Transportation Code, §501.0234. HB 3842 also authorizes the department to waive the fee for one 30-Day Permit for the purchaser.

A customer who purchases a vehicle from a dealer that has gone out of business may apply for title and registration at their county tax assessor-collector's office and apply for one 30-Day Permit at no fee, if needed.

Prior to applying for title, the purchaser must obtain a letter from a Texas Department of Motor Vehicles Regional Service Center on department letterhead stating the dealer has gone out of business and what fees may be waived. Fees waived are determined by evidence provided by the purchaser showing any fees that were paid to the dealer. The department will waive the following fees:

- title application fee;
- delinquent transfer penalty;
- all registration and optional county fees under Transportation Code, Chapter 502;
- all inspection fees under Transportation Code, Chapter 548; and
- buyer tag fee.

The department will not waive motor vehicle sales and use tax paid by the purchaser to the out of business dealer; however, the county tax assessor-collector may waive the fees per Tax Code, §152.041, when proof of payment is submitted to the county with the title application.

In addition to the letter, the purchaser must provide a sales contract, retail installment agreement, or buyer's order in lieu of the vehicle's evidence of ownership. If the vehicle is subject to odometer disclosure and a properly completed odometer disclosure statement is not included with the title application, the odometer brand must be recorded as Not Actual Mileage.

2

February 27, 2020

Additionally, a release of lien is not required if the only lienholder on the vehicle record is the dealer that went out of business. Otherwise, a release of lien will be required if a lien is recorded on the vehicle record.

Programming changes to facilitate waiving fees in the Registration and Title System (RTS) were implemented with RTS Release 9.5. A “Dealer Closure” checkbox is available on the TTL008 screen in the title event and during a 30-Day Permit transaction on the MRG005 screen.

Checking the “Dealer Closure” checkbox will waive all fees associated with a title application or issuance of a 30-Day Permit. Any fees associated with the title application that were not paid to the dealer must be collected through the RTS Additional Collections Event. Additional details and processing instructions were provided in the RTS 9.5 Release Notes.

All title and 30-Day Permit related transactions will continue to display on existing RTS reports. RTS will retain the amount of fees that are waived with the title application and/or the 30-Day Permit issuance. Two new Cognos reports are available to reflect transactions associated with a dealer that has gone out of business. One report reflects the title transactions and the amount of fees waived. The other report reflects the 30-Day Permits and the amount of fees waived.

COUNTY ACTION

If a customer requests issuance of a 30-Day Permit for no fee or is filing a title application for a vehicle they purchased from a dealer that has gone out of business, ensure the customer has a letter issued by the department stating the dealership has gone out of business and the fees that may be waived. In addition, ensure the customer provides a sales contract, retail installment agreement, or buyer’s order in lieu of the vehicle’s evidence of ownership with the title application.

Record the odometer brand as Not Actual Mileage if an odometer disclosure is not provided for a vehicle subject to odometer disclosure, and do not require a release of lien if the lienholder is the dealer that has gone out of business.

Ensure any fees not waived in the letter issued by the department that are associated with the title application are collected through the RTS Additional Collections Event.

CONTACT

If you have any questions, please contact your local Texas Department of Motor Vehicles Regional Service Center.

Sincerely,



Jeremiah Kuntz, Director
Vehicle Titles and Registration Division

JK:TT:JE

(Revised 4/14)

MOTOR VEHICLE DEALER'S SURETY BOND

Bond # 63684185

KNOW ALL BY THESE PRESENTS, THAT

Name MISA AUTO SALES LLCAddress(es) 6456 ST HWY RDCity, State, and Zip ROYSE CITY, TX 75189

As principal, whose place of business and any supplemental location(s) operated under the same general distinguishing number is/are located at the address(es) set forth above, and

Name WESTERN SURETY COMPANYAddress(es) P.O. Box 5077City, State, and Zip Sioux Falls, SD 57117-5077

as Surety, duly authorized and qualified to do business as a surety company in this State, are held and firmly bound to such persons who shall conduct business with said Principal in its capacity as a motor vehicle dealer in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000), for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns.

WHEREAS, the above-named Principal is applying for a license as a motor vehicle dealer,

AND WHEREAS, said Principal is required by law (Tex. Transp. Code §503.033) to submit a properly executed surety bond, conditioned as set forth below, with said application for license,

AND WHEREAS, the bond shall run concurrently with the period of the license issued to the Principal.

THE CONDITION OF THIS OBLIGATION is such that, if during the effective period of this obligation, the Principal shall pay all valid bank drafts, including checks, drawn by the Principal for the purchase of motor vehicles and transfer good title to each motor vehicle that the Principal purports to sell, then this obligation shall be void; otherwise to remain in full force and effect.

IT IS FURTHER UNDERSTOOD AND AGREED that the above obligation shall extend, without notification to the Surety, to any change of officers of the Principal if the Principal is a corporation, to any additional locations or changes of address of the Principal or to any substitution of business name of the Principal wherein ownership is not changed.

IT IS FURTHER UNDERSTOOD AND AGREED that this bond shall be opened to successive claims up to the face value of the bond. The Surety shall not be liable for successive claims in excess of the bond amount, regardless of the number of claims made against the bond. Recovery against the bond may be made by a person who obtains a judgment against a dealer assessing damages and attorney's fees for an act or omission on which the bond is conditioned if the act or omission occurred during the term for which the general distinguishing number will be valid. Payment of any judgment by the Surety shall be immediately reported to the Texas Department of Motor Vehicles, Motor Vehicle Division, P.O. Box 28487, Austin, Texas 78755.

IN WITNESS WHEREOF said Principal and Surety have executed this bond to be effective on the 1st day of July, 2018 and to expire on the 30th day of June, 2020.

DATED this 11 day of JUNE 2018.

MISA AUTO SALES LLC

By: [Signature]
(OFFICER'S OR PROPRIETOR'S SIGNATURE)

DATED this 11th day of June, 2018

WESTERN SURETY COMPANY

By: [Signature]
(SURETY)
Paul T. Bruflatt, Vice President

In accordance with Tex. Transp. Code §503.033, this form is prescribed but not furnished by the Texas Department of Motor Vehicles as approved by the Attorney General of Texas on July 18, 1985.

Figure: 28 TAC §1.601(a)(3)

IMPORTANT NOTICE

- 1 To obtain information or make a complaint:
- 2 You may contact Western Surety Company, Surety Bonding Company of America or Universal Surety of America at 605-336-0850.
- 3 You may call Western Surety Company's, Surety Bonding Company of America's or Universal Surety of America's toll-free telephone number for information or to make a complaint at:

1-800-331-6053

- 4 You may also write to Western Surety Company, Surety Bonding Company of America or Universal Surety of America at:

P.O. Box 5077
Sioux Falls, SD 57117-5077

- 5 You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

- 6 You may write the Texas Department of Insurance:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007
Web: www.tdi.texas.gov
E-Mail: ConsumerProtection@tdi.texas.gov

7 PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact Western Surety Company, Surety Bonding Company of America or Universal Surety of America first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

8 ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Puede comunicarse con Western Surety Company, Surety Bonding Company of America o Universal Surety of America al 605-336-0850.

Usted puede llamar al numero de telefono gratis de Western Surety Company's, Surety Bonding Company of America's o Universal Surety of America's para informacion o para someter una queja al:

1-800-331-6053

Usted tambien puede escribir a Western Surety Company, Surety Bonding Company of America o Universal Surety of America:

P.O. Box 5077
Sioux Falls, SD 57117-5077

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007
Web: www.tdi.texas.gov
E-Mail: ConsumerProtection@tdi.texas.gov

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concemiente a su prima o a un reclamo, debe comunicarse con el Western Surety Company, Surety Bonding Company of America o Universal Surety of America primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

SAMPLE

(Revised 4/14)

MOTOR VEHICLE DEALER'S SURETY BOND

Bond # _____

KNOW ALL BY THESE PRESENTS, THAT

Name _____

Address(es) _____

City, State, and Zip _____

As principal, whose place of business and any supplemental location(s) operated under the same general distinguishing number is/are located at the address(es) set forth above, and

Name _____

Address(es) _____

City, State, and Zip _____

as Surety, duly authorized and qualified to do business as a surety company in this State, are held and firmly bound to such persons who shall conduct business with said Principal in its capacity as a motor vehicle dealer in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000), for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns.

WHEREAS, the above-named Principal is applying for a license as a motor vehicle dealer,

AND WHEREAS, said Principal is required by law (Tex. Transp. Code §503.033) to submit a properly executed surety bond, conditioned as set forth below, with said application for license,

AND WHEREAS, the bond shall run concurrently with the period of the license issued to the Principal.

THE CONDITION OF THIS OBLIGATION is such that, if during the effective period of this obligation, the Principal shall pay all valid bank drafts, including checks, drawn by the Principal for the purchase of motor vehicles and transfer good title to each motor vehicle that the Principal purports to sell, then this obligation shall be void; otherwise to remain in full force and effect.

IT IS FURTHER UNDERSTOOD AND AGREED that the above obligation shall extend, without notification to the Surety, to any change of officers of the Principal if the Principal is a corporation, to any additional locations or changes of address of the Principal or to any substitution of business name of the Principal wherein ownership is not changed.

IT IS FURTHER UNDERSTOOD AND AGREED that this bond shall be opened to successive claims up to the face value of the bond. The Surety shall not be liable for successive claims in excess of the bond amount, regardless of the number of claims made against the bond. Recovery against the bond may be made by a person who obtains a judgment against a dealer assessing damages and attorney's fees for an act or omission on which the bond is conditioned if the act or omission occurred during the term for which the general distinguishing number will be valid. Payment of any judgment by the Surety shall be immediately reported to the Texas Department of Motor Vehicles, Motor Vehicle Division, P.O. Box 26487, Austin, Texas 78755.

IN WITNESS WHEREOF said Principal and Surety have executed this bond to be effective on the _____ day of _____, _____ and to expire on the _____ day of _____, _____.

DATED this _____ day of _____

(PRINCIPAL)

By: _____
(OFFICER'S OR PROPRIETOR'S SIGNATURE)

DATED this _____ day of _____

(SURETY)

By: _____

In accordance with Tex. Transp. Code §503.033, this form is prescribed but not furnished by the Texas Department of Motor Vehicles as approved by the Attorney General of Texas on July 16, 1985.

SAMPLE

H.B. No. 3842

AN ACT

relating to the regulation of certain motor vehicle dealers;
waiving certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 501, Transportation Code,
is amended by adding Section 501.0236 to read as follows:

Sec. 501.0236. ISSUANCE OF TITLE AND PERMITS WHEN DEALER
GOES OUT OF BUSINESS. (a) This section applies only to a person who
is the purchaser of a motor vehicle for which the dealer:

(1) is required to apply for a title for the vehicle
under Section 501.0234; and

(2) does not apply for the title because the dealer has
gone out of business.

(b) A purchaser to whom this section applies may apply for:

(1) a title in the manner prescribed by the department
by rule; and

(2) on expiration of the buyer's tag issued to the
purchaser under Section 503.063, a 30-day permit under Section
502.095.

(c) An application for a title under this section must
include a release of any recorded lien on the motor vehicle unless
the only recorded lienholder is a dealer described by Subsection
(a).

(d) The department shall waive the payment of fees for:

H.B. No. 3842

1 (1) a title issued to a purchaser described by this
2 section, if the purchaser can show that fees for a title were paid
3 to the dealer; and

4 (2) one 30-day permit issued to a purchaser described
5 by this section.

6 (e) Notwithstanding Section 503.033(e), the department may
7 recover against the surety bond executed by the dealer under
8 Section 503.033 the amount of any fee waived for a title or permit
9 issued under this section.

10 (f) The department shall adopt the rules necessary to
11 implement this section.

