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**ADOPTION OF**  
**SUBCHAPTER A. MOTOR VEHICLE TITLES**  
**43 TAC §217.2**  
**SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**  
**43 TAC §217.45 AND §217.46**

**INTRODUCTION.** The Texas Department of Motor Vehicles adopts amendments to 43 TAC §§217.2, 217.45, and 217.46 concerning the definitions of moped, off-highway vehicle, sand rail, and utility vehicle or UTV; unregistered off-highway vehicle license plates and the fee for the license plates; and disabled veteran and other license plates for custom vehicles, street rods and certain exhibition vehicles. The department adopts amendments to §§217.2, 217.45, and 217.46 without changes to the proposed text as published in the August 30, 2019 issue of the *Texas Register* (44 TexReg 4667). These rules will not be republished.

**REASONED JUSTIFICATION.** The amendments to §§217.2, 217.45, and 217.46, are necessary to implement House Bill (HB) 1548 86th Legislature, Regular Session (2019); HB 1755, 86th Legislature, Regular Session (2019); HB 3068, 86th Legislature, Regular Session (2019); and HB 3171, 86th Legislature, Regular Session (2019).

**§217.2**

The amendments to §217.2 are necessary to implement HB 1548, HB 1755, and HB 3171. House Bill 1548 transferred Transportation Code Chapter 663, Subchapters A and B, to new Transportation Code Chapter 551A. House Bill 1548 amended the definition of "motor vehicle" in Transportation Code

1 §501.002 by adding a reference to "off-highway vehicle" as defined by Transportation Code §551A.001  
2 and eliminating the references to "all-terrain vehicle" and "recreational off-highway vehicle."  
3 Transportation Code §551A.001 as added by HB 1548 defines "off-highway vehicle" as an all-terrain  
4 vehicle, recreational off-highway vehicle, or utility vehicle.

5 House Bill 1755 amended Transportation Code §663.001 to add a definition of "sand rail," and  
6 also amended the Transportation Code §663.001 definition of "off-highway vehicle" to include the term  
7 sand rail. The HB 1755 definition of sand rail and the amended definition of off-highway vehicle were also  
8 transferred by HB 1548 to Transportation Code §551A.001. As a result of HB 1548 and HB 1755, an off-  
9 highway vehicle under Transportation Code §551A.001 is defined as an all-terrain vehicle, recreational  
10 off-highway vehicle, utility vehicle, or sand rail.

11 In addition, HB 3171 amended the Transportation Code §541.201 definition of "moped" to state  
12 that a moped is a motor vehicle.

13 Because of the described statutory changes in HB 1548, HB 1755, and HB 3171, the amendments  
14 to §217.2 make necessary updates to statutory references in the definitions of "all-terrain vehicle" and  
15 "recreational off-highway vehicle," and add new definitions of "off-highway vehicle," "utility vehicle," and  
16 "sand rail" by reference to the definitions in Transportation Code §551A.001. In addition, the phrase "a  
17 motor vehicle as defined by" is added to the definitions of moped, off-highway vehicle, sand rail, and  
18 utility vehicle or UTV, under amended §217.2(14), (18), (22), and (25), for consistency with existing  
19 definitions of "all-terrain vehicle or ATV" and "recreational off-highway vehicle or ROV" and because the  
20 statutory definition of "motor vehicle" under Transportation Code §501.002, as amended, includes a  
21 moped and an off-highway vehicle. The definition of utility vehicle or UTV also references definition of  
22 "golf cart," which HB 1548 moved from Transportation Code §502.001 to Transportation Code §551.401.  
23 Amendments to §217.2 also renumber the paragraphs.

1

2 **§217.45**

3           The amendments to §217.45 are necessary to implement HB 1548 and HB 3068. House Bill 1548  
4 requires the department to establish, by rule, a procedure for issuance of license plates to golf carts and  
5 unregistered off-highway vehicles, and authorizes the department to charge a fee of up to \$10 to cover  
6 the costs of issuing the plates. The phrase "off-highway vehicle" is defined in Transportation Code  
7 §551A.001, under HB 1548 as discussed in this adoption.

8           House Bill 3068 provides, in part, that a person who qualifies for a disabled veteran license plate  
9 under Transportation Code §504.202 may use an embossed Texas disabled veteran license plate on a  
10 classic motor vehicle, custom vehicle, street rod, and on certain exhibition vehicles as defined by  
11 Transportation Code §504.501 and §504.502. The embossed disabled veteran license plate must have  
12 been issued in the same year as the model year of the vehicle and be approved for use by the department.  
13 House Bill 3068 also provides that any person may use a Texas license plate that is embossed with an  
14 alphanumeric pattern of a plate design that was issued the same year as the model year of the vehicle for  
15 vehicles that meet the requirements of the same two sections (Transportation Code §504.501 and  
16 §504.502).

17           The amendments to §217.45 make necessary updates to implement HB 1548. The amendment to  
18 §217.45(a) adds a reference to new Transportation Code Chapter 551A as added by HB 1548.

19           The amendment to §217.45(c)(3)(B) adds the phrase "off-highway vehicle," because  
20 Transportation Code §551A.052 authorizes the department to establish a procedure to issue license plates  
21 to unregistered off-highway vehicles by rule. In addition, Transportation Code §551A.052(b) allows a  
22 person to operate an unregistered off-highway vehicle on a highway in a manner authorized by  
23 Transportation Code Chapter 551A, Subchapter D, only if the vehicle displays a license plate issued under

1 Transportation Code §551A.052. The existing requirement in §217.27(b) that a vehicle display two license  
2 plates is applicable to vehicles registered under Transportation Code Chapter 502.

3 The amendment to §217.45(c)(7)(E) adds the phrase "off-highway vehicle," because license plates  
4 for off-highway vehicles are authorized by Transportation Code Chapter 551. Personalized license plates  
5 are authorized by Transportation Code §504.0051 and §504.101. As such, license plates for off-highway  
6 vehicles are not eligible for personalization.

7 The amendment to §217.45(c)(7)(E) adds the phrase "off-highway vehicle," because under  
8 Transportation Code §551A.052(d), off-highway vehicle license plates are only authorized for off-highway  
9 vehicles, do not expire, and may not be used by a subsequent owner of an off-highway vehicle. In addition,  
10 license plates are only eligible for transfer if the vehicle is a passenger vehicle with a gross weight of 6,000  
11 pounds or less or a light truck with a gross weight of 10,000 pounds or less. Passenger vehicles and light  
12 trucks are defined in Transportation Code §502.001 by reference to Transportation Code §541.201.

13 The amendments to §217.45 also add new §217.45(k) to establish the process by which a county  
14 tax assessor-collector may issue an off-highway vehicle license plate and sets the fee for an off-highway  
15 vehicle license plate. The fee for an off-highway license plate is \$10, which is the same fee charged for a  
16 license plate for a golf cart under existing §217.45(j). This fee is appropriate because the standard cost for  
17 the department to produce a license plate is \$8. However, this cost does not include programming and  
18 the cost of the receipt. Setting the fee at \$10 will account for all costs associated with issuance of the  
19 plate.

