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**ADOPTION OF**

**SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

**43 TAC §217.27**

**INTRODUCTION.** The Texas Department of Motor Vehicles adopts amendments to 43 TAC §217.27 concerning extended registration of a trailer, semitrailer, or pole trailer having an actual gross weight or registered gross weight of 7,500 pounds or less as described by Transportation Code §548.052(3). The department adopts amendments to §217.27 without changes to the proposed text as published in the August 30, 2019 issue of the *Texas Register* (44 TexReg 4684).

**REASONED JUSTIFICATION.** The amendments are necessary to implement House Bill 1262, 86th Legislature, Regular Session (2019), which added Transportation Code §502.0024 concerning the extended registration of certain vehicles not subject to inspection. House Bill 1262 requires the department to develop and implement a system of registration to allow an owner of a trailer, semitrailer, or pole trailer not subject to inspection to register the vehicle for up to five years on payment of all applicable fees. Further, HB 1262 requires the department to adopt the system required by Transportation Code §502.0024 and any rules necessary to implement that section not later than February 1, 2020.

Amended §217.27, authorizes a registration period of 12, 24, 36, 48, or 60 consecutive months for a trailer, semitrailer, or pole trailer, not subject to inspection under Transportation Code §548.052(3). An applicant for registration under §217.27(c)(2)(A) must select a registration period and will pay one processing and handling fee under §217.182 for the registration transaction, regardless of the registration period selected. All other applicable fees must be paid for each year of registration.

1           The department also clarifies its position stated in the explanation to the proposal that “the  
2 extended registration is not authorized for farm trailers because a farm trailer is referenced in  
3 Transportation Code §548.052(4).” The extended registration will apply to a vehicle that fits within the  
4 description of §548.052(3), even if that vehicle is registered as a farm trailer. The proposed text has not  
5 been changed. The clarification of the rule does not affect anyone not already on notice of the proposal,  
6 and imposes no additional costs on any person, because the extended registration is voluntary.

7           The rule also makes additional nonsubstantive edits to §217.27 to conform the rule text with  
8 department style and improve readability.

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10 **SUMMARY OF COMMENTS.**

11           No comments on the proposed amendments were received.

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13 **STATUTORY AUTHORITY.** The department adopts amendments to §217.27 under HB 1262, 86th  
14 Legislature, Regular Session (2019), Section 2; and Transportation Code §502.0021 and §1002.001.

15           House Bill 1262, 86th Legislature, Regular Session (2019), Section 2, requires the department shall  
16 adopt the system required by Transportation Code §502.0024 and any rules necessary to implement that  
17 section not later than February 1, 2020.

18           Transportation Code §502.0021 authorizes the department to adopt rules to administer Chapter  
19 502.

20           Transportation Code §1002.001 authorizes the board of the Texas Department of Motor Vehicles  
21 to adopt rules that are necessary and appropriate to implement the powers and the duties of the  
22 department.

23

1 **CROSS REFERENCE TO STATUTE.** Transportation Code §502.0024 and §548.052.

2

3 **TEXT.**

4

**Subchapter B. Motor Vehicle Registration**

5

**43 TAC §217.27**

6 §217.27. Vehicle Registration Insignia.

7 (a) On receipt of a complete initial application for registration with the accompanying documents  
8 and fees, the department will issue vehicle registration insignia to be displayed on the vehicle for which  
9 the registration was issued for the current registration period.

10 (1) If the vehicle has a windshield, the symbol, tab, or other device prescribed by and  
11 issued by the department shall be attached to the inside lower left corner of the vehicle's front windshield  
12 in a manner that will not obstruct the vision of the driver.

13 (2) If the vehicle has no windshield, the symbol, tab, or other device prescribed by and  
14 issued by the department shall be attached to the rear license plate, except that registration receipts,  
15 retained inside the vehicle, may provide the record of registration for vehicles with permanent trailer  
16 plates.

17 (3) If the vehicle is registered as a former military vehicle as prescribed by Transportation  
18 Code, §504.502, the vehicle's registration number shall be displayed instead of displaying a symbol, tab,  
19 or license plate.

20 (A) Former military vehicle registration numbers shall be displayed on a  
21 prominent location on the vehicle in numbers and letters of at least two inches in height.

22 (B) To the extent possible, the location and design of the former military vehicle  
23 registration number must conform to the vehicle's original military registration number.

1 (b) Unless otherwise prescribed by law, each vehicle registered under this subchapter:

2 (1) must display two license plates, one at the exterior front and one at the exterior rear  
3 of the vehicle that are securely fastened at the exterior front and rear of the vehicle in a horizontal position  
4 of not less than 12 inches from the ground, measuring from the bottom, except that a vehicle described  
5 by Transportation Code, §621.2061 may place the rear plate so that it is clearly visible; or

6 (2) must display one plate that is securely fastened at or as close as practical to the  
7 exterior rear of the vehicle in a position not less than 12 inches from the ground, measuring from the  
8 bottom if the vehicle is a road tractor, motorcycle, trailer or semitrailer.