12 SECTION 2. Section 503.027(a), Transportation Code, is
13 amended to read as follows:

14 (a) A ~~[If a dealer consigns for sale more than five vehicles~~
15 ~~in a calendar year from a location other than the location for which~~
16 ~~the dealer holds a general distinguishing number, the]~~ dealer must
17 ~~[also]~~ hold a general distinguishing number for a ~~[the]~~ consignment
18 location unless the consignment location is a wholesale motor
19 vehicle auction.

20 SECTION 3. This Act takes effect September 1, 2019.

H.B. No. 3842

President of the Senate

Speaker of the House

I certify that H.B. No. 3842 was passed by the House on April 30, 2019, by the following vote: Yeas 131, Nays 15, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3842 on May 24, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3842 on May 26, 2019, by the following vote: Yeas 128, Nays 14, 1 present, not voting.

Chief Clerk of the House

H.B. No. 3842

I certify that H.B. No. 3842 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 27, Nays 4; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3842 on May 25, 2019, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor

Texas Administrative Code

<u>TITLE 43</u>	TRANSPORTATION
<u>PART 10</u>	TEXAS DEPARTMENT OF MOTOR VEHICLES
<u>CHAPTER 217</u>	VEHICLE TITLES AND REGISTRATION
<u>SUBCHAPTER A</u>	MOTOR VEHICLE TITLES
RULE §217.16	Application for Title When Dealer Goes Out of Business

-
- (a) A person who purchased a vehicle from a dealer who is required to apply for a title on the purchaser's behalf under Transportation Code, §501.0234 may apply for title as prescribed by this section if the dealer has gone out of business and did not apply for title.
- (b) For purposes of this section, a dealer has gone out of business if:
- (1) the dealer's license has been closed or has expired; or
 - (2) operations have ceased at the licensed location as determined by the department.
- (c) For purposes of this section, a person must obtain a letter on department letterhead stating a dealer has gone out of business. A person may request the letter by contacting the department, including a Regional Service Center, or a county tax assessor-collector's office.
- (d) An application under subsection (a) of this section must meet the requirements of §217.4 of this title (relating to Initial Application for Title) except the applicant:
- (1) must provide the sales contract, retail installment agreement, or buyer's order in lieu of evidence of vehicle ownership as described in §217.5(a) of this title (relating to Evidence of Motor Vehicle Ownership);
 - (2) must provide the letter described by subsection (c) of this section; and
 - (3) is not required to provide a release of lien if the only recorded lienholder is the dealer that has gone out of business.
- (e) If a title application under this section does not include a properly completed odometer disclosure statement, as required by Transportation Code, §501.072, the odometer brand will be recorded as "NOT ACTUAL MILEAGE."
- (f) The department will waive the payment of the following fees if the applicant can provide evidence showing the fee was paid to the dealer:
- (1) a title application fee under Transportation Code, §501.138;
 - (2) delinquent transfer penalty under Transportation Code, §501.146;
 - (3) all fees under Transportation Code, Chapter 502; and
 - (4) the buyer's temporary tag fee under Transportation Code, §503.063.

Source Note: The provisions of this §217.16 adopted to be effective March 1, 2020, 45 TexReg 1230

Texas Administrative Code

<u>TITLE 43</u>	TRANSPORTATION
<u>PART 10</u>	TEXAS DEPARTMENT OF MOTOR VEHICLES
<u>CHAPTER 217</u>	VEHICLE TITLES AND REGISTRATION
<u>SUBCHAPTER B</u>	MOTOR VEHICLE REGISTRATION
RULE §217.40	Special Registrations

(a) Purpose and scope. Transportation Code, Chapter 502, Subchapters C and I, charge the department with the responsibility of issuing special registration permits which shall be recognized as legal registration for the movement of motor vehicles not authorized to travel on Texas public highways for lack of registration or for lack of reciprocity with the state or country in which the vehicles are registered. For the department to efficiently and effectively perform these duties, this section prescribes the policies and procedures for the application and the issuance of temporary registration permits.

(b) Permit categories. The department will issue the following categories of special registration permits.

(1) Additional weight permits. The owner of a truck, truck tractor, trailer, or semitrailer may purchase temporary additional weight permits for the purpose of transporting the owner's own seasonal agricultural products to market or other points for sale or processing in accordance with Transportation Code, §502.434. In addition, such vehicles may be used for the transportation without charge of seasonal laborers from their place of residence, and materials, tools, equipment, and supplies from the place of purchase or storage, to a farm or ranch exclusively for use on such farm or ranch.

(A) Additional weight permits are valid for a limited period of less than one year.

(B) An additional weight permit will not be issued for a period of less than one month or extended beyond the expiration of a license plate issued under Transportation Code, Chapter 502.

(C) The statutory fee for an additional weight permit is based on a percentage of the difference between the owner's annual registration fee and the annual fee for the desired gross vehicle weight computed as follows:

- (i) one-month (or 30 consecutive days)--10%;
- (ii) one-quarter (three consecutive months)--30%;
- (iii) two-quarters (six consecutive months)--60%; or
- (iv) three-quarters (nine consecutive months)--90%.

(D) Additional weight permits are issued for calendar quarters with the first quarter to begin on April 1st of each year.

(E) A permit will not be issued unless the registration fee for hauling the additional weight has been paid prior to the actual hauling.

(F) An applicant must provide proof of the applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas Comptroller of Public Accounts. Proof of the registration number must be:

- (i) legible;
- (ii) current;
- (iii) in the name of the person or dba in which the vehicle is or will be registered; and

(iv) verifiable through the online system established by the Comptroller.

(2) Annual permits.

(A) Transportation Code, §502.093 authorizes the department to issue annual permits to provide for the movement of foreign commercial vehicles that are not authorized to travel on Texas highways for lack of registration or for lack of reciprocity with the state or country in which the vehicles are registered. The department will issue annual permits:

(i) for a 12-month period designated by the department which begins on the first day of a calendar month and expires on the last day of the last calendar month in that annual registration period; and

(ii) to each vehicle or combination of vehicles for the registration fee prescribed by weight classification in Transportation Code, §502.253 and §502.255.

(B) The department will not issue annual permits for the importation of citrus fruit into Texas from a foreign country except for foreign export or processing for foreign export.

(C) The following exemptions apply to vehicles displaying annual permits.

(i) Currently registered foreign semitrailers having a gross weight in excess of 6,000 pounds used or to be used in combination with commercial motor vehicles or truck tractors having a gross vehicle weight in excess of 10,000 pounds are exempted from the requirements to pay the token fee and display the associated distinguishing license plate provided for in Transportation Code, §502.255. An annual permit is required for the power unit only. For vehicles registered in combination, the combined gross weight may not be less than 18,000 pounds.

(ii) Vehicles registered with annual permits are not subject to the optional county registration fee under Transportation Code, §502.401; the optional county fee for transportation projects under Transportation Code, §502.402; or the optional registration fee for child safety under Transportation Code, §502.403.

(3) 72-hour permits and 144-hour permits.

(A) In accordance with Transportation Code, §502.094, the department will issue a permit valid for 72 hours or 144 hours for the movement of commercial motor vehicles, trailers, semitrailers, and motor buses owned by residents of the United States, Mexico, or Canada.

(B) A 72-hour permit or a 144-hour permit is valid for the period of time stated on the permit beginning with the effective day and time as shown on the permit registration receipt.

(C) Vehicles displaying 72-hour permits or 144-hour permits are subject to vehicle safety inspection in accordance with Transportation Code, §548.051, except for:

(i) vehicles currently registered in another state of the United States, Mexico, or Canada; and

(ii) mobile drilling and servicing equipment used in the production of gas, crude petroleum, or oil, including, but not limited to, mobile cranes and hoisting equipment, mobile lift equipment, forklifts, and tugs.

(D) The department will not issue a 72-hour permit or a 144-hour permit to a commercial motor vehicle, trailer, semitrailer, or motor bus apprehended for violation of Texas registration laws. Apprehended vehicles must be registered under Transportation Code, Chapter 502.

(4) Temporary agricultural permits.

(A) Transportation Code, §502.092 authorizes the department to issue a 30-day temporary nonresident registration permit to a nonresident for any truck, truck tractor, trailer, or semitrailer to be used in the movement of all agriculture products produced in Texas:

(i) from the place of production to market, storage, or railhead not more than 75 miles from the place of production; or

(ii) to be used in the movement of machinery used to harvest Texas-produced agricultural products.

(B) The department will issue a 30-day temporary nonresident registration permit to a nonresident for any truck, truck tractor, trailer, or semitrailer used to move or harvest farm products, produced outside of Texas, but:

(i) marketed or processed in Texas; or

(ii) moved to points in Texas for shipment from the point of entry into Texas to market, storage, processing plant, railhead or seaport not more than 80 miles from such point of entry into Texas.

(C) The statutory fee for temporary agricultural permits is one-twelfth of the annual Texas registration fee prescribed for the vehicle for which the permit is issued.

(D) The department will issue a temporary agricultural permit only when the vehicle is legally registered in the nonresident's home state or country for the current registration year.

(E) The number of temporary agricultural permits is limited to three permits per nonresident owner during any one vehicle registration year.

(F) Temporary agricultural permits may not be issued to farm licensed trailers or semitrailers.

(5) One-trip permits. Transportation Code, §502.095 authorizes the department to temporarily register any unladen vehicle upon application to provide for the movement of the vehicle for one trip, when the vehicle is subject to Texas registration and not authorized to travel on the public roadways for lack of registration or lack of registration reciprocity.

(A) Upon receipt of the \$5 fee, registration will be valid for one trip only between the points of origin and destination and intermediate points as may be set forth in the application and registration receipt.

(B) The department will issue a one-trip permit to a bus which is not covered by a reciprocity agreement with the state or country in which it is registered to allow for the transit of the vehicle only. The vehicle should not be used for the transportation of any passenger or property, for compensation or otherwise, unless such bus is operating under charter from another state or country.

(C) A one-trip permit is valid for a period up to 15 days from the effective date of registration.

(D) A one-trip permit may not be issued for a trip which both originates and terminates outside Texas.

(E) A laden motor vehicle or a laden commercial vehicle cannot display a one-trip permit. If the vehicle is unregistered, it must operate with a 72-hour or 144-hour permit.

(6) 30-day temporary registration permits. Transportation Code, §502.095 authorizes the department to issue a temporary registration permit valid for 30 days for a \$25 fee. A vehicle operated on a 30-day temporary permit is not restricted to a specific route. The permit is available for:

(A) passenger vehicles;

(B) motorcycles;

(C) private buses;

(D) trailers and semitrailers with a gross weight not exceeding 10,000 pounds;

(E) light commercial vehicles not exceeding a gross weight of 10,000 pounds; and

(F) a commercial vehicle exceeding 10,000 pounds, provided the vehicle is operated unladen.

(c) Application process.

(1) Procedure. An owner who wishes to apply for a temporary registration permit for a vehicle which is otherwise required to be registered in accordance with this subchapter, must do so on a form prescribed by the department.

(2) Form requirements. The application form will at a minimum require:

- (A) the signature of the owner;
- (B) the name and complete address of the applicant; and
- (C) the vehicle description.

(3) Fees and documentation. The application must be accompanied by:

(A) statutorily prescribed fees, unless the applicant is exempt from fees under Transportation Code, §501.0236 and provides the letter specified in §217.16(c) of this title (relating to Application for Title When Dealer Goes Out of Business);

(B) evidence of financial responsibility:

(i) as required by Transportation Code, Chapter 502, Subchapter B, provided that all policies written for the operation of motor vehicles must be issued by an insurance company or surety company authorized to write motor vehicle liability insurance in Texas; or

(ii) if the applicant is a motor carrier as defined by §218.2 of this title (relating to Definitions), indicating that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to Motor Carrier Registration); and

(C) any other documents or fees required by law.