20 The amendments to §217.45 make necessary updates to implement HB 3068. The amendment to  
21 §217.45(c)(2)(A)(ii) creates an exception that will allow the use of disabled veteran embossed license  
22 plates on classic motor vehicles, custom vehicles, street rods, and certain exhibition vehicles by a disabled  
23 veteran as authorized in Transportation Code §504.202.

1

2 **§217.46**

3           The amendment to §217.46 is necessary to implement HB 3171, which amended the definition of  
4 "commercial motor vehicle" in Transportation Code §502.001(7) to exclude "moped." The amendment to  
5 §217.46(a) adds a reference to moped for consistency with Transportation Code §502.001(7) as amended  
6 by House Bill 3171.

7           Additionally, the department adopts nonsubstantive changes throughout the text of §§217.2,  
8 217.45, and 217.46. These nonsubstantive changes include reformatting and updating citations.

9           In conjunction with amending these rules, the department is also reconfiguring its internal  
10 systems. Therefore, the effective dates of the rules may be extended to correspond with completion of  
11 the programming necessary to fully implement the rules.

12

13 **SUMMARY OF COMMENTS.**

14           No comments on the amendments were received.

15

16 **STATUTORY AUTHORITY.** The department adopts amendments to §217.2 under Transportation Code  
17 §§501.0041, 502.0021, 504.0011 and 1002.001.

18           Transportation Code §501.0041 authorizes the department to adopt rules to administer Chapter  
19 501.

20           Transportation Code §502.0021 authorizes the department to adopt rules to administer Chapter  
21 502.

22           Transportation Code §504.0011 authorizes the board of the Texas Department of Motor Vehicles  
23 to adopt rules to implement and administer Chapter 504.

1 Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and  
2 appropriate to implement the powers and the duties of the department.

3 **CROSS REFERENCE TO STATUTE.** Transportation Code §§501.002, 502.001, 542.201, 551.401, and  
4 551A.001.

5

6 **TEXT.**

7

#### **SUBCHAPTER A. MOTOR VEHICLE TITLES**

8

#### **§217.2**

9 §217.2. Definitions.

10 The following words and terms, when used in this subchapter, shall have the following meanings, unless  
11 the context clearly indicates otherwise.

12 (1) Alias--The name of a vehicle owner reflected on a title, when the name on the title is  
13 different from the name of the legal owner of the vehicle.

14 (2) Alias title--A title document issued by the department for a vehicle that is used by an  
15 exempt law enforcement agency in covert criminal investigations.

16 (3) All-terrain vehicle or ATV--A motor vehicle as defined by Transportation Code,  
17 §551A.001 [~~§502.001~~], and designed primarily for recreational use. The term does not include a "utility  
18 vehicle" as defined by Transportation Code, §551A.001 [~~§663.001~~], or a self-propelled, motor-driven  
19 vehicle designed or marketed by the manufacturer primarily for non-recreational uses.

20 (4) Bond release letter--Written notification from the United States Department of  
21 Transportation authorizing United States Customs to release the bond posted for a motor vehicle  
22 imported into the United States to ensure compliance with federal motor vehicle safety standards.

1                   (5) Date of sale--The date of the transfer of possession of a specific vehicle from a seller  
2 to a purchaser.

3                   (6) Division director--The director of the department's Vehicle Titles and Registration  
4 Division.

5                   (7) Executive administrator--The director of a federal agency, the director of a Texas state  
6 agency, the sheriff of a Texas county, or the chief of police of a Texas city who by law possesses the  
7 authority to conduct covert criminal investigations.

8                   (8) Exempt agency--A governmental body exempt by law from paying title or registration  
9 fees for motor vehicles.

10                  (9) Federal motor vehicle safety standards--Motor vehicle safety requirements  
11 promulgated by the United States Department of Transportation, National Highway Traffic Safety  
12 Administration, set forth in Title 49, Code of Federal Regulations.

13                  (10) House moving dolly--An apparatus consisting of metal beams and axles used to move  
14 houses. House moving dollies, by nature of their construction and use, actually form large semitrailers.

15                  (11) Identification certificate--A form issued by an inspector of an authorized safety  
16 inspection station in accordance with Transportation Code, Chapter 548.

17                  (12) Implements of husbandry--Farm implements, machinery, and tools used in tilling the  
18 soil, including self-propelled machinery specifically designed or especially adapted for applying plant food  
19 materials or agricultural chemicals. This term does not include an implement unless it is designed or  
20 adapted for the sole purpose of transporting farm materials or chemicals. This term does not include any  
21 passenger car or truck. This term does include a towed vehicle that transports to the field and spreads  
22 fertilizer or agricultural chemicals; or a motor vehicle designed and adapted to deliver feed to livestock.

1 (13) Manufacturer's certificate of origin--A form prescribed by the department showing  
2 the original transfer of a new motor vehicle from the manufacturer to the original purchaser, whether  
3 importer, distributor, dealer, or owner, and when presented with an application for title, showing, on  
4 appropriate forms prescribed by the department, each subsequent transfer between distributor and  
5 dealer, dealer and dealer, and dealer and owner.

6 (14) Moped--A motor vehicle as defined by Transportation Code, §541.201. [~~motor-driven~~  
7 ~~cycle whose attainable speed is not more than 30 miles per hour and that is equipped with a motor that~~  
8 ~~produces not more than two brake horsepower. If an internal combustion engine is used, the piston~~  
9 ~~displacement may not exceed 50 cubic centimeters and the power drive system may not require the~~  
10 ~~operator to shift gears].~~

11 (15) Motor vehicle importation form--A declaration form prescribed by the United States  
12 Department of Transportation and certified by United States Customs that relates to any motor vehicle  
13 being brought into the United States and the motor vehicle's compliance with federal motor vehicle safety  
14 standards.

15 (16) Non United States standard motor vehicle--A motor vehicle not manufactured in  
16 compliance with federal motor vehicle safety standards.

17 (17) Obligor--An individual who is required to make payments under the terms of a  
18 support order for a child.

19 (18) Off-highway vehicle--A motor vehicle as defined by Transportation Code, §551A.001.

20 (19) [(18)] Person--An individual, firm, corporation, company, partnership, or other entity.

21 (20) [(19)] Recreational off-highway vehicle or ROV--A motor vehicle as defined by  
22 Transportation Code, §551A.001 [§502.001], and designed primarily for recreational use. The term does  
23 not include a "utility vehicle" as defined by Transportation Code, §551A.001 [§663.001], or a self-



1 propelled, motor-driven vehicle designed or marketed by the manufacturer primarily for non-recreational  
2 uses.

3 (21) [(20)] Safety certification label--A label placed on a motor vehicle by a manufacturer  
4 certifying that the motor vehicle complies with all federal motor vehicle safety standards.

5 (22) Sand rail--A motor vehicle as defined by Transportation Code, §551A.001.

6 (23) [(21)] Statement of fact--A written declaration that supports an application for a title,  
7 that is executed by an involved party to a transaction involving a motor vehicle, and that clarifies an error  
8 made on a title or other negotiable evidence of ownership. An involved party is the seller or an agent of  
9 the seller involved in the motor vehicle transaction. When a written declaration is necessary to correct an  
10 odometer disclosure error, the signatures of both the seller and buyer when the error occurred are  
11 required.

12 (24) [(22)] Title application--A form prescribed by the division director that reflects the  
13 information required by the department to create a motor vehicle title record.