9 (c) Each vehicle registered under this subchapter must display license plates:

10 (1) assigned by the department for the period; or

11 (2) validated by a registration insignia issued by the department for a registration period  
12 consisting of 12 consecutive months at the time of application for registration, except that: [-]

13 (A) trailers, semitrailers, or pole trailers not subject to inspection under  
14 §548.052(3) may obtain a registration insignia for a period consisting of 12, 24, 36, 48 or 60 consecutive  
15 months on payment of all fees for each full year of registration; and

16 (B) vehicles [~~vehicles~~] may be registered for 24 consecutive months [~~only~~] in  
17 accordance with Transportation Code, §548.102 on payment of all fees [~~However, the vehicle must be~~  
18 ~~registered for 24 consecutive months and all fees must be paid~~] for each year of registration, regardless  
19 of the number of months remaining on the inspection at the time of registration, provided [~~if both of the~~  
20 ~~following occur~~]:

21 (i) [~~(A)~~] the vehicle receives a two-year inspection under §548.102; and

22 (ii) [~~(B)~~] the application for registration is made in the name of the  
23 purchaser under Transportation Code, §501.0234.

1 (d) The department may cancel any personalized alpha-numeric pattern that was issued if the  
2 department subsequently determines or discovers that the personalized license plate was not in  
3 compliance with these guidelines when issued, or if due to changing language usage, meaning or  
4 interpretation, the personalized license plate has become non-compliant with these guidelines. When  
5 reviewing a personalized alpha-numeric pattern, the department need not consider the applicant's  
6 subjective intent or declared meaning. The department will not issue any license plate containing an  
7 alpha-numeric pattern that meets one or more of the following criteria.

8 (1) The alpha-numeric pattern conflicts with the department's current or proposed  
9 regular license plate numbering system.

10 (2) The director of the department's Vehicle Titles and Registration Division or the  
11 director's designee finds that the personalized alpha-numeric pattern, including plate patterns that  
12 feature foreign or slang words or phrases, use phonetic, numeric or reverse spelling, acronyms, patterns  
13 viewed in mirror image, or use a code which only a small segment of the community may be able to readily  
14 decipher, that may be considered objectionable or misleading, including that the pattern may be viewed  
15 as, directly or indirectly:

16 (A) indecent (defined as including a reference or connotation to a sexual act,  
17 sexual body parts, excrement, or bodily fluids or functions. Additionally, "69" formats are prohibited  
18 unless used in combination with the vehicle make, for example, "69 CHEV".);

19 (B) a vulgarity (defined as profane, swear, or curse words);

20 (C) derogatory (defined as an expression that is demeaning to, belittles, or  
21 disparages any person, group, race, ethnicity, nationality, gender, sexual orientation, or refers to an  
22 organization that advocates such expressions);

1 (D) a reference to race, ethnicity, gender or sexual orientation whether the  
2 reference is derogatory or not;

3 (E) a reference to gangs, illegal activities, violence, implied threats of harm, or  
4 expressions that describe, advertise, advocate, promote, encourage, glorify, or condone violence, crime  
5 or unlawful conduct;

6 (F) a reference to illegal drugs, controlled substances, the physiological state  
7 produced by such substances, intoxicated states, or references that may express, describe, advertise,  
8 advocate, promote, encourage, glorify such items or states;

9 (G) a representation of, or reference to, law enforcement, military branches, or  
10 other governmental entities and their titles, including any reference to public office or position, military  
11 or law enforcement rank or status, or any other official government position or status; or

12 (H) deceptively similar to a military, restricted distribution, or other specialty  
13 plate.

14 (3) The alpha-numeric pattern is currently issued to another owner.

15 (4) Notwithstanding the limitations on issuance of plate patterns in this subsection, the  
16 department may issue patterns that refer to publicly and privately funded institutions of higher education,  
17 including military academies, whether funded by state or federal sources, or both.

18 (e) A decision to cancel or not issue a personalized alpha-numeric pattern under subsection (d) of  
19 this section may be appealed to the executive director of the department or the executive director's  
20 designee within 20 days of notification of the cancellation or non-issuance. All appeals must be in writing  
21 and the requesting party may include any written arguments, but shall not be entitled to a contested case  
22 hearing. The executive director or the executive director's designee will consider the requesting party's  
23 arguments and issue a decision no later than 30 days after the submission of the appeal, unless additional

1 information is sought from the requestor, in which case the time for decision is tolled until the additional  
2 information is provided. The decision of the executive director or the executive director's designee is final  
3 and may not be appealed. An appeal is denied by operation of law 31 days from the submission of the  
4 appeal, or if the requestor does not provide additional requested information within ten days of the  
5 request.

6 (f) The provisions of subsection (a) of this section do not apply to vehicles registered with annual  
7 license plates issued by the department.

8 (g) A person whose initial application has been denied may either receive a refund or select a new  
9 alpha-numeric pattern. If an existing personalized alpha-numeric pattern has been cancelled, the person  
10 may choose a new personalized alpha-numeric pattern which will be valid for the remainder of the term  
11 or will forfeit the remaining term purchased.

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13 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be a  
14 valid exercise of the agency's legal authority.

15 Issued at Austin, Texas, on December 13, 2019.

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/s/ Tracey Beaver  
Tracey Beaver, General Counsel