(4) Place of application.

(A) All applications for annual permits must be submitted directly to the department for processing and issuance.

(B) Additional weight permits and temporary agricultural permits may be obtained by making application with the department through the county tax assessor-collectors' offices.

(C) 72-hour and 144-hour permits, one-trip permits, and 30-day temporary registration permits may be obtained by making application either with the department or the county tax assessor-collectors' offices.

(d) Receipt for permit in lieu of registration. A receipt will be issued for each permit in lieu of registration to be carried in the vehicle during the time the permit is valid. A one-trip or 30-day trip permit must be displayed as required by Transportation Code, §502.095(f). If the receipt is lost or destroyed, the owner must obtain a duplicate from the department or from the county office. The fee for the duplicate receipt is the same as the fee required by Transportation Code, §502.058.

(e) Transfer of temporary permits.

(1) Temporary permits are non-transferable between vehicles and/or owners.

(2) If the owner of a vehicle displaying a temporary permit disposes of the vehicle during the time the permit is valid, the permit must be returned to the county tax assessor-collector office or department immediately.

(f) Replacement permits. Vehicle owners displaying annual permits may obtain replacement permits if an annual permit is lost, stolen, or mutilated.

(1) The fee for a replacement annual permit is the same as for a replacement number plate, symbol, tab, or other device as provided by Transportation Code, §502.060.

(2) The owner shall apply directly to the department in writing for the issuance of a replacement annual permit. Such request should include a copy of the registration receipt and replacement fee.

(g) Agreements with other jurisdictions. In accordance with Transportation Code, §502.091, and Chapter 648, the executive director of the department may enter into a written agreement with an authorized officer of a state, province, territory, or possession of a foreign country to provide for the exemption from payment of registration fees by nonresidents, if residents of this state are granted reciprocal exemptions. The executive director may enter into such agreement only upon:

- (1) the approval of the governor; and
- (2) making a determination that the economic benefits to the state outweigh all other factors considered.

(h) Border commercial zones.

(1) Texas registration required. A vehicle located in a border commercial zone must display a valid Texas registration if the vehicle is owned by a person who:

- (A) owns a leasing facility or a leasing terminal located in Texas; and
- (B) leases the vehicle to a foreign motor carrier.

(2) Exemption for trips of short duration. Except as provided by paragraph (1) of this subsection, a foreign commercial vehicle operating in accordance with Transportation Code, Chapter 648 is exempt from the display of a temporary registration permit if:

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

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

- (i) not more than 24 hours; or
- (ii) 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 this vehicle are satisfied;

(C) the vehicle is registered and licensed as required by the country in which the person that owns the vehicle is domiciled or is a citizen as evidenced by a valid metal license plate attached to the front or rear exterior of the vehicle; and

(D) the country in which the person who owns the vehicle is domiciled or is a citizen provides a reciprocal exemption for commercial motor vehicles owned by residents of Texas.

(3) Exemption due to reciprocity agreement. Except as provided by paragraph (1) of this subsection, a foreign commercial motor vehicle in a border commercial zone in this state is exempt from the requirement of obtaining a Texas registration if the vehicle is currently registered in another state of the United States or a province of Canada with which this state has a reciprocity agreement that exempts a vehicle that is owned by a resident of this state and that is currently registered in this state from registration in the other state or province.

Source Note: The provisions of this §217.40 adopted to be effective March 12, 2015, 40 TexReg 1096; amended to be effective August 8, 2016, 41 TexReg 5766; amended to be effective December 4, 2016, 41 TexReg 9335; amended to be effective March 1, 2020, 45 TexReg 1230

DPPA

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE J. MISCELLANEOUS PROVISIONS

CHAPTER 730. MOTOR VEHICLE RECORDS DISCLOSURE ACT

Sec. 730.001. SHORT TITLE. This chapter may be cited as the Motor Vehicle Records Disclosure Act.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.002. PURPOSE. The purpose of this chapter is to implement 18 U.S.C. Chapter 123 and to protect the interest of an individual in the individual's personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records, except as authorized by the individual or by law.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.003. DEFINITIONS. In this chapter:

(1) "Agency" includes any agency or political subdivision of this state, or an authorized agent or contractor of an agency or political subdivision of this state, that compiles or maintains motor vehicle records.

(2) "Disclose" means to make available or make known personal information contained in a motor vehicle record about a person to another person, by any means of communication.

(3) "Individual record" means a motor vehicle record obtained by an agency containing personal information about an individual who is the subject of the record as identified in a request.

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

- (A) a record that pertains to a motor carrier; or
- (B) an accident report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

(5) "Person" means an individual, organization, or entity but does not include this state or an agency of this state.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information. The term does not include:

- (A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or

- (B) information contained in an accident report prepared under:

- (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

(7) "Record" includes any book, paper, photograph, photostat, card, film, tape, recording, electronic data, printout, or other documentary material regardless of physical form or characteristics.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 6, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. 312), Sec. 54, eff. September 1, 2017.

Sec. 730.004. PROHIBITION ON DISCLOSURE AND USE OF PERSONAL INFORMATION FROM MOTOR VEHICLE RECORDS. Notwithstanding any other provision of law to the contrary, including Chapter 552, Government Code, except as provided by Sections 730.005-730.007, an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.
Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1, 2001.

Sec. 730.005. REQUIRED DISCLOSURE. Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed for use in connection with any matter of:

- (1) motor vehicle or motor vehicle operator safety;
- (2) motor vehicle theft;
- (3) motor vehicle emissions;
- (4) motor vehicle product alterations, recalls, or advisories;
- (5) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer;
- (6) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of:
 - (A) the Automobile Information Disclosure Act, 15 U.S.C. Section 1231 et seq.;
 - (B) 49 U.S.C. Chapters 301, 305, 323, 325, 327, 329, and 331;
 - (C) the Anti Car Theft Act of 1992, 18 U.S.C. Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C. Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all as amended;
 - (D) the Clean Air Act, 42 U.S.C. Section 7401 et seq., as amended; and
 - (E) any other statute or regulation enacted or adopted under or in relation to a law included in Paragraphs (A)-(D);
- (7) child support enforcement under Chapter 231, Family Code;
- (8) enforcement by the Texas Workforce Commission under Title 4, Labor Code; or
- (9) voter registration or the administration of elections by the secretary of state.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.
Amended by Acts 2001, 77th Leg., ch. 1023, Sec. 72, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 869 (S.B. 76), Sec. 6, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1012 (H.B. 2512), Sec. 2, eff. June 14, 2013.

Sec. 730.006. REQUIRED DISCLOSURE WITH CONSENT. Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor who demonstrates, in such form and manner as the agency requires, that the requestor has obtained the written consent of the person who is the subject of the information.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.007. PERMITTED DISCLOSURES. (a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations, recalls, or advisories;

(iv) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers;

(v) motor vehicle market research activities, including survey research; or

(vi) removal of nonowner records from the original owner records of motor vehicle manufacturers;

(C) use in the normal course of business by a legitimate business or an authorized agent of the business, but only:

(i) to verify the accuracy of personal information submitted by the individual to the business or the agent of the business; and

(ii) if the information is not correct, to obtain the correct information, for the sole purpose of preventing fraud by, pursuing a legal remedy against, or recovering on a debt or security interest against the individual;

(D) use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court;

(E) use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;

(F) use by an insurer or insurance support organization, or by a self-insured entity, or an authorized agent of the entity, in connection with claims investigation activities, antifraud activities, rating, or underwriting;

(G) use in providing notice to an owner of a towed or impounded vehicle;

(H) use by a licensed private investigator agency or licensed security service for a purpose permitted under this section;

(I) use by an employer or an agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313;

(J) use in connection with the operation of a private toll transportation facility;

(K) use by a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for a purpose permitted under that Act; or

(L) use for any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety.

(b) The only personal information an agency may release under this section is the individual's:

- (1) name and address;
- (2) date of birth; and
- (3) driver's license number.

(c) This section does not:

(1) prohibit the disclosure of a person's photographic image to:

(A) a law enforcement agency, the Texas Department of Motor Vehicles, a county tax assessor-collector, or a criminal justice agency for an official purpose;

(B) an agency of this state investigating an alleged violation of a state or federal law relating to the obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; or

(C) an agency of this state investigating an alleged violation of a state or federal law under authority provided by Title 4, Labor Code; or

(2) prevent a court from compelling by subpoena the production of a person's photographic image.

(d) Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the intent of the requestor is to use personal information in the motor vehicle record only for the purpose of preventing, detecting, or protecting against personal identity theft or other acts of fraud and provides any proof of the requestor's intent required by the agency.

(e) If the agency determines that the requestor intends to use personal information requested under Subsection (d) only for the represented purpose, the agency shall release to the requestor any requested personal information in the motor vehicle record.

(f) Personal information obtained by an agency under Section 411.0845, Government Code, in connection with a motor vehicle record may be disclosed as provided by that section.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.
Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 26, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 869 (S.B. 76), Sec. 7, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 133, eff. September 1, 2013.

Sec. 730.010. DISCLOSURE OF THUMB OR FINGER IMAGES PROHIBITED. Notwithstanding any other provision of this chapter, if an agency obtains an image of an individual's thumb or finger in connection with the issuance of a license, permit, or certificate to the individual, the agency may:

(1) use the image only:

(A) in connection with the issuance of the license, permit, or certificate; or

(B) to verify the identity of an individual as provided by Section 521.059; and

(2) disclose the image only if disclosure is expressly authorized by law.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1108 (H.B. 2337), Sec. 6, eff. September 1, 2005.

Sec. 730.011. FEES. Unless a fee is imposed by law, an agency that has obtained information in connection with a motor vehicle may adopt reasonable fees for disclosure of that personal information under this chapter.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.012. ADDITIONAL CONDITIONS. (a) In addition to the payment of a fee adopted under Section 730.011, an agency may require a requestor to provide reasonable assurance:

- (1) as to the identity of the requestor; and
- (2) that use of the personal information will be only as authorized or that the consent of the person who is the subject of the information has been obtained.

(b) An agency may require the requestor to make or file a written application in the form and containing any certification requirement the agency may prescribe.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.013. RESALE OR REDISCLOSURE. (a) An authorized recipient of personal information may not resell or redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) An authorized recipient of personal information may resell or redisclose the information only for a use permitted under Section 730.007.

(c) Any authorized recipient who resells or rediscloses personal information obtained from an agency shall be required by that agency to:

- (1) maintain for a period of not less than five years records as to any person or entity receiving that information and the permitted use for which it was obtained; and
- (2) provide copies of those records to the agency on request.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$25,000.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.
Amended by Acts 2001, 77th Leg., ch. 1032, Sec. 7, eff. Sept. 1, 2001.

Sec. 730.014. AGENCY RULES; ORGANIZATION OF RECORDS. (a) Each agency may adopt rules to implement and administer this chapter.

(b) An agency that maintains motor vehicle records in relation to motor vehicles is not required to also maintain those records in relation to the individuals named in those records.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.015. PENALTY FOR FALSE REPRESENTATION. (a) A person who requests the disclosure of personal information from an agency's records under this chapter and misrepresents the person's identity or who makes a false statement to the agency on an application required by the agency under this chapter commits an offense.

(b) An offense under Subsection (a) is a Class A misdemeanor.

Added by Acts 1997, 75th Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1997.

Sec. 730.016. INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE PERSONAL INFORMATION. (a) A person who is convicted of an offense under this chapter, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information to the person, is ineligible to receive personal information under Section 730.007.

(b) For purposes of Subsection (a), a person is considered to have been convicted in a case if:

- (1) a sentence is imposed;
- (2) the defendant receives probation or deferred adjudication; or
- (3) the court defers final disposition of the case.

Added by Acts 2001, 77th Leg., ch. 1032, Sec. 8, eff. Sept. 1, 2001.