14 (25) Utility vehicle or UTV--A motor vehicle as defined by Transportation Code,  
15 §551A.001, and designed primarily for utility use. The term does not include a "golf cart" as defined by  
16 Transportation Code, §551.401, or a self-propelled, motor-driven vehicle designed or marketed by the  
17 manufacturer primarily for non-utility uses.

18 (26) [(23)] Verifiable proof--Additional documentation required of a vehicle owner,  
19 lienholder, or agent executing an application for a certified copy of a title.

20 (A) Individual applicant. If the applicant is an individual, verifiable proof consists  
21 of a copy of a current photo identification issued by this state or by the United States or foreign passport.

1 (B) Business applicant. If the applicant is a business, verifiable proof consists of an  
2 original or copy of a letter of signature authority on letterhead, a business card, or employee identification  
3 and a copy of current photo identification issued by this state or by the United States or foreign passport.

4 (C) Power of attorney. If the applicant is a person in whose favor a power of  
5 attorney has been executed by the owner or lienholder, verifiable proof consists of the documentation  
6 required under subparagraph (A) or (B) of this paragraph both for the owner or lienholder and for the  
7 person in whose favor the power of attorney is executed.

8  
9 STATUTORY AUTHORITY. The department adopts amendments to §217.45 and §217.46 under  
10 Transportation Code §§501.0041, 502.0021, 504.0011, 504.002, 551.402, 551A.052, and 1002.001.

11 Transportation Code §501.0041 authorizes the department to adopt rules to administer Chapter  
12 501.

13 Transportation Code §502.0021 authorizes the department to adopt rules to administer Chapter  
14 502.

15 Transportation Code §504.0011 authorizes the board of the Texas Department of Motor Vehicles  
16 to adopt rules to implement and administer Chapter 504.

17 Transportation Code §504.002 authorizes the department to charge a fee to cover the costs of  
18 issuing license plates for golf carts or off-highway vehicles in an amount established by rule.

19 Transportation Code §551.402 requires the department to adopt rules establishing a procedure  
20 to issue license plates for golf carts and charge a fee not to exceed \$10.

21 Transportation Code §551A.052 requires the department to adopt rules establishing a procedure  
22 to issue license plates for unregistered off-highway vehicles and charge a fee not to exceed \$10.

1 Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and  
2 appropriate to implement the powers and the duties of the department.

3

4 CROSS REFERENCE TO STATUTE. Transportation Code §§501.002, 502.001, 504.202, 504.202, 504.501,  
5 541.201, 542.201, 551.401, 551.402, and 551A.052.

6 **TEXT.**

7

**SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

8

**43 TAC §217.45 AND §217.46**

9

10 §217.45. Specialty License Plates, Symbols, Tabs, and Other Devices.

11 (a) Purpose and Scope. Transportation Code, Chapters 504, [~~and~~] 551, and 551A charge the  
12 department with providing specialty license plates, symbols, tabs, and other devices. For the department  
13 to perform these duties efficiently and effectively, this section prescribes the policies and procedures for  
14 the application, issuance, and renewal of specialty license plates, symbols, tabs, and other devices,  
15 through the county tax assessor-collectors, and establishes application fees, expiration dates, and  
16 registration periods for certain specialty license plates. This section does not apply to military license  
17 plates except as provided by §217.43 of this title (relating to Military Specialty License Plates).

18 (b) Initial application for specialty license plates, symbols, tabs, or other devices.

19 (1) Application Process.

20 (A) Procedure. An owner of a vehicle registered as specified in this subchapter  
21 who wishes to apply for a specialty license plate, symbol, tab, or other device must do so on a form  
22 prescribed by the director.

1 (B) Form requirements. The application form shall at a minimum require the  
2 name and complete address of the applicant.

3 (2) Fees and Documentation.

4 (A) The application must be accompanied by the prescribed registration fee,  
5 unless exempted by statute.

6 (B) The application must be accompanied by the statutorily prescribed specialty  
7 license plate fee. If a registration period is greater than 12 months, the expiration date of a specialty  
8 license plate, symbol, tab, or other device will be aligned with the registration period and the specialty  
9 plate fee will be adjusted to yield the appropriate fee. If the statutory annual fee for a specialty license  
10 plate is \$5 or less, it will not be prorated.

11 (C) Specialty license plate fees will not be refunded after an application is  
12 submitted and the department has approved issuance of the license plate.

13 (D) The application must be accompanied by prescribed local fees or other fees  
14 that are collected in conjunction with registering a vehicle, with the exception of vehicles bearing license  
15 plates that are exempt by statute from these fees.

16 (E) The application must include evidence of eligibility for any specialty license  
17 plates. The evidence of eligibility may include, but is not limited to:

18 (i) an official document issued by a governmental entity; or

19 (ii) a letter issued by a governmental entity on that agency's letterhead.

20 (F) Initial applications for license plates for display on Exhibition Vehicles must  
21 include a photograph of the completed vehicle.

1                   (3) Place of application. Applications for specialty license plates may be made directly to  
2 the county tax assessor-collector, except that applications for the following license plates must be made  
3 directly to the department:

- 4                   (A) County Judge;
- 5                   (B) Federal Administrative Law Judge;
- 6                   (C) State Judge;
- 7                   (D) State Official;
- 8                   (E) U.S. Congress--House;
- 9                   (F) U.S. Congress--Senate; and
- 10                  (G) U.S. Judge.

11                  (4) Gift plates.

12                   (A) A person may purchase general distribution specialty license plates as a gift  
13 for another person if the purchaser submits an application for the specialty license plates that provides:

- 14                   (i) the name and address of the person who will receive the plates; and
- 15                   (ii) the vehicle identification number of the vehicle on which the plates  
16 will be displayed.

17                   (B) To be valid for use on a motor vehicle, the recipient of the plates must file an  
18 application with the county tax assessor-collector and pay the statutorily required registration fees in the  
19 amount as provided by Transportation Code, Chapter 502 and this subchapter.

20                  (c) Initial issuance of specialty license plates, symbols, tabs, or other devices.

21                   (1) Issuance. On receipt of a completed initial application for registration, accompanied  
22 by the prescribed documentation and fees, the department will issue specialty license plates, symbols,  
23 tabs, or other devices to be displayed on the vehicle for which the license plates, symbols, tabs, or other

1 devices were issued for the current registration period. If the vehicle for which the specialty license plates,  
2 symbols, tabs, or other devices are issued is currently registered, the owner must surrender the license  
3 plates currently displayed on the vehicle, along with the corresponding license receipt, before the  
4 specialty license plates may be issued.

5 (2) Classic Motor Vehicles, Classic Travel Trailers, Custom Vehicles, Street Rods, and  
6 Exhibition Vehicles.

7 (A) License plates. Texas license plates that were issued the same year as the  
8 model year of a Classic Motor Vehicle, Travel Trailer, Street Rod, or Exhibition Vehicle may be displayed  
9 on that vehicle under Transportation Code, §504.501 and §504.502, unless:

10 (i) the license plate's original use was restricted by statute to another  
11 vehicle type;

12 (ii) the license plate is a qualifying plate type that originally required the  
13 owner to meet one or more eligibility requirements, except for a plate issued under Transportation Code,  
14 §504.202; or

15 (iii) the alpha numeric pattern is already in use on another vehicle.