Motor Vehicle Recipient Business Entity Types

Government

- Federal Government Agencies
- State Government Agencies
- County Government
- City Government
- Law Enforcement
- Toll Road Entities

Towing and Salvage

- Vehicle Storage Facilities
- Towing Companies
- Repossession and Recovery Companies
- Metal Recyclers
- Auto Parts Recyclers

Automotive and Automotive Sales Industry

- Mechanics/Body Shops
- New Automotive Dealers
- Used Automotive Dealers
- Banks and Lenders
- Title Services
- Auto Service Consultants

Insurance Industry

- Insurance Companies,
- Insurance Agencies
- Insurance Agents
- Insurance Adjusters

Other Industry

- Hospitals
- Schools and Universities
- Home Owners Associations
- Defensive Driving Schools
- Law Offices
- Resellers / IT Services
- Private Investigators

TITLE 43 TRANSPORTATION
PART 10 TEXAS DEPARTMENT OF MOTOR VEHICLES
CHAPTER 217 VEHICLE TITLES AND REGISTRATION
SUBCHAPTER F MOTOR VEHICLE RECORDS

RULE §217.121 PURPOSE AND SCOPE. It is the policy of the Texas Department of Motor Vehicles to protect the confidentiality of motor vehicle record information.

RULE §217.122 DEFINITIONS. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Authorized recipient--A person receiving motor vehicle records as defined by this subchapter, in a manner authorized by Transportation Code, Chapter 730.

(2) Department--Texas Department of Motor Vehicles.

(3) Motor vehicle records--Information regarding the titling or registration of motor vehicles, which may include the make, vehicle identification number, year, model, body style, license number of a motor vehicle, and the name, address, and social security number of an owner or lienholder.

(4) Personal information--Information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, personal identification certificate number, name, telephone number, medical or disability information, license plate number, or address other than the postal routing code.

(5) Requestor--A person seeking personal information contained in motor vehicle records directly from the department.

(6) Service agreement--A contractual agreement that allows individuals, businesses or governmental entities or institutions to access the department's motor vehicle records.

(7) Written request--A request made in writing, including electronic mail, electronic media, and facsimile transmission.

RULE §217.123 ACCESS TO MOTOR VEHICLE RECORDS. (a) Request for records. A requestor shall submit a written request on the form required by the department. Information will be released only in accordance with Title 18 U.S.C. §2721 et seq., Transportation Code, Chapter 730, Government Code, §552.130, and this subchapter. A completed and properly executed form must include, at a minimum:

(1) the name and address of the requestor;

(2) the Texas license number, title or document number, or vehicle identification number of the motor vehicle about which information is requested;

(3) a photocopy of the requestor's identification;

(4) a statement that the requested information may only be released if the requestor is the subject of the record, if the requestor has written authorization for release from the subject of the record, or if the intended use is for a permitted use as indicated on the form;

(5) a certification that the statements made on the form are true and correct; and

(6) the signature of the requestor.

(b) Identification required. A requestor may not apply for receipt of personal information unless the requestor presents

current photo identification containing a unique identification number. The identification document must be a:

(1) driver's license or state identification certificate issued by a state or territory of the United States;

(2) United States or foreign passport;

(3) United States military identification card;

(4) United States Department of Homeland Security, United States Citizenship and Immigration Services, or United States Department of State identification document;

(5) concealed handgun license or license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H; or

(6) copy of current law enforcement credentials if the requestor is a law enforcement officer.

(c) Electronic access. The department may make motor vehicle records available under the terms of a written service agreement.

(1) Agreement with business or individuals. The written service agreement with a business or individual must contain:

(A) the specified purpose of the agreement;

(B) an adjustable account, if applicable, in which an initial deposit and minimum balance is maintained in accordance with §217.124 of this title (relating to Cost of Motor Vehicle Records);

(C) termination and default provisions;

(D) the contractor's signature;

(E) a statement that the use of motor vehicle records obtained by virtue of a service agreement is conditional upon its being used:

(i) in accordance with 18 U.S.C. §2721 et seq. and Transportation Code, Chapter 730; and

(ii) only for the purposes defined in the agreement; and

(F) the statements required by subsection (a) of this section.

(2) Agreements with Texas governmental entities.

(A) The written service agreement with a Texas governmental entity must contain:

(i) the specified purpose of the agreement;

(ii) a statement that the use of motor vehicle records obtained by virtue of a service agreement is conditional upon its being used in accordance with 18 U.S.C. §2721 et seq. and Transportation Code, Chapter 730, and only for the purposes defined in the agreement;

(iii) the statements required by subsection (a) of this section;

(iv) the signature of an authorized official; and

(v) an attached statement citing the entity's authority to obtain social security number information, if applicable.

(B) Texas governmental entities, as defined in Government Code, §2252.001, and including the Texas Law Enforcement Telecommunication System and toll project entities, as

defined by Transportation Code, §372.001, are exempt from the payment of fees, except as provided by §217.124(e) of this title.

(d) Ineligibility to receive personal information. The department may prohibit a person, business, or Texas governmental entity from receiving personal information if the department finds a violation of a term or condition of the agreement entered into in accordance with subsection (c) of this section.

(e) Initial deposits and minimum balances. Notwithstanding §217.124 of this title, the department may modify initial deposit and minimum balance requirements on a case by case basis depending on customer usage.

RULE §217.124 COST OF MOTOR VEHICLE RECORDS. (a) Standard costs. The department will charge fees in accordance with Government Code, Chapter 552 and the cost rules promulgated by the Office of the Attorney General in 1 Texas Administrative Code, Chapter 70 (relating to Cost of Copies of Public Information).

(b) Law enforcement. An employee of a state, federal or local law enforcement entity is exempt from the payment of fees for motor vehicle records in subsection (c)(1) - (4) of this section if the records are necessary to carry out lawful functions of the law enforcement agency.

(c) Motor vehicle record costs. For new contracts and renewals, the costs are:

(1) Title history - \$5.75;

(2) Certified title history - \$6.75;

(3) Title and registration verification (record search)
- \$2.30;

(4) Certified title and registration verification (record search) - \$3.30; and

(5) Duplicate registration receipt for current registration period - \$2.

(d) Electronic motor vehicle records and files.

(1) Master file of motor vehicle registration and title database - \$5,000 plus \$.38 per 1,000 records;

(2) Weekly updates to motor vehicle registration and title database - deposit of \$1,755 and \$135 per week;

(3) e-Tag file - deposit of \$845 and \$65 per week;

(4) Dealer supplemental file - deposit of \$1,235 and \$95 per week;

(5) Special plates file - deposit of \$1,235 and \$95 per week;

(6) Batch inquiry to motor vehicle registration and title database - deposit of \$1,000, minimum balance of \$750 and \$23 per run plus \$.12 per record;

(7) Online motor vehicle inquiry (MVInet) access - deposit of \$200, minimum balance of \$150 and \$23 per month plus \$.12 per record; and

(8) Scofflaw remarks (inquiry, addition or deletion) - deposit of \$500, minimum balance of \$350 and \$23 per run plus \$.12 per record.

(e) Exemption applicability. The exemption granted in §217.123(c)(2)(B) of this title (relating to Access to Motor Vehicle Records) does not apply to subsection (d)(1), (6), or (8) of this section.

(f) Reciprocity agreements. The department may enter into reciprocity agreements for records access with other governmental entities that may waive some or all of the fees established in this section.

RULE §217.125 ADDITIONAL DOCUMENTATION RELATED TO CERTAIN PERMITTED USES. (a) The department may require a requestor to provide reasonable assurance as to the identity of the requestor and that the use of motor vehicle records is only as authorized under Transportation Code, §730.012(a). Where applicable, each requestor submitting a request for motor vehicle records shall provide documentation satisfactory to the department that they are authorized to request the information on behalf of the business or government entity authorized to receive the information.

(b) Disclosure under the following permitted uses requires additional documentation submitted to the department:

(1) Transportation Code, §730.007(2)(C) requires submitting the information the business is attempting to verify against the department's motor vehicle records.

(2) Transportation Code, §730.007(2)(D) requires submitting proof of legal proceeding, or if no proceeding has been initiated, proof in anticipation of proceeding.

(3) Transportation Code, §730.007(2)(E) requires submitting documentation sufficient to prove the requestor is employed in a researching occupation.

(4) Transportation Code, §730.007(2)(F) requires submitting a license number provided by the Texas Department of Insurance, a license number the insurance support organization is working under, or proof of self-insurance.

(5) Transportation Code, §730.007(2)(G) requires submitting a license number provided by the Texas Department of Licensing and Regulation.

(6) Transportation Code, §730.007(2)(H) requires submitting a license number provided by the Texas Department of Public Safety.

(7) Transportation Code, §730.007(2)(I) requires submitting a copy of the commercial driver's license.

(8) Transportation Code, §730.007(2)(J) requires submitting documentation to relate the requested personal information with operation of a private toll transportation facility.

(9) Transportation Code, §730.007(2)(K) requires a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et. seq.), to submit documentation on official letterhead indicating a permitted use for personal information, as defined by that Act.

(c) Regarding §217.125(b)(4-6), the department may accept out-of-state licenses as documentation of a permitted use. Under this subsection, the department will limit access to a record-by-record basis.

RULE §217.126 LIMITATIONS ON RESALE AND REDISCLOSURE. (a) Authorized recipients may only resell or redisclose personal information to other authorized recipients and not in the identical or substantially identical format as provided by the department.

(b) Authorized recipients may not resell or redisclose the entire motor vehicle records database in its complete bulk format.

(c) Any authorized recipient reselling or redisclosing personal information must inform the person to whom they are reselling or redisclosing of their obligations under Transportation Code, Chapter 730 and this subchapter.

(d) Any authorized recipient is responsible for misuse of personal information by any person receiving their version of the information, regardless of whether the authorized recipient approved or was aware of subsequent transfers of the information.

RULE §217.127 RECORDS MAINTAINED BY RECIPIENTS WHO RESELL OR REDISCLOSE PERSONAL INFORMATION. (a) Authorized recipients who resell or redisclose personal information are required to maintain records of that transaction.

(b) Records must be maintained for not less than five years and must include:

(1) the name and contact information of any recipient of resold or redisclosed personal information contained in motor vehicle records;

(2) the permitted use for which the records were released, or documentation in accordance with 217.125(b);

(3) the quantity of records sold or disclosed to each subsequent person;

(4) a statement by the authorized recipient specifying what data was resold or redisclosed and in what format; and

(5) any other documentation of the agreement to resell or redisclose personal information contained in motor vehicle records.

RULE §217.128 DEPARTMENT REVIEW OF RECIPIENT'S RECORDS OF RESALE OR REDISCLOSURE. (a) The department has the authority to

request and review records kept by all authorized recipients who resell or redisclose personal information.

(b) This request will be made in writing.

(c) The requested records must be provided to the department within 30 days of the request.

(d) Failure to fully respond to the department's request may result in termination of access to motor vehicle records under Transportation Code, §730.007.

(e) Upon receipt of the requested records, the department will evaluate the records for compliance with the service agreement, applicable statutes, and rules.

(f) If it is determined that an authorized recipient is not in compliance with the service agreement, applicable statutes, and rules, the service agreement may be terminated.

RULE §217.129 INELIGIBILITY TO RECEIVE MOTOR VEHICLE RECORDS. (a) The department may deny a requestor's access to motor vehicle records if it determines withholding the information benefits the public's interest more than releasing the information.

(b) If the department determines an authorized recipient of motor vehicle records has violated a clause or term of the service agreement, and that service agreement has been terminated, that authorized recipient cannot enter into a subsequent service agreement unless approved to do so under §217.130 of this title (relating to Approval for Persons Whose Access to Motor Vehicle Records Has Previously Been Terminated).

(c) Termination of the service agreement caused by any member of a business, partnership, or entity shall be effective on the

whole organization. Subsequent businesses formed by any member, officer, partner or affiliate of an entity whose service agreement has been terminated will also be ineligible to receive records.

RULE §217.130 APPROVAL FOR PERSONS WHOSE ACCESS TO MOTOR VEHICLE RECORDS HAS PREVIOUSLY BEEN TERMINATED. (a) A requestor whose service agreement was previously terminated, but who is not subject to Transportation Code, §730.016, shall submit a written request for reapproval on the form required by the department.

(b) In addition to the requirements of §217.123 of this title (relating to Access to Motor Vehicle Records), the request must contain:

(1) any documents indicating remedial efforts the requestor has undertaken to prevent the unlawful disclosure of motor vehicle records,

(2) any documents indicating agreements between the requestor and third parties receiving resold or redisclosed motor vehicle records, and

(3) a statement that the requestor will notify the department before reselling or redisclosing any motor vehicle records for the time period prescribed by the department, including all of the information required under §217.127(b) of this title (relating to Records Maintained by Recipients Who Resell or Redisclose Personal Information). The notification must include the name, address, and contact information of the third party requesting resold or redisclosed motor vehicle records, and must include the form(s) used to verify the third party's lawful purpose in obtaining motor vehicle records.

(c) Failure to comply with any of the terms of this section or a re-offense of the service agreement will result in the

termination of the service agreement and the permanent inability to receive motor vehicle records.

ATTACHMENT A REQUEST FOR ACCESS TO TEXAS MOTOR VEHICLE INFORMATION

Submit completed and signed with copies of your government issued photo ID and state-issued professional license (if applicable) along with the executed contract.

APPLICANT INFORMATION

First Name	Middle Name	Last Name	Suffix
Business Address	City	State	ZIP
Job Title (Owner, President, CEO, CIO, etc.)	Email	Phone Number	
Legal Business Name (if applicable) – no abbreviations		Secretary of State Filing Number (if applicable)	

CERTIFICATION

I certify that the statements on this application are true and correct and request the TxDMV provide me with the requested motor vehicle data access.

Printed Name of Applicant	Date

Signature of Applicant

Violators can be prosecuted under Texas Transportation Code, Section 730.013 and Penal Code, Section 37.10.

ATTACHMENT A REQUEST FOR ACCESS TO TEXAS MOTOR VEHICLE INFORMATION

PERMITTED USE

Sign or print your initials on the appropriate line for your use of the requested information.

My authority to obtain vehicle information is for the permitted use noted below. I understand the use of the requested information is strictly limited to:

- ☐ A governmental entity, including law enforcement (check applicable box):
- ☐ A government agency, including any court or law enforcement agency, in carrying out its functions.
 - ☐ A private person or entity acting on behalf of a government agency in carrying out the functions of the agency.
- ☐ Use in connection with one of the following (check applicable box):
- ☐ Motor vehicle safety or motor vehicle operator safety.
 - ☐ Motor vehicle theft.
 - ☐ Motor vehicle emissions.
 - ☐ Motor vehicle product alterations, recalls or advisories.
 - ☐ Performance monitoring of motor vehicles, motor vehicle safety or motor vehicle dealers.
 - ☐ Motor vehicle market research activities, including survey research.
 - ☐ Removal of non-owner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, and the Clean Air Act.
 - ☐ For child support enforcement.
 - ☐ Enforcement by the Texas Workforce Commission.
 - ☐ Voter registration or the administration of elections by the secretary of state.
- ☐ Use in the normal course of business by a business or its authorized agent, but only to verify accuracy of personal information submitted by the individual, and, if the information is not correct, to obtain the correct information for the sole purpose of preventing or pursuing legal remedy against or recovering on a debt or security interest against the individual. (Requestor must submit a copy of the business or entity's state-issued professional license to be verified against the issuing agency's records.)
- ☐ In conjunction with a civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory organization, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court. (Requestor must submit proof of legal proceeding or proof of anticipated proceeding.)
- ☐ Use in research or in producing statistical reports, but only if the personal information is NOT published, redisclosed, or used to contact any individual. (Requestor must submit proof of employment in a research occupation.)
- ☐ Use by an insurer or insurance support organization, a self-insured entity or as an authorized agent of the entity in connection with claims investigation activities, antifraud activities, rating or underwriting. (Requestor must submit a copy of the license issued by the Texas Department of Insurance or out-of-state equivalent, a copy of the license insurance support organization is working under, or proof of self-insurance.)
- ☐ Use in providing notice to an owner of a towed or impounded vehicle. (Requestor must submit a copy of the license issued by the Texas Department of Licensing and Regulation or out-of-state equivalent.)
- ☐ Use by a licensed private investigation agency or licensed security service authorized to use the information for a permitted purpose. (Requestor must submit a copy of the license issued by the Texas Department of Public Safety or out-of-state equivalent.)
- ☐ Use in connection with the operation of a private toll transportation facility. (Requestor must submit documentation to relate the requested personal information with operation of a private toll transportation facility.)
- ☐ Use by a consumer reporting agency, as defined by the Fair Credit Reporting Act, for a purpose permitted under that Act. (Requestor must submit documentation on official letterhead indicating a permitted use for personal information as defined by the Fair Credit Reporting Act.)

ATTACHMENT B INFORMATION RESOURCES SECURITY COMPLIANCE AND CONFIDENTIALITY AGREEMENT (VTR EXTERNAL USER)

I understand that the Texas Department of Motor Vehicles ("TxDMV") collects and maintains confidential and privileged information and permits access to data containing confidential and privileged information by contractual agreement with external users not employed by TxDMV.

I understand and agree that I will observe the standards of confidentiality that must be maintained as I exchange business and technical information and that unauthorized release of confidential information, or actions deemed negligent resulting in damages/loss of information resources¹ will result in termination of my contract and may also result in legal action.

I understand and agree that any and all information system password(s) or access procedure(s) I receive or devise for use with TxDMV's information systems are confidential and reserved for official state business only. I will not disclose to any unauthorized person(s)² any password(s) or access procedure(s) I am given or devise, and I will not post these procedure(s) or written password(s) where persons are not authorized to use TxDMV's system may view them. Attempts to access and utilize TxDMV's information systems for other than their intended purposes may result in prosecution under the Computer Fraud and Abuse Act of 1986 as well as any other applicable statutes and regulations.

I understand and agree that I am responsible for all information system transactions performed as a result of access authorized by the use of my password(s) or access procedure(s).

I agree not to attempt to circumvent information system security devices or procedures by using or attempting to use any transaction, software, or other resources that I am not authorized to use.

I understand that intentional failure to observe these requirements or intentionally bypassing them may constitute a breach of information system security as defined in the Texas Penal Code §33.02 and may result in immediate loss of information system access.

I acknowledge receipt of this agreement, understand its contents, and agree to abide by the terms set forth herein. Additionally, I have been informed that questions regarding this agreement and/or issues related to the release or disclosure of confidential information should be directed to the director of the TxDMV's Vehicle Titles and Registration Division.

Signature

Date

Printed Name

¹ Information resources include computer systems, telephone systems, voicemail systems, fax systems, and regular mail systems as well as the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

² Unauthorized person(s) include anyone who is not bound by a written confidentiality agreement.

ATTACHMENT C DATA/SERVICES

The following are the data/services available. Request for any of the following is subject to approval by the department and the specified use as indicated on the *Application for Access to Texas Motor Vehicle Information* (Form VTR-275-K). Fees for motor vehicle records are charged in accordance with 43 Texas Administrative Code Rules §217.123-4.

Sign or print your initials for each data/service(s) being requested.

Record search options:

- _____ **Batch Inquiries:** Allows for multiple plate numbers or Vehicle Identification Numbers (VIN) to be submitted in a required batch format that is queried against the motor vehicle database with results returned in a batch. Requires username(s) and access to the department's systems.
- _____ **MVINet Access:** Internet access to the motor vehicle database with the ability to query vehicle records by a plate number, VIN, placard number, current or previous document number. Queries can be performed by one data element at a time or up to five license plate numbers at a time. Requires username(s) and access to the department's system.

File types:

- _____ **Master Index:** Over 30 million active and inactive registration and title records.
- _____ **Weekly Updates:** Contains new and renewed vehicle registration and title records.
- _____ **Dealer/Supplemental Files:** Contains weekly transactions processed by dealers with a second file containing the dealers' information. Data is available from May 4, 2009, forward and only available with the purchase of the Weekly Updates.
- _____ **Special Plates File:** Contains the special plate records in motor vehicle database. The file is updated daily and can be retrieved daily.
- _____ **eTAG File:** Contains one record for each eTAG created on a given day, Vehicle Transfer Notifications (VTNs), and Plate to Owner (PTO) records. Frequency must be selected as daily or weekly and whether DPPA or Non-DPPA information is included (check applicable box):

☐ Weekly OR ☐ Daily AND ☐ DPPA OR ☐ Non-DPPA

ATTACHMENT A

REQUEST FOR ACCESS TO TEXAS MOTOR VEHICLE INFORMATION

Submit completed and signed with copies of your government issued photo ID and state-issued professional license (if applicable) along with the executed contract.

APPLICANT INFORMATION

First Name	Middle Name	Last Name	Suffix
Business Address	City	State	ZIP
Job Title (Owner, President, CEO, CIO, etc.)	Email	Phone Number	
Legal Business Name (if applicable) – no abbreviations	Secretary of State Filing Number (if applicable)		

CERTIFICATION

I certify that the statements on this application are true and correct and request the TxDMV provide me with the requested motor vehicle data access.

Printed Name of Applicant

Date

Signature of Applicant

Violators can be prosecuted under Texas Transportation Code, Section 730.013 and Penal Code, Section 37.10.

ATTACHMENT A

REQUEST FOR ACCESS TO TEXAS MOTOR VEHICLE INFORMATION

PERMITTED USE

Sign or print your initials on the appropriate line for your use of the requested information.

My authority to obtain vehicle information is for the permitted use noted below. I understand the use of the requested information is strictly limited to:

- _____ A governmental entity, including law enforcement (check applicable box):
- ☐ A government agency, including any court or law enforcement agency, in carrying out its functions.
 - ☐ A private person or entity acting on behalf of a government agency in carrying out the functions of the agency.
- _____ Use in connection with one of the following (check applicable box):
- ☐ Motor vehicle safety or motor vehicle operator safety.
 - ☐ Motor vehicle theft.
 - ☐ Motor vehicle emissions.
 - ☐ Motor vehicle product alterations, recalls or advisories.
 - ☐ Performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers.
 - ☐ Motor vehicle market research activities, including survey research.
 - ☐ Removal of non-owner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, and the Clean Air Act.
 - ☐ For child support enforcement.
 - ☐ Enforcement by the Texas Workforce Commission.
 - ☐ Voter registration or the administration of elections by the secretary of state.
- _____ Use in the normal course of business by a legitimate business or its authorized agent, but only to verify accuracy of personal information submitted by the individual; and, if the information is not correct, to obtain the correct information for the sole purpose of preventing fraud by, pursuing a legal remedy against or recovering on a debt or security interest against the individual. (Requestor must submit a copy of the business or entity's state-issued professional license to be verified against the issuing agency's records.)
- _____ In conjunction with a civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court. (Requestor must submit proof of legal proceeding or proof of anticipated proceeding.)
- _____ Use in research or in producing statistical reports, but **only if the personal information is NOT published, redisclosed, or used to contact any individual.** (Requestor must submit proof of employment in a research occupation.)
- _____ Use by an insurer or insurance support organization, a self-insured entity or as an authorized agent of the entity in connection with claims investigation activities, antifraud activities, rating or underwriting. (Requestor must submit a copy of the license issued by the Texas Department of Insurance or out-of-state equivalent, a copy of the license insurance support organization is working under, or proof of self-insurance.)
- _____ Use in providing notice to an owner of a towed or impounded vehicle. (Requestor must submit a copy of the license issued by the Texas Department of Licensing and Regulation or out-of-state equivalent.)
- _____ Use by a licensed private investigation agency or licensed security service authorized to use the information for a permitted purpose. (Requestor must submit a copy of the license issued by the Texas Department of Public Safety or out-of-state equivalent.)
- _____ Use in connection with the operation of a private toll transportation facility. (Requestor must submit documentation to relate the requested personal information with operation of a private toll transportation facility.)
- _____ Use by a consumer reporting agency, as defined by the Fair Credit Reporting Act, for a purpose permitted under that Act. (Requestor must submit documentation on official letterhead indicating a permitted use for personal information as defined by the Fair Credit Reporting Act.)