16 (B) Validation stickers and tabs. The department will issue validation stickers and  
17 tabs for display on license plates that are displayed as provided by subparagraph (A) of this paragraph.

18 (3) Number of plates issued.

19 (A) Two plates. Unless otherwise listed in subparagraph (B) of this paragraph, two  
20 specialty license plates, each bearing the same license plate number, will be issued per vehicle.

21 (B) One plate. One license plate will be issued per vehicle for all motorcycles and  
22 for the following specialty license plates:

- 1 (i) Antique Vehicle (includes Antique Auto, Antique Truck, Antique  
2 Motorcycle, and Antique Bus);
- 3 (ii) Classic Travel Trailer;
- 4 (iii) Rental Trailer;
- 5 (iv) Travel Trailer;
- 6 (v) Cotton Vehicle;
- 7 (vi) Disaster Relief;
- 8 (vii) Forestry Vehicle;
- 9 (viii) Golf Cart;
- 10 (ix) Log Loader;
- 11 (x) Military Vehicle;
- 12 (xi) Package Delivery Vehicle; ~~and~~
- 13 (xii) Fertilizer; and [-]
- 14 (xiii) Off-highway Vehicle.

15 (C) Registration number. The identification number assigned by the military may  
16 be approved as the registration number instead of displaying Military Vehicle license plates on a former  
17 military vehicle.

18 (4) Assignment of plates.

19 (A) Title holder. Unless otherwise exempted by law or this section, the vehicle on  
20 which specialty license plates, symbols, tabs, or other devices is to be displayed shall be titled in the name  
21 of the person to whom the specialty license plates, symbols, tabs, or other devices is assigned, or a title  
22 application shall be filed in that person's name at the time the specialty license plates, symbols, tabs, or  
23 other devices are issued.

1 (B) Non-owner vehicle. If the vehicle is titled in a name other than that of the  
2 applicant, the applicant must provide evidence of having the legal right of possession and control of the  
3 vehicle.

4 (C) Leased vehicle. In the case of a leased vehicle, the applicant must provide a  
5 copy of the lease agreement verifying that the applicant currently leases the vehicle.

6 (5) Classification of neighborhood electric vehicles. The registration classification of a  
7 neighborhood electric vehicle, as defined by §217.3(3) of this title (relating to Motor Vehicle Titles) will  
8 be determined by whether it is designed as a 4-wheeled truck or a 4-wheeled passenger vehicle.

9 (6) Number of vehicles. An owner may obtain specialty license plates, symbols, tabs, or  
10 other devices for an unlimited number of vehicles, unless the statute limits the number of vehicles for  
11 which the specialty license plate may be issued.

12 (7) Personalized plate numbers.

13 (A) Issuance. The department will issue a personalized license plate number  
14 subject to the exceptions set forth in this paragraph.

15 (B) Character limit. A personalized license plate number may contain no more  
16 than six alpha or numeric characters or a combination of characters. Depending upon the specialty license  
17 plate design and vehicle class, the number of characters may vary. Spaces, hyphens, periods, hearts, stars,  
18 the International Symbol of Access, or silhouettes of the state of Texas may be used in conjunction with  
19 the license plate number.

20 (C) Personalized plates not approved. A personalized license plate number will  
21 not be approved by the executive director if the alpha-numeric pattern:

22 (i) conflicts with the department's current or proposed regular license  
23 plate numbering system;



1 (ii) would violate §217.27 of this title (relating to Vehicle Registration  
2 Insignia), as determined by the executive director; or

3 (iii) is currently issued to another owner.

4 (D) Classifications of vehicles eligible for personalized plates. Unless otherwise  
5 listed in subparagraph (E) of this paragraph, personalized plates are available for all classifications of  
6 vehicles.

7 (E) Categories of plates for which personalized plates are not available.  
8 Personalized license plate numbers are not available for display on the following specialty license plates:

9 (i) Amateur Radio (other than the official call letters of the vehicle owner);

10 (ii) Antique Motorcycle;

11 (iii) Antique Vehicle (includes Antique Auto, Antique Truck, and Antique  
12 Bus);

13 (iv) Apportioned;

14 (v) Cotton Vehicle;

15 (vi) Disaster Relief;

16 (vii) Farm Trailer (except Go Texan II);

17 (viii) Farm Truck (except Go Texan II);

18 (ix) Farm Truck Tractor (except Go Texan II);

19 (x) Fertilizer;

20 (xi) Forestry Vehicle;

21 (xii) Log Loader;

22 (xiii) Machinery;

23 (xiv) Permit;

- 1 (xv) Rental Trailer;
- 2 (xvi) Soil Conservation;
- 3 (xvii) Texas Guard;
- 4 (xviii) Golf Cart; [~~and~~]
- 5 (xix) Package Delivery Vehicle; and [-]
- 6 (xx) Off-highway Vehicle.

7 (F) Fee. Unless specified by statute, a personalized license plate fee of \$40 will be  
8 charged in addition to any prescribed specialty license plate fee.

9 (G) Priority. Once a personalized license plate number has been assigned to an  
10 applicant, the owner shall have priority to that number for succeeding years if a timely renewal application  
11 is submitted to the county tax assessor-collector each year in accordance with subsection (d) of this  
12 section.

13 (d) Specialty license plate renewal.

14 (1) Renewal deadline. If a personalized license plate is not renewed within 60 days after  
15 its expiration date, a subsequent renewal application will be treated as an application for new  
16 personalized license plates.

17 (2) Length of validation. Except as provided by Transportation Code, §§504.401,  
18 504.4061, or 504.502, all specialty license plates, symbols, tabs, or other devices shall be valid for 12  
19 months from the month of issuance or for a prorated period of at least 12 months coinciding with the  
20 expiration of registration.

21 (3) Renewal.

1 (A) Renewal notice. Approximately 60 days before the expiration date of a  
2 specialty license plate, symbol, tab, or other device, the department will send each owner a renewal  
3 notice that includes the amount of the specialty plate fee and the registration fee.

4 (B) Return of notice. The owner must return the fee and any prescribed  
5 documentation to the tax assessor-collector of the county in which the owner resides, except that the  
6 owner of a vehicle with one of the following license plates must return the documentation and specialty  
7 license plate fee, if applicable, directly to the department and submit the registration fee to the county  
8 tax assessor-collector:

9 (i) County Judge;

10 (ii) Federal Administrative Law Judge;

11 (iii) State Judge;

12 (iv) State Official;

13 (v) U.S. Congress--House;

14 (vi) U.S. Congress--Senate; and

15 (vii) U.S. Judge.

16 (C) Expired plate numbers. The department will retain a specialty license plate  
17 number for 60 days after the expiration date of the plates if the plates are not renewed on or before their  
18 expiration date. After 60 days the number may be reissued to a new applicant. All specialty license plate  
19 renewals received after the expiration of the 60 days will be treated as new applications.

20 (D) Issuance of validation insignia. On receipt of a completed license plate  
21 renewal application and prescribed documentation, the department will issue registration validation  
22 insignia as specified in §217.27 unless this section or other law requires the issuance of new license plates  
23 to the owner.