Attachment B

**Information Resources Security Compliance
and Confidentiality Agreement
(VTR External User)**

I understand that the Texas Department of Motor Vehicles ("TxDMV") collects and maintains confidential and privileged information and permits access to data containing confidential and privileged information by contractual agreement with external users not employed by TxDMV.

I understand and agree that I will observe the standards of confidentiality that must be maintained as I exchange business and technical information and that unauthorized release of confidential information, or actions deemed negligent resulting in damages/loss of information resources¹ will result in termination of my contract and may also result in legal action.

I understand and agree that any and all information system password(s) or access procedure(s) I receive or devise for use with TxDMV's information systems are confidential and reserved for official state agency business only. I will not disclose to any unauthorized person(s)² any password(s) or access procedure(s) I am given or devise, and I will not post these procedure(s) or written password(s) where persons who are not authorized to use TxDMV's system may view them. Attempts to access and utilize TxDMV's information systems for other than their intended purposes may result in prosecution under the Computer Fraud and Abuse Act of 1986 as well as any other applicable statutes and regulations.

I understand and agree that I am responsible for all information system transactions performed as a result of access authorized by the use of my password(s) or procedure(s).

I agree **not** to attempt to circumvent information system security devices or procedures by using or attempting to use any transaction, software, files, or other resources that I am not authorized to use.

I understand that intentionally failing to observe these requirements or intentionally bypassing them may constitute a breach of information systems security as defined in the Texas Penal Code §33.02 and may result in immediate loss of information system access.

I acknowledge receipt of this agreement, understand its contents, and agree to abide by the terms set forth herein. Additionally, I have been informed that questions regarding this agreement and/or issues related to the release or disclosure of confidential information should be directed to the director of the TxDMV's Administrative Services Division.

Signature

Date

Printed Name

¹ Information resources include computer systems, telephone systems, voicemail systems, fax systems, and regular mail systems as well as the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

² Unauthorized person(s) include anyone who is not bound by a written confidentiality agreement.

ATTACHMENT C DATA/SERVICES

The following are the data/services available. Request for any of the following is subject to approval by the department and the specified use as indicated on the *Application for Access to Texas Motor Vehicle Information* (Form VTR-275-K). Fees for motor vehicle records are charged in accordance with 43 Texas Administrative Code Rules §217.123-4.

Sign or print your initials for each data/service(s) being requested.

Record search options:

- _____ **Batch Inquiries:** Allows for multiple plate numbers or Vehicle Identification Numbers (VIN) to be submitted in a required batch format that is queried against the motor vehicle database with results returned in a batch. Requires username(s) and access to the department's systems.
- _____ **MVINet Access:** Internet access to the motor vehicle database with the ability to query vehicle records by a plate number, VIN, placard number, and current or previous document number. Queries can be performed by one data element at a time or up to five license plate numbers at a time. Requires username(s) and access to the department's systems.

File types:

- _____ **Masterfile:** Contains over 30 million active and inactive registration and title records.
- _____ **Weekly Updates:** Contains new and renewed vehicle registration and title records.
- _____ **Dealer/Supplemental Files:** Contains weekly transactions processed by dealers with a second file containing the dealers' information. Data is available from May 4, 2009, forward and only available with the purchase of the Weekly Updates.
- _____ **Special Plates File:** Contains the special plate records in motor vehicle database. The file is updated daily and can be retrieved daily.
- _____ **eTAG File:** Contains one record for each eTAG created on a given day, Vehicle Transfer Notifications (VTNs), and Plate to Owner (PTO) records. Frequency must be selected as daily or weekly and whether DPPA or Non-DPPA information is included (check applicable box):

☐ Weekly OR ☐ Daily AND ☐ DPPA OR ☐ Non-DPPA

ATTACHMENT D POLITICAL SUBDIVISION AND PUBLIC PURPOSE CONTRACTOR CERTIFICATION OF USE

Attachment D must be completed by the political subdivision and subcontractor (public purpose contractor) that performs work on behalf of the political subdivision. The political subdivision must certify that the public purpose contractor named below will be performing work on behalf of the political subdivision in furtherance of the political subdivision's public purpose as defined in the certification section.

The political subdivision must sign below and get the form notarized. (The public purpose contractor must sign page two of this form and get page two notarized).

POLITICAL SUBDIVISION INFORMATION

Name of Political Subdivision	
Name and Title of Political Subdivision Administrator authorized to execute contracts	
Signature of Administrator authorized to execute contracts – must be notarized	

CERTIFICATION – MUST BE COMPLETED BY POLITICAL SUBDIVISION ADMINISTRATOR

I, _____, do hereby certify that _____ will be performing work on behalf of
Name of Public Purpose Contractor
 and in furtherance of the public purpose of:

NOTARY

On this date, _____ the political subdivision administrator _____
Date Name of Political Subdivision Administrator

appeared before me so that I could witness the signature.



Signature of Notary Public	Printed Name of Notary Public
----------------------------	-------------------------------

I hereby certify that I am a notary in the State of _____, in _____ County.

My commission expires: _____

ATTACHMENT D POLITICAL SUBDIVISION AND PUBLIC PURPOSE CONTRACTOR CERTIFICATION OF USE

Attachment D must be completed by the political subdivision and subcontractor (public purpose contractor) that performs work on behalf of the political subdivision.

The Public Purpose Contractor must sign below and get the form notarized. (The political subdivision must sign page one of this form and get page one notarized).

PUBLIC PURPOSE CONTRACTOR INFORMATION

	Name of Public Purpose Contractor
	Name and Title of Public Purpose Contractor Administrator
	Signature of Public Purpose Contractor Administrator – must be notarized

NOTARY

On this date, _____ the public purpose contractor administrator _____
Date
Name of Public Purpose Contractor Administrator
 appeared before me so that I could witness the signature.



Signature of Notary Public	Printed Name of Notary Public

I hereby certify that I am a notary in the State of _____, in _____ County.

My commission expires: _____



Account Information

TxDMV Use Only	
Account #	_____
Company ID	_____
<input type="checkbox"/> Exempt Government Entity	

Instructions

Complete this form in order for the department to accurately setup your account for access to TxDMV data and/or systems. Payment should be in the form of personal check, cashier's check, or money order payable to the Texas Department of Motor Vehicles. Payment must also be in the business name listed on the contract (if applicable). **Do not send cash.** Credit/debit cards and temporary checks are not accepted for initial account setup. Please return completed form and payment to:

Texas Department of Motor Vehicles
P.O. Box 12098
Austin, TX 78711-2098

Business/Account Information

Business/Entity Name (must match Business/Entity name listed on contract)		Business/Entity FEIN	
Account Name (Branch Name, Location, Department, etc.)	Business Phone Number	County	
Business Mailing Address	City	State	ZIP
Professional License Number (if applicable)	License Expiration Date (if applicable)		
First Name of Individual that Executed Contract	Last Name	Job Title (Owner, President, etc.)	
Business Type – check one of the following: <input type="checkbox"/> Auction <input type="checkbox"/> Government - County <input type="checkbox"/> Private Investigator <input type="checkbox"/> Used Automotive Parts Recycler (UAPR) <input type="checkbox"/> Bank/Credit Union <input type="checkbox"/> Government - State <input type="checkbox"/> Salvage Dealer <input type="checkbox"/> Vehicle Dealer <input type="checkbox"/> Collection Agency <input type="checkbox"/> Insurance Company <input type="checkbox"/> State University <input type="checkbox"/> Wrecker Service <input type="checkbox"/> Government - City <input type="checkbox"/> Metal Recycling Entity (MRE) <input type="checkbox"/> Toll Entity <input type="checkbox"/> Other: _____			
Account Contact First Name	Last Name		
Phone Number	Email Address		

E-Billing Contact Information

Primary Contact First Name (monthly billing)	Last Name	Phone Number
Primary Email Address (monthly invoices will be emailed to this address)		
Additional Contact First Name (optional)	Last Name	Phone Number
Email Address (monthly invoices will be emailed to this address)		
Additional Contact First Name (optional)	Last Name	Phone Number
Email Address (monthly invoices will be emailed to this address)		

Account Information

Data Access and File Type Information

Batch Inquiries: Allows for multiple plate numbers or Vehicle Identification Numbers (VIN) to be submitted in a required batch format that is queried against the motor vehicle database with results returned in a batch. Escrow deposit of \$1,000, minimum balance of \$750 and \$23 per computer run plus \$0.12 per vehicle inquiry.

MVINet Access: Internet access to the motor vehicle database with the ability to query vehicle records by a plate number, VIN, placard number, and current or previous document number. Queries can be performed by one data element at a time or up to five license plate numbers at a time. Escrow deposit of \$200, minimum balance of \$150 and \$23 per month plus \$0.12 per vehicle record.

Masterfile: Contains over 30 million active and inactive registration and title records and provided via SFTP transfer. One-time fee of \$5,000 plus \$0.38 per 1,000 records.

Weekly Updates: Contains new and renewed vehicle registration and title records and provided via SFTP transfer. Escrow deposit of \$1,755 plus \$135 per week.

Dealer/Supplemental Files: Contains weekly transactions processed by dealers with a second file containing the dealers' information and provided via SFTP transfer. Data is available from May 4, 2009, forward and only available with the purchase of the Weekly Updates. Escrow deposit of \$1,235 plus \$95 per week.

Special Plates File: Contains the special plate records in the motor vehicle database. The file is updated daily and can be retrieved daily. Escrow deposit of \$1,235 plus \$95 per week.

eTAG File: Contains one record for each eTAG created on a given day, Vehicle Transfer Notifications (VTNs), and Plate to Owner (PTO) records and provided via SFTP transfer. Escrow deposit of \$845 plus \$65 per week. Frequency must be selected as daily or weekly and whether DPPA or Non-DPPA information is included.

Data Request – Select all that apply

Record search options: ☐ MVINet Access ☐ Batch Inquiries

File types:

☐ Masterfile

☐ Special Plates File

☐ Weekly Updates with Dealer/Supplemental Files **OR** ☐ Weekly Updates without Dealer/Supplemental Files

☐ eTAG File - ☐ Weekly **OR** ☐ Daily **AND** ☐ DPPA **OR** ☐ Non-DPPA

MVINet Access Information – complete this section if you are requesting MVINet Access

Primary Security Administrator

First Name

Last Name

Phone Number

Email Address

Secondary Security Administrator

First Name

Last Name

Phone Number

Email Address

Technical Contact Information - excludes MVINet

Technical Contact First Name

Last Name

Phone Number

Email Address

Certification – State law makes falsifying information a third degree felony.

I certify the statements on this application are true and correct.