1 (E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed, or not  
2 received by the vehicle owner, the specialty license plates, symbol, tab, or other device may be renewed  
3 if the owner provides acceptable personal identification along with the appropriate fees and  
4 documentation. Failure to receive the notice does not relieve the owner of the responsibility to renew the  
5 vehicle's registration.

6 (e) Transfer of specialty license plates.

7 (1) Transfer between vehicles.

8 (A) Transferable between vehicles. The owner of a vehicle with specialty license  
9 plates, symbols, tabs, or other devices may transfer the specialty plates between vehicles by filing an  
10 application through the county tax assessor-collector if the vehicle to which the plates are transferred:

11 (i) is titled or leased in the owner's name; and

12 (ii) meets the vehicle classification requirements for that particular  
13 specialty license plate, symbol, tab, or other device.

14 (B) Non-transferable between vehicles. The following specialty license plates,  
15 symbols, tabs, or other devices are non-transferable between vehicles:

16 (i) Antique Vehicle license plates (includes Antique Auto, Antique Truck,  
17 and Antique Bus), Antique Motorcycle license plates, and Antique tabs;

18 (ii) Classic Auto, Classic Truck, Classic Motorcycle, Classic Travel Trailer,  
19 Street Rod, and Custom Vehicle license plates;

20 (iii) Forestry Vehicle license plates;

21 (iv) Log Loader license plates;

22 (v) Golf Cart license plates; ~~and~~

23 (vi) Package Delivery Vehicle license plates; and [-]

1 (vii) Off-highway Vehicle license plates.

2 (C) New specialty license plates. If the department creates a new specialty license  
3 plate under Transportation Code, §504.801, the department will specify at the time of creation whether  
4 the license plate may be transferred between vehicles.

5 (2) Transfer between owners.

6 (A) Non-transferable between owners. Specialty license plates, symbols, tabs, or  
7 other devices issued under Transportation Code, Chapter 504, Subchapters C, E, and F are not transferable  
8 from one person to another except as specifically permitted by statute.

9 (B) New specialty license plates. If the department creates a new specialty license  
10 plate under Transportation Code, §504.801, the department will specify at the time of creation whether  
11 the license plate may be transferred between owners.

12 (3) Simultaneous transfer between owners and vehicles. Specialty license plates, symbols,  
13 tabs, or other devices are transferable between owners and vehicles simultaneously only if the owners  
14 and vehicles meet all the requirements in both paragraphs (1) and (2) of this subsection.

15 (f) Replacement.

16 (1) Application. When specialty license plates, symbols, tabs, or other devices are lost,  
17 stolen, or mutilated, the owner shall apply directly to the county tax assessor-collector for the issuance of  
18 replacements, except that Log Loader license plates must be reapplied for and accompanied by the  
19 prescribed fees and documentation.

20 (2) Temporary registration insignia. If the specialty license plate, symbol, tab, or other  
21 device is lost, destroyed, or mutilated to such an extent that it is unusable, and if issuance of a replacement  
22 license plate would require that it be remanufactured, the owner must pay the statutory replacement fee,  
23 and the department will issue a temporary tag for interim use. The owner's new specialty license plate

1 number will be shown on the temporary tag unless it is a personalized license plate, in which case the  
2 same personalized license plate number will be shown.

3 (3) Stolen specialty license plates.

4 (A) The department or county tax assessor-collector will not approve the issuance  
5 of replacement license plates with the same personalized license plate number if the department's  
6 records indicate either the vehicle displaying the personalized license plates or the license plates are  
7 reported as stolen to law enforcement. The owner will be directed to contact the department for another  
8 personalized plate choice.

9 (B) The owner may select a different personalized number to be issued at no  
10 charge with the same expiration as the stolen specialty plate. On recovery of the stolen vehicle or license  
11 plates, the department will issue, at the owner's or applicant's request, replacement license plates,  
12 bearing the same personalized number as those that were stolen.

13 (g) License plates created after January 1, 1999. In accordance with Transportation Code,  
14 §504.702, the department will begin to issue specialty license plates authorized by a law enacted after  
15 January 1, 1999, only if the sponsoring entity for that license plate submits the following items before the  
16 fifth anniversary of the effective date of the law.

17 (1) The sponsoring entity must submit a written application. The application must be on  
18 a form approved by the director and include, at a minimum:

19 (A) the name of the license plate;

20 (B) the name and address of the sponsoring entity;

21 (C) the name and telephone number of a person authorized to act for the  
22 sponsoring entity; and

23 (D) the deposit.

1                   (2) A sponsoring entity is not an agent of the department and does not act for the  
2 department in any matter, and the department does not assume any responsibility for fees or applications  
3 collected by a sponsoring entity.

4                   (h) Assignment procedures for state, federal, and county officials.

5                   (1) State Officials. State Official license plates contain the distinguishing prefix "SO."  
6 Members of the state legislature may be issued up to three sets of State Official specialty license plates  
7 with the distinguishing prefix "SO," or up to three sets of State Official specialty license plates that depict  
8 the state capitol, and do not display the distinguishing prefix "SO." An application by a member of the  
9 state legislature, for a State Official specialty license plate, must specify the same specialty license plate  
10 design for each applicable vehicle. State Official license plates are assigned in the following order:

11                               (A) Governor;

12                               (B) Lieutenant Governor;

13                               (C) Speaker of the House;

14                               (D) Attorney General;

15                               (E) Comptroller;

16                               (F) Land Commissioner;

17                               (G) Agriculture Commissioner;

18                               (H) Secretary of State;

19                               (I) Railroad Commission;

20                               (J) Supreme Court Chief Justice followed by the remaining justices based on their  
21 seniority;

22                               (K) Criminal Court of Appeals Presiding Judge followed by the remaining judges  
23 based on their seniority;

1 (L) Members of the State Legislature, with Senators assigned in order of district  
2 number followed by Representatives assigned in order of district number, except that in the event of  
3 redistricting, license plates will be reassigned; and

4 (M) Board of Education Presiding Officer followed by the remaining members  
5 assigned in district number order, except that in the event of redistricting, license plates will be  
6 reassigned.

7 (2) Members of the U.S. Congress.

8 (A) U.S. Senate license plates contain the prefix "Senate" and are assigned by  
9 seniority; and

10 (B) U.S. House license plates contain the prefix "House" and are assigned in order  
11 of district number, except that in the event of redistricting, license plates will be reassigned.

12 (3) Federal Judge.

13 (A) Federal Judge license plates contain the prefix "USA" and are assigned on a  
14 seniority basis within each court in the following order:

15 (i) Judges of the Fifth Circuit Court of Appeals;

16 (ii) Judges of the United States District Courts;

17 (iii) United States Bankruptcy Judges; and

18 (iv) United States Magistrates.

19 (B) Federal Administrative Law Judge plates contain the prefix "US" and are  
20 assigned in the order in which applications are received.

21 (C) A federal judge who retired on or before August 31, 2003, and who held  
22 license plates expiring in March 2004 may continue to receive federal judge plates. A federal judge who  
23 retired after August 31, 2003, is not eligible for U.S. Judge license plates.



1 (4) State Judge.

2 (A) State Judge license plates contain the prefix "TX" and are assigned  
3 sequentially in the following order:

4 (i) Appellate District Courts;

5 (ii) Presiding Judges of Administrative Regions;

6 (iii) Judicial District Courts;

7 (iv) Criminal District Courts; and

8 (v) Family District Courts and County Statutory Courts.

9 (B) A particular alpha-numeric combination will always be assigned to a judge of  
10 the same court to which it was originally assigned.

11 (C) A state judge who retired on or before August 31, 2003, and who held license  
12 plates expiring in March 2004 may continue to receive state judge plates. A state judge who retired after  
13 August 31, 2003, is not eligible for State Judge license plates.

14 (5) County Judge license plates contain the prefix "CJ" and are assigned by county number.

15 (6) In the event of redistricting or other plate reallocation, the department may allow a  
16 state official to retain that official's plate number if the official has had the number for five or more  
17 consecutive years.

18 (i) Development of new specialty license plates.

19 (1) Procedure. The following procedure governs the process of authorizing new specialty  
20 license plates under Transportation Code, §504.801, whether the new license plate originated as a result  
21 of an application or as a department initiative.

22 (2) Applications for the creation of new specialty license plates. An applicant for the  
23 creation of a new specialty license plate, other than a vendor specialty plate under §217.52 of this title

1 (relating to Marketing of Specialty License Plates through a Private Vendor), must submit a written  
2 application on a form approved by the executive director. The application must include:

3 (A) the applicant's name, address, telephone number, and other identifying  
4 information as directed on the form;

5 (B) certification on Internal Revenue Service letterhead stating that the applicant  
6 is a not-for-profit entity;

7 (C) a draft design of the specialty license plate;

8 (D) projected sales of the plate, including an explanation of how the projected  
9 figure was established;

10 (E) a marketing plan for the plate, including a description of the target market;

11 (F) a licensing agreement from the appropriate third party for any intellectual  
12 property design or design element;

13 (G) a letter from the executive director of the sponsoring state agency stating that  
14 the agency agrees to receive and distribute revenue from the sale of the specialty license plate and that  
15 the use of the funds will not violate a statute or constitutional provision; and

16 (H) other information necessary for the board to reach a decision regarding  
17 approval of the requested specialty plate.

18 (3) Review process. The board:

19 (A) will not consider incomplete applications;

20 (B) may request additional information from an applicant if necessary for a  
21 decision; and

1 (C) will consider specialty license plate applications that are restricted by law to  
2 certain individuals or groups of individuals (qualifying plates) using the same procedures as applications  
3 submitted for plates that are available to everyone (non-qualifying plates).

4 (4) Request for additional information. If the board determines that additional  
5 information is needed, the applicant must return the requested information not later than the requested  
6 due date. If the additional information is not received by that date, the board will return the application  
7 as incomplete unless the board:

8 (A) determines that the additional requested information is not critical for  
9 consideration and approval of the application; and

10 (B) approves the application, pending receipt of the additional information by a  
11 specified due date.

12 (5) Board decision. The board's decision will be based on:

13 (A) compliance with Transportation Code, §504.801;

14 (B) the proposed license plate design, including:

15 (i) whether the design appears to meet the legibility and reflectivity  
16 standards established by the department;

17 (ii) whether the design meets the standards established by the  
18 department for uniqueness;

19 (iii) other information provided during the application process;

20 (iv) the criteria designated in §217.27 as applied to the design; and

21 (v) whether a design is similar enough to an existing plate design that it  
22 may compete with the existing plate sales; and

1 (C) the applicant's ability to comply with Transportation Code, §504.702 relating  
2 to the required deposit or application that must be provided before the manufacture of a new specialty  
3 license plate.

4 (6) Public comment on proposed design. All proposed plate designs will be considered by  
5 the board as an agenda item at a regularly or specially called open meeting. Notice of consideration of  
6 proposed plate designs will be posted in accordance with Office of the Secretary of State meeting notice  
7 requirements. Notice of each license plate design will be posted on the department's Internet website to  
8 receive public comment at least 25 days in advance of the meeting at which it will be considered. The  
9 department will notify all other specialty plate organizations and the sponsoring agencies who administer  
10 specialty license plates issued in accordance with Transportation Code, Chapter 504, Subchapter G, of the  
11 posting. A comment on the proposed design can be submitted in writing through the mechanism provided  
12 on the department's Internet website for submission of comments. Written comments are welcome and  
13 must be received by the department at least 10 days in advance of the meeting. Public comment will be  
14 received at the board's meeting.

15 (7) Final approval.

16 (A) Approval. The board will approve or disapprove the specialty license plate  
17 application based on all of the information provided pursuant to this subchapter at an open meeting.

18 (B) Application not approved. If the application is not approved under  
19 subparagraph (A) of this paragraph, the applicant may submit a new application and supporting  
20 documentation for the design to be considered again by the board if:

21 (i) the applicant has additional, required documentation; or

22 (ii) the design has been altered to an acceptable degree.

23 (8) Issuance of specialty plates.

1 (A) If the specialty license plate is approved, the applicant must comply with  
2 Transportation Code, §504.702 before any further processing of the license plate.

3 (B) Approval of the plate does not guarantee that the submitted draft plate design  
4 will be used. The board has final approval authority of all specialty license plate designs and may adjust  
5 or reconfigure the submitted draft design to comply with the format or license plate specifications.

6 (C) If the board, in consultation with the applicant, adjusts or reconfigures the  
7 design, the adjusted or reconfigured design will not be posted on the department's website for additional  
8 comments.

9 (9) Redesign of specialty license plate.

10 (A) Upon receipt of a written request from the applicant, the department will  
11 allow redesign of a specialty license plate.

12 (B) A request for a redesign must meet all application requirements and proceed  
13 through the approval process of a new specialty plate as required by this subsection.

14 (C) An approved license plate redesign does not require the deposit required by  
15 Transportation Code, §504.702, but the applicant must pay a redesign cost to cover administrative  
16 expenses.

17 (j) Golf carts.

18 (1) A county tax assessor-collector may issue golf cart license plates as long as the  
19 requirements under Transportation Code, §551.403 or §551.404 are met.

20 (2) A county tax assessor-collector may only issue golf cart license plates to residents or  
21 property owners of the issuing county.

22 (3) A golf cart license plate may not be used as a registration insignia, and a golf cart may  
23 not be registered for operation on a public highway.

1 (4) The license plate fee for a golf cart license plate is \$10.

2 (k) Off-highway vehicle.

3 (1) A county tax assessor-collector may issue off-highway vehicle license plates as long as  
4 the requirements under Transportation Code, §551A.053 or §551A.055 are met.

5 (2) An off-highway vehicle license plate may not be used as a registration insignia, and an  
6 off-highway vehicle may not be registered for operation on a public highway.

7 (3) The license plate fee for an off-highway vehicle license plate is \$10.

8 (l) [~~k~~] Package delivery vehicle.

9 (1) A county tax assessor-collector may issue package delivery license plates as long as  
10 the requirements under Transportation Code, §§551.453, 551.454, and 551.455 are met.

11 (2) The license plate fee for a package delivery license plate is \$25 to be paid on an annual  
12 basis.

13

14 §217.46. Commercial Vehicle Registration.