Printed Name of Individual that Executed Contract

Date

Signature of Individual that Executed Contract



Request for External Access to Texas Motor Vehicle Systems

Instructions		
<p>Please complete the following information in order to add, change, or delete a user's access to TxDMV systems. A separate form must be completed for each user. The security administrator must provide approval by signing below. If a user is being added or changed, the employee must sign below and also complete the Information Resources Security Compliance and Confidentiality Agreement.</p>		
User Information		
Account Name (must match name listed on contract)		
Account Number	User ID (if user already exists)	
Please select one of the following: <input type="checkbox"/> Add New User <input type="checkbox"/> Name Change for Existing User <input type="checkbox"/> Delete Existing User		
User First Name	Middle Name	Last Name
The user must sign below when being added or changed. <div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>User Signature</div> <div>Date</div> </div>		
Security Administrator Information		
Security Administrator Name	Phone Number	
The Security Administrator must sign below when a user is being added or changed. <div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Security Administrator Signature</div> <div>Date</div> </div>		
Department Use Only		
Refer to the executed contract and attachments to reference the information requested and permitted use. Comments:		

Information Resources Security Compliance and Confidentiality Agreement (VTR External Users)

I understand that the Texas Department of Motor Vehicles ("TxDMV") collects and maintains confidential and privileged information and permits access to data containing confidential and privileged information by contractual agreement with external users not employed by TxDMV.

I understand and agree that I will observe the standards of confidentiality that must be maintained as I exchange business and technical information and that unauthorized release of confidential information, or actions deemed negligent resulting in damages/loss of information resources¹ will result in termination of my contract and may also result in legal action.

I understand and agree that any and all information system password(s) or access procedure(s) I receive or devise for use with TxDMV's information systems are confidential and reserved for official state agency business only. I will not disclose to any unauthorized person(s)² any password(s) or access procedure(s) I am given or devise, and I will not post these procedure(s) or written password(s) where persons who are not authorized to use TxDMV's system may view them. Attempts to access and utilize TxDMV's information systems for other than their intended purposes may result in prosecution under the Computer Fraud and Abuse Act of 1986 as well as any other applicable statutes and regulations.

I understand and agree that I am responsible for all information system transactions performed as a result of access authorized by the use of my password(s) or procedure(s).

I agree **not** to attempt to circumvent information system security devices or procedures by using or attempting to use any transaction, software, files, or other resources that I am not authorized to use.

I understand that intentionally failing to observe these requirements or intentionally bypassing them may constitute a breach of information systems security as defined in the Texas Penal Code §33.02 and may result in immediate loss of information system access.

I acknowledge receipt of this agreement, understand its contents, and agree to abide by the terms set forth herein. Additionally, I have been informed that questions regarding this agreement and/or issues related to the release or disclosure of confidential information should be directed to the director of the TxDMV's Vehicle Titles and Registration Division.

User Signature

Date

Printed Name

¹ Information resources include computer systems, telephone systems, voicemail systems, fax systems, and regular mail systems as well as the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

² Unauthorized person(s) include anyone who is not bound by a written confidentiality agreement. The Texas Department of Motor Vehicles maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under §§552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under §559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect

For Department Use Only

STATE OF TEXAS §

COUNTY OF TRAVIS §

**Motor Vehicle Data Service Contract for
Accessing Texas Motor Vehicle Records**

THIS CONTRACT, is made by and between the State of Texas, acting by and through the Texas Department of Motor Vehicles, hereinafter called the "TxDMV," and

(Name of business or entity to be used throughout Contract)

hereinafter called the "Customer," which may be either a Texas governmental entity "Political Subdivision," or a private entity "Contractor" who wishes to obtain data for a non-public purpose.

WITNESSETH

WHEREAS, Texas Transportation Code, Chapters 501, 502, 504 and 520 establish that TxDMV is responsible for administering and retaining Texas motor vehicle title and registration records (MVRs); and

WHEREAS, TxDMV is authorized by Title 43, Texas Administrative Code, §217.123, to enter into written service agreements with individuals, businesses, and governmental entities to provide electronic access to vehicle title and registration records; and

WHEREAS, TxDMV is authorized by Texas Government Code Chapter 552 (the Public Information Act) and Title 43, Texas Administrative Code §217.124 to charge reasonable fees for public information; and

WHEREAS, the Federal Driver's Privacy Protection Act (18 U.S.C. §2721 et seq.) and Texas Motor Vehicle Records Disclosure Act (Texas Transportation Code Chapter 730) (the Acts) authorize the department to disclose personal information, as defined in those acts, contained in MVRs only in accordance with the Acts; and

WHEREAS, the Political Subdivision is a Texas governmental entity requesting permission to access or receive MVRs; and

WHEREAS, the Political Subdivision may enter into agreements with other entities, public or private, (hereinafter called a "Public Purpose Contractor") to facilitate the performance of its public purpose.

WHEREAS, TxDMV will provide remote electronic access or deliver MVRs to the Customer in accordance with the terms and conditions of this agreement.

AGREEMENT

In consideration of the mutual covenants and agreements contained herein, the parties do agree as follows:

TxDMV will provide remote electronic access or deliver MVRs to the Customer, under the following conditions:

1. INFORMATION AVAILABLE

A Contractor entering into this agreement will be provided MVRs at the specified rates specified by 43 Texas Administrative Code §217.123-4. This agreement does not cover services requested of TxDMV by the Customer, such as resending, researching, or programming related to MVRs. MVRs are provided to the Customer as-is.

A Political Subdivision entering into this agreement will be provided MVRs, at no cost, and in accordance with this Contract and 43 Texas Administrative Code Rules §217.123-4.

2. CERTIFICATION OF USE

TxDMV will release personal information as defined in Texas Transportation Code §730.003 only if Customer certifies an intended use of the information in Attachment C to this agreement and, if applicable, provides the required supporting material, including government-issued identification. Certified intended uses include only those uses for which the Customer or its agent will actually use the information. Certified intended uses do not include uses that are speculative or that will be engaged in by persons acquiring the information from the Customer.

3. RESTRICTIONS

A. The Customer may use personal information in MVRs only in accordance with the Acts and only for the use(s) certified in Attachment C. A Public Purpose Contractor may only use the information to carry out the functions of the entity named in Attachment D. In the event of misuse of personal information, TxDMV may terminate the contract at its sole discretion.

B. The Customer may resell or redisclose personal information only in accordance with Transportation Code Chapter 700, and 43 Texas Administrative Code Rules §217.121-130.

C. Customers who certify an intended use of personal information based on a professional license may only access that information while the license is current and in good standing. If the professional license expires, and if the Customer does not qualify for personal information under another intended use, this agreement may terminate.

4. RECORDS OF RESALE OR REDISCLOSURE

The Customer must maintain records of any person or entity that received personal information within MVRs from the Customer. These records must be maintained for a period of not less than five (5) years after resale or redisclosure and must be made available to TxDMV for inspection, upon request.

After written notice is provided by TxDMV, the Customer will report the names, quantities of MVRs, and permitted uses of all persons or entities to whom the Customer disclosed personal information.

Any person or entity obtaining personal information from the Customer, directly or indirectly, must comply fully with the provisions of the Acts and 43 TAC §217.121-130. Any violation of the above Acts or rules by a person or entity acquiring personal information from the Customer, directly or indirectly, will be considered a breach of this contract by the Customer, and may subject the Customer to termination or liability under the terms of the Acts and this Contract.

5. DATA PROTECTION

The Customer must take reasonable steps to safeguard MVRs and to prevent unauthorized resale or redisclosure of personal information. The Customer shall immediately inform TxDMV if personal information is disclosed in violation of the Acts. This obligation applies whether the disclosure was intentional or unintentional by the Customer, or by a person or entity that acquired personal information from the Customer, directly or indirectly.

6. CONTRACT EXECUTION

This Contract becomes effective upon agreement and execution by both parties.

7. USER IDS

This Contract can be used for multiple business locations under the control of the Customer, if applicable.

Prior to granting the Customer access to any TxDMV-maintained systems, Customer must properly execute the Information Security Compliance and Confidentiality Agreement (Attachment B). The person who signs Attachment B must be the same person who signs the agreement. Following the execution of this agreement, any person requesting access to TxDMV-maintained systems, by virtue of this agreement, may be required to complete additional forms.

Each person who, by virtue of this agreement, is allowed access to MVRs from this business location will be assigned a unique user ID to be used only by that person. The user ID is not to be shared with anyone. In the event any user ID assigned by TxDMV to the Customer's account is no longer needed for any reason, including, but not limited to, termination, death, or separation from the Customer's operations, the Customer shall immediately notify TxDMV of the cancellation of the user ID. Upon receipt, TxDMV will cancel the user ID.

8. TERMINATION BY CUSTOMER

A. Termination by Customer. The Customer may terminate this agreement in writing at any time. Any outstanding credit will be refunded to the Customer within 60 days of termination.

B. Effect of Termination. If the agreement is terminated under this section, TxDMV will cancel all user IDs associated with the Customer's account.

9. TERMINATION BY TXDMV

A. Termination by TxDMV. TxDMV may immediately terminate this agreement in writing at any time for any reason. Any outstanding credit will be refunded to the Customer within 60 days of termination.

B. Termination for Cause. Without limiting the foregoing, TxDMV may immediately terminate this agreement, without notice, for any violation of the terms of this agreement or for any violation of any state or federal law relating to the information provided by TxDMV under this agreement.

C. Operational Change. The Customer, his or her successors in interest or personal representative, shall immediately notify TxDMV in writing of a change in operations that results in the entity no longer using the MVRs as specified in Attachment A. Such notification may be grounds for immediate termination of this agreement.

D. Name Change. This agreement is made exclusively between TxDMV and the Customer. If for any reason, the Customer undergoes a change in name that no longer matches the Customer's name in this agreement, this agreement is terminated.

E. Effect of Termination. If the agreement is terminated under this section, TxDMV will cancel all user IDs associated with the Customer's account.

F. Request for Reapproval. A Customer whose service agreement has been terminated but is requesting renewed access to MVRs must comply with the provisions of 43 TAC §217.130.

10. COMPLIANCE WITH LAWS

The Customer shall comply with all applicable federal, state, and local laws, statutes, codes, ordinances, rules, and regulations, and with the orders and decrees of any court, or administrative bodies, or tribunals in any matter affecting the performance of this Contract. By signing this Contract, the Customer certifies that he or she will comply with the provisions of the Acts and rules including, but not limited to, limiting usage to the permissible uses under the Acts.

11. AMENDMENTS

Any changes in the terms and conditions of this Contract must be enacted by a written amendment, executed by all parties to this agreement.

TxDMV reserves the right to amend any of the provisions of the agreement, with concurrence by the Customer, or to waive any violation of this agreement by the Customer. However, any such waiver does not limit any other rights or remedies available to TxDMV under applicable law or in equity.

12. LIMITATION OF LIABILITY

The Customer shall hold harmless TxDMV from any liability which may arise from the Customer's access to the MVRs, or from the misuse of personal information by the Customer, their employees, agents or subcontractors. TxDMV makes no representation or warranty as to use, result, or accuracy of MVRs contained herein.

Failure on the user's part to properly interpret TxDMV MVRs shall be the responsibility of the Customer and liability for sending any notices to the incorrect parties shall rest solely with the Customer, and not TxDMV. **This section applies to the extent authorized by Texas law.**

13. INDEMNIFICATION

THE CUSTOMER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS TXDMV AND THE STATE OF TEXAS, THEIR OFFICERS, EMPLOYEES AND CONTRACTORS FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDINGS, COSTS, DAMAGES, AND LIABILITIES, INCLUDING WITHOUT LIMITATION ATTORNEYS' FEES AND COURT COSTS, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS IN THE EXECUTION OR PERFORMANCE OF THIS AGREEMENT BY THE CUSTOMER, ANY AGENT, EMPLOYEE, OR SUBCONTRACTOR OF CUSTOMER, OR ANY PERSON OR ENTITY RECEIVING INFORMATION GOVERNED BY THIS AGREEMENT FROM

POLITICAL SUBDIVISION OR CONTRACTOR(S). THE POLITICAL SUBDIVISION AND CONTRACTOR(S) SHALL COOPERATE WITH THE DEFENSE OF ANY CLAIM OR ACTION FILED WITH THE TEXAS ATTORNEY GENERAL AS REQUESTED BY THE STATE.