15 (a) Eligibility. A motor vehicle, other than a motorcycle or moped, designed or used primarily for  
16 the transportation of property, including any passenger car that has been reconstructed to be used, and  
17 is being used, primarily for delivery purposes, with the exception of a passenger car used in the delivery  
18 of the United States mail, must be registered as a commercial vehicle.

19 (b) Commercial vehicle registration classifications.

20 (1) Apportioned license plates. Apportioned license plates are issued in lieu of  
21 Combination, Motor Bus, or Truck license plates to Texas carriers who proportionally register their fleets  
22 in other states, in conformity with §217.56 of this title (relating to Registration Reciprocity Agreements).

1                   (2) City bus license plates. A street or suburban bus shall be registered with license plates  
2 bearing the legend "City Bus."

3                   (3) Combination license plates.

4                   (A) Specifications. A truck or truck-tractor with a gross weight in excess of 10,000  
5 pounds used or to be used in combination with a semitrailer having a gross weight in excess of 6,000  
6 pounds, may be registered with combination license plates. Such vehicles must be registered for a gross  
7 weight equal to the combined gross weight of all the vehicles in the combination, but not less than 18,000  
8 pounds. Only one combination license plate is required and must be displayed on the front of the truck  
9 or truck-tractor. When displaying a combination license plate, a truck or truck-tractor is not restricted to  
10 pulling a semitrailer licensed with a Token Trailer license plate and may legally pull semitrailers and full  
11 trailers displaying other types of Texas license plates or license plates issued out of state. The following  
12 vehicles may not be registered in combination:

13                               (i) trucks or truck-tractors having a gross weight of less than 10,000  
14 pounds or trucks or truck-tractors to be used exclusively in combination with semitrailers having gross  
15 weights not exceeding 6,000 pounds;

16                               (ii) semitrailers with gross weights of 6,000 pounds or less, or semitrailers  
17 that are to be operated exclusively with trucks or truck-tractors having gross weight of less than 10,000  
18 pounds;

19                               (iii) trucks or truck-tractors used exclusively in combination with  
20 semitrailer-type vehicles displaying Machinery, Permit, or Farm Trailer license plates;

21                               (iv) trucks or truck-tractors used exclusively in combination with travel  
22 trailers and manufactured housing;

- 1 (v) trucks or truck-tractors to be registered with Farm Truck or Farm Truck  
2 Tractor license plates;
- 3 (vi) trucks or truck-tractors and semitrailers to be registered with disaster  
4 relief license plates;
- 5 (vii) trucks or truck-tractors and semitrailers to be registered with Soil  
6 Conservation license plates;
- 7 (viii) trucks or truck-tractors and semitrailers to be registered with U.S.  
8 Government license plates or Exempt license plates issued by the State of Texas; and
- 9 (ix) vehicles that are to be issued temporary permits, such as 72-Hour  
10 Permits, 144-Hour Permits, One Trip Permits, or 30-Day Permits in accordance with Transportation Code,  
11 §502.094 and §502.095.
- 12 (B) Converted semitrailers. Semitrailers that are converted to full trailers by  
13 means of auxiliary axle assemblies will retain their semitrailer status, and such semitrailers are subject to  
14 the combination and token trailer registration requirements.
- 15 (C) Axle assemblies. Various types of axle assemblies that are specially designed  
16 for use in conjunction with other vehicles or combinations of vehicles may be used to increase the load  
17 capabilities of such vehicles or combinations.
- 18 (i) Auxiliary axle assemblies such as trailer axle converters, jeep axles, and  
19 drag axles, which are used in conjunction with truck-tractor and semitrailer combinations, are not  
20 required to be registered; however, the additional weight that is acquired by the use of such axle  
21 assemblies must be included in the combined gross weight of the combination.



1 (ii) Ready-mixed concrete trucks that have an auxiliary axle assembly  
2 installed for the purpose of increasing a load capacity of such vehicles must be registered for a weight that  
3 includes the axle assembly.

4 (D) Exchange of Combination license plates. Combination license plates shall not  
5 be exchanged for another type of registration during the registration year, except that:

6 (i) if a major permanent reconstruction change occurs, Combination  
7 license plates may be exchanged for Truck license plates, provided that a corrected title is applied for;

8 (ii) if the department initially issues Combination license plates in error,  
9 the plates will be exchanged for license plates of the proper classification;

10 (iii) if the department initially issues Truck or Trailer license plates in error  
11 to vehicles that should have been registered in combination, such plates will be exchanged for  
12 Combination and Token Trailer license plates; or

13 (iv) if a Texas apportioned carrier acquires a combination license power  
14 unit, the Combination license plates will be exchanged for Apportioned license plates.

15 (4) Cotton Vehicle license plates. The department will issue Cotton Vehicle license plates  
16 in accordance with Transportation Code, §504.505 and §217.45 of this title (relating to Specialty License  
17 Plates, Symbols, Tabs, and Other Devices).

18 (5) Forestry Vehicle license plates. The department will issue Forestry Vehicle license  
19 plates in accordance with Transportation Code, §504.507 and §217.45 of this title.

20 (6) In Transit license plates. The department may issue an In Transit license plate annually  
21 to any person, firm, or corporation engaged in the primary business of transporting and delivering by  
22 means of the full mount, saddle mount, tow bar, or any other combination, new vehicles and other  
23 vehicles from the manufacturer or any other point of origin to any point of destination within the State.

1 Each new vehicle being transported, delivered, or moved under its own power in accordance with this  
2 paragraph must display an In Transit license plate in accordance with Transportation Code, §503.035.

3 (7) Motor Bus license plates. A motor bus as well as a taxi and other vehicles that transport  
4 passengers for compensation or hire, must display Motor Bus license plates when operated outside the  
5 limits of a city or town, or adjacent suburb, in which its company is franchised to do business.

6 (8) Token Trailer license plates.

7 (A) Qualification. The department will issue Token Trailer license plates for  
8 semitrailers that are required to be registered in combination.

9 (B) Validity. A Token Trailer license plate is valid only when it is displayed on a  
10 semitrailer that is being pulled by a truck or a truck-tractor that has been properly registered with Forestry  
11 Vehicle (in accordance with Transportation Code, §504.507), Combination (in accordance with  
12 Transportation Code, §502.255), or Apportioned (in accordance with Transportation Code, §502.091)  
13 license plates for combined gross weights that include the weight of the semitrailer, unless exempted by  
14 Transportation Code, §502.094 and §623.011.

15 (C) House-moving dollies. House-moving dollies are to be registered with Token  
16 Trailer license plates and titled as semitrailers; however, only one such dolly in a combination is required  
17 to be registered and titled. The remaining dolly (or dollies) is permitted to operate unregistered, since by  
18 the nature of its construction, it is dependent upon another such vehicle in order to function. The pulling  
19 unit must display a Combination or Apportioned license plate.

20 (D) Full trailers. The department will not issue a Token Trailer license plate for a  
21 full trailer.

22 (9) Tow Truck license plates. A Tow Truck license plate must be obtained for all tow trucks  
23 operating and registered in this state. The department will not issue a Tow Truck license plate unless the

1 Texas Department of Licensing and Regulation has issued a permit for the tow truck under Occupations  
2 Code, Chapter 2308, Subchapter C.