THIS PARAGRAPH IS NOT INTENDED TO AND SHALL NOT BE CONSTRUED TO REQUIRE THE CUSTOMER TO INDEMNIFY OR HOLD HARMLESS THE STATE FOR ANY CLAIMS OR LIABILITIES RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF TXDMV, THE STATE OR ITS EMPLOYEES. **THIS SECTION APPLIES TO THE EXTENT AUTHORIZED BY TEXAS LAW.**

14. PRIOR CONTRACTS SUPERSEDED

This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings and/or written agreements between TxDMV and the Customer respecting the subject matter described herein.

15. CONTRACT TERM

The effective date of this agreement shall be the date the agreement is accepted and executed by TxDMV and shall remain in effect for a period of five (5) years, unless the agreement is terminated by either party, or this agreement is replaced with a new agreement.

16. SIGNATORY AUTHORITY

The undersigned signatory for the Customer represents and warrants that he/she is an officer of the organization for which he/she has executed this Contract and that he/she has the full and complete authority to enter into this agreement on behalf of the Customer.

Name of Business or Entity

BY:

Signature

Printed Name and Title (Required)

Business Address

City, State, and Zip Code

Date

Executed for the Texas Department of Motor Vehicles

BY:



Signature

Jeremiah Kuntz, Vehicle Titles and Registration Division Director
Name and Title



Date

(8/6/2019)

Sample



Application for Access to Texas Motor Vehicle Information

Instructions

The Driver Privacy Protection Act (DPPA) restricts access to personal information on vehicle title and registration records. Complete this application to request approval for access to Texas motor vehicle data. The Texas Department of Motor Vehicles will contact applicants to inform them if they have been conditionally approved or denied. Applicants that have been conditionally approved will be provided with further information, including a contract for accessing Texas vehicle title and registration records. Payment should not be submitted with this application at this time.

Applicants applying on behalf of a business or entity must be at an executive management level (i.e. Owner, President, CEO, CIO, etc.). Your signature and a copy of your current government issued photo ID are required with this application to certify the statements are true and correct. A copy of the business or entity's state-issued professional license is required as requested on page 2 for the permitted use selected. Sole Proprietorships must provide a copy of their Assumed Name Certificate, if applicable.

Submit completed and signed form with copies of all applicable photo IDs, licenses or certificates, a permitted use on page 2 and any additional supporting documentation, if applicable, by email to VtrDataContracts@txdmv.gov or by mail to:

Texas Department of Motor Vehicles
Attn: VTR-VDM
4000 Jackson Avenue, Bldg. 1
Austin, TX 78731

Applicant Information

First Name	Middle Name	Last Name	Suffix
Business Address		City	State ZIP
Job Title (Owner, President, CEO, CIO, etc.)		Email	Phone Number
Legal Business Name – no abbreviations		Is this a sole proprietorship? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Doing Business As (DBA) (if applicable)			
Business Website (if applicable)		Federal Employer Identification Number (FEIN) (if applicable)	
Secretary of State Filing Number (if applicable)	Professional License Number (if applicable)	License Expiration Date (if applicable)	

Business Type – Check one of the following

<input type="checkbox"/> Auction*	<input type="checkbox"/> Government - County	<input type="checkbox"/> Private Investigator*	<input type="checkbox"/> Used Automotive Parts Recycler (UAPR)*
<input type="checkbox"/> Bank/Credit Union*	<input type="checkbox"/> Government - State	<input type="checkbox"/> Salvage Dealer*	<input type="checkbox"/> Vehicle Dealer*
<input type="checkbox"/> Collection Agency	<input type="checkbox"/> Insurance Company	<input type="checkbox"/> State University	<input type="checkbox"/> Wrecker Service*
<input type="checkbox"/> Government - City	<input type="checkbox"/> Metal Recycling Entity (MRE)*	<input type="checkbox"/> Toll Entity	<input type="checkbox"/> Other: _____

*Required to submit a copy of state-issued professional license

Business Reason for Access and Intended Use - attach a letter to this application if additional space is needed.

Subcontractor Information – To be completed only by Government entities sharing data with a subcontractor.

First Name or Legal Business Name	Middle Name	Last Name	
Business Address	City	State	ZIP

Application for Access to Texas Motor Vehicle Information

Permitted Use – Sign or print your initials on the appropriate line for your use of the requested information.

My authority to obtain vehicle information is for the permitted use noted below. I understand the use of the requested information is strictly limited to:

- ☐ A governmental entity, including law enforcement (check applicable box):
- ☐ A government agency, including any court or law enforcement agency, in carrying out its functions.
 - ☐ A private person or entity acting on behalf of a government agency in carrying out the functions of the agency.
- ☐ Use in connection with one of the following (check applicable box):
- ☐ Motor vehicle safety or motor vehicle operator safety.
 - ☐ Motor vehicle theft.
 - ☐ Motor vehicle emissions.
 - ☐ Motor vehicle product alterations, recalls or advisories.
 - ☐ Performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers.
 - ☐ Motor vehicle market research activities, including survey research.
 - ☐ Removal of non-owner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, and the Clean Air Act.
 - ☐ For child support enforcement.
 - ☐ Enforcement by the Texas Workforce Commission.
 - ☐ Voter registration or the administration of elections by the secretary of state.
- ☐ Use in the normal course of business by a legitimate business or its authorized agent, but only to verify accuracy of personal information submitted by the individual; and, if the information is not correct, to obtain the correct information for the sole purpose of preventing fraud by, pursuing a legal remedy against or recovering on a debt or security interest against the individual. (Requestor must submit a copy of the business or entity's state-issued professional license to be verified against the issuing agency's records.)
- ☐ In conjunction with a civil, criminal, administrative or arbitral proceeding in any court, government agency or before any self-regulatory body, including service of process, investigation, anticipation, execution, execution or enforcement of a judgment or order, or under an order of any court. (Requestor must submit proof of legal proceeding or proof of anticipated proceeding.)
- ☐ Use in research or in producing statistical reports, but only if the personal information is NOT published, redisclosed, or used to contact any individual. (Requestor must submit proof of employment in a research occupation.)
- ☐ Use by an insurer or insurance support organization, self-insured entity or as an authorized agent of the entity in connection with claims investigation activities, underwriting activities, rating or underwriting. (Requestor must submit a copy of the license issued by the Texas Department of Insurance or out-of-state equivalent, a copy of the license insurance support organization is working under, or proof of self-insurance.)
- ☐ Use in providing notice to an owner of a towed or impounded vehicle. (Requestor must submit a copy of the license issued by the Texas Department of Transportation or out-of-state equivalent.)
- ☐ Use by a licensed private investigation agency or licensed security service authorized to use the information for a permitted purpose. (Requestor must submit a copy of the license issued by the Texas Department of Public Safety or out-of-state equivalent.)
- ☐ Use in connection with the operation of a private toll transportation facility. (Requestor must submit documentation to relate the requested personal information with operation of a private toll transportation facility.)
- ☐ Use by a consumer reporting agency, as defined by the Fair Credit Reporting Act, for a purpose permitted under that Act. (Requestor must submit documentation on official letterhead indicating a permitted use for personal information as defined by the Fair Credit Reporting Act.)

Resale and Redisclosure

Motor vehicle record information obtained by an authorized recipient for a permitted use may not be resold or redisclosed unless the information is provided to other authorized recipients and used only for the permitted use. Information obtained as a result of this request may not be resold or redisclosed in the same or substantially identical format as it is received from the TxDMV. Any original recipient is responsible for misuse of the motor vehicles records, regardless if they approved or were aware of subsequent transfers of the information.

An authorized recipient who resells or rediscloses motor vehicle records is required to maintain records of that transaction for a period of not less than five years. The department has the authority to request and review records kept by all authorized recipients. For further information regarding resale and redisclosure requirements, refer to the Texas Administrative Code, Rule §§217.127 and 217.128.

Application for Access to Texas Motor Vehicle Information

Data Access and File Type Information	
<p>Request for any of the following access and/or data is subject to approval by the department and the specified use as indicated on page 2 of this application.</p> <p>Batch Inquiries: Allows for multiple plate numbers or Vehicle Identification Numbers (VIN) to be submitted in a required batch format that is queried against the motor vehicle database with results returned in a batch. Escrow deposit of \$1,000, minimum balance of \$750 and \$23 per computer run plus \$0.12 per vehicle inquiry.</p> <p>MVINet Access: Internet access to the motor vehicle database with the ability to query vehicle records by a plate number, VIN, placard number, and current or previous document number. Queries can be performed by one data element at a time or up to five license plate numbers at a time. Escrow deposit of \$200, minimum balance of \$150 and \$23 per month plus \$0.12 per vehicle record.</p> <p>Masterfile: Contains over 30 million active and inactive registration and title records and provided via SFTP transfer. One-time fee of \$5,000 plus \$0.38 per 1,000 records.</p> <p>Weekly Updates: Contains new and renewed vehicle registration and title records and provided via SFTP transfer. Escrow deposit of \$1,755 plus \$135 per week.</p> <p>Dealer/Supplemental Files: Contains weekly transactions processed by dealers with a second file containing the dealers' information and provided via SFTP transfer. Data is available from May 4, 2009, forward and only available with the purchase of the Weekly Updates. Escrow deposit of \$1,235 plus \$95 per week.</p> <p>Special Plates File: Contains the special plate records in the motor vehicle database. The file is updated daily and can be retrieved daily. Escrow deposit of \$1,235 plus \$95 per week.</p> <p>eTAG File: Contains one record for each eTAG created on a given day, Vehicle Transfer Identification (VTNs), and Plate to Owner (PTO) records and provided via SFTP transfer. Escrow deposit of \$845 plus \$65 per week. Frequency must be selected as daily or weekly and whether DPPA or Non-DPPA information is included.</p>	
Data Request – select all that apply	
<p>Record search options: <input type="checkbox"/> MVINet Access <input type="checkbox"/> Batch Inquiries</p> <p>File types:</p> <p><input type="checkbox"/> Masterfile</p> <p><input type="checkbox"/> Special Plates File</p> <p><input type="checkbox"/> Weekly Updates <u>with</u> Dealer/Supplemental Files <input type="checkbox"/> Weekly Updates <u>without</u> Dealer/Supplemental Files</p> <p><input type="checkbox"/> eTAG File - <input type="checkbox"/> Weekly OR <input type="checkbox"/> Daily <input type="checkbox"/> DPPA OR <input type="checkbox"/> Non-DPPA</p>	
Certification – State law makes falsifying information a third degree felony.	
<p>I certify that the statements on this application are true and correct and request the TxDMV provide me with the requested motor vehicle data access. Violators can be prosecuted under Texas Transportation Code, Section 730.013 and Penal Code, Section 37.10.</p> <p>Printed Name of Applicant: _____ Date: _____</p> <p>Signature of Applicant: _____</p>	
Department Use Only	
<p>Staff recommendation: <input type="checkbox"/> Approval <input type="checkbox"/> Denial _____ Initials _____</p> <p>Comments: _____</p> <p style="text-align: right;"># Open Complaints _____ # Closed Complaints _____</p>	
Vehicle Titles and Registration Division Director Decision	Deputy Executive Director Decision
<p><input type="checkbox"/> Approval <input type="checkbox"/> Denial</p> <p>_____ Vehicle Titles and Registration Division Director Signature</p> <p>_____ Date</p>	<p><input type="checkbox"/> Approval <input type="checkbox"/> Denial</p> <p>_____ Deputy Executive Director Signature</p> <p>_____ Date</p>