3 (c) Application for commercial vehicle registration.

4 (1) Application form. An applicant shall apply for commercial license plates through the  
5 appropriate county tax assessor-collector upon forms prescribed by the director and shall require, at a  
6 minimum, the following information:

7 (A) owner name and complete address;

8 (B) complete description of vehicle, including empty weight; and

9 (C) motor number or serial number.

10 (2) Empty weight determination.

11 (A) The weight of a Motor Bus shall be the empty weight plus carrying capacity,  
12 in accordance with Transportation Code, §502.055.

13 (B) The weight of a vehicle cannot be lowered below the weight indicated on a  
14 Manufacturer's Certificate of Origin unless a corrected Manufacturer's Certificate of Origin is obtained.

15 (C) In all cases where the department questions the empty weight of a particular  
16 vehicle, the applicant should present a weight certificate from a public weight scale or the Department of  
17 Public Safety.

18 (3) Gross weight.

19 (A) Determination of Weight. The combined gross weight of vehicles registering  
20 for combination license plates shall be determined by the empty weight of the truck or truck-tractor  
21 combined with the empty weight of the heaviest semitrailer or semitrailers used or to be used in  
22 combination therewith, plus the heaviest net load to be carried on such combination during the motor

1 vehicle registration year, provided that in no case may the combined gross weight be less than 18,000  
2 pounds.

3 (B) Restrictions. The following restrictions apply to combined gross weights.

4 (i) After a truck or truck-tractor is registered for a combined gross weight,  
5 such weight cannot be lowered at any subsequent date during the registration year. The owner may,  
6 however, lower the gross weight when registering the vehicle for the following registration year, provided  
7 that the registered combined gross weight is sufficient to cover the heaviest load to be transported during  
8 the year and provided that the combined gross weight is not less than 18,000 pounds.

9 (ii) A combination of vehicles is restricted to a total gross weight not to  
10 exceed 80,000 pounds; however, all combinations may not qualify for 80,000 pounds unless such weight  
11 can be properly distributed in accordance with axle load limitations, tire size, and distance between axles,  
12 in accordance with Transportation Code, §623.011.

13 (4) Motor number or serial number. Ownership must be established by a court order if no  
14 motor or serial number can be identified. Once ownership has been established, the department will  
15 assign a number upon payment of the fee.

16 (5) Accompanying documentation. Unless otherwise exempted by law, completed  
17 applications for commercial license plates shall be accompanied by:

18 (A) prescribed registration fees;

19 (B) prescribed local fees or other fees that are collected in conjunction with  
20 registering a vehicle;

21 (C) evidence of financial responsibility as required by Transportation Code,  
22 §502.046 if the applicant is a motor carrier as defined by §218.2 of this title (relating to Definitions), proof  
23 of financial responsibility may be in the form of a registration listing or an international stamp indicating

1 that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to Motor  
2 Carrier Registration);

3 (D) an application for Texas Title in accordance with Subchapter A of this chapter,  
4 or other proof of ownership;

5 (E) proof of payment of the Federal Heavy Vehicle Use Tax, if applicable;

6 (F) an original or certified copy of the current permit issued in accordance with  
7 Occupations Code, Chapter 2308, Subchapter C, if application is being made for Tow Truck license plates;  
8 and

9 (G) other documents or fees required by law.

10 (6) Proof of payment required. Proof of payment of the Federal Heavy Vehicle Use Tax is  
11 required for vehicles with a gross registration weight of 55,000 pounds or more, or in cases where the  
12 vehicle's gross weight is voluntarily increased to 55,000 pounds or more. Proof of payment shall consist  
13 of an original or photocopy of the Schedule 1 portion of Form 2290 received by the Internal Revenue  
14 Service (IRS), or a copy of the Form 2290 with Schedule 1 attached as filed with the IRS, along with a  
15 photocopy of the front and back of the canceled check covering the payment to the IRS.

16 (7) Proof of payment not required. Proof of payment of the Federal Heavy Vehicle Use  
17 Tax is not required:

18 (A) for new vehicles when an application for title and registration is supported by  
19 a Manufacturer's Certificate of Origin;

20 (B) on used vehicles when an application for title and registration is filed within  
21 60 days from the date of transfer to the applicant as reflected on the assigned title, except that proof of  
22 payment will be required when an application for Texas title and registration is accompanied by an out-  
23 of-state title that is recorded in the name of the applicant;

1 (C) when a vehicle was previously wrecked, in storage, or otherwise out of service  
2 and, therefore, not registered or operated during the current registration year or during the current tax  
3 year, provided that a non-use affidavit is signed by the operator; and

4 (D) as a prerequisite to registration of vehicles apprehended for operating  
5 without registration or reciprocity or when an owner or operator purchases temporary operating permits  
6 or additional weight.

7 (d) Renewal of commercial license plates.

8 (1) Registration period. The department will establish the registration period for  
9 commercial vehicles, unless specified by statute. Commercial license plates are issued for established  
10 annual registration periods as follows.

11 (A) March expiration. If a fleet under §217.54 of this title (relating to Registration  
12 of Fleet Vehicles) contains a vehicle with a combination license plate, the established annual registration  
13 period for the fleet is April 1st through March 31st.

14 (B) Five-year registration with March 31st expiration. The following license plates  
15 are available with a five-year registration period. Registration fees for the license plates listed below may  
16 be paid on an annual basis, or may be paid up front for the entire five-year period:

17 (i) Five-year Rental Trailer license plates issued for rental trailers that are  
18 part of a rental fleet; and

19 (ii) Five-year Token Trailer license plates, available to owners of  
20 semitrailers to be used in combination with truck-tractors displaying Apportioned or Combination license  
21 plates.

1                   (2) License Plate Renewal Notice. The department will mail a License Plate Renewal  
2 Notice, indicating the proper registration fee and the month and year the registration expires, to each  
3 vehicle owner approximately six to eight weeks prior to the expiration of the vehicle's registration.

4                   (3) Return of License Plate Renewal Notices. License Plate Renewal Notices should be  
5 returned by the vehicle owner to the department or the appropriate county tax assessor-collector, as  
6 indicated on the License Plate Renewal Notice. Unless otherwise exempted by law, License Plate Renewal  
7 Notices may be returned either in person or by mail, and shall be accompanied by:

8                                 (A) statutorily prescribed registration renewal fees;

9                                 (B) prescribed local fees or other fees that are collected in conjunction with  
10 registration renewal;

11                                (C) evidence of financial responsibility as required by Transportation Code,  
12 §502.046; and

13                                (D) other prescribed documents or fees.

14                   (4) Lost or destroyed License Plate Renewal Notice. If a License Plate Renewal Notice is  
15 lost, destroyed, or not received by the vehicle owner, the vehicle may be registered if the owner presents  
16 personal identification acceptable to the county tax assessor-collector. Failure to receive the notice does  
17 not relieve the owner of the responsibility to renew the vehicle's registration.

18                   (e) Transfer of commercial vehicle license plates.

19                               (1) Transfer between persons. With the exceptions noted in paragraph (3) of this  
20 subsection, when ownership of a vehicle displaying commercial vehicle license plates is transferred,  
21 application for transfer of such license plates shall be made with the county tax assessor-collector in the  
22 county in which the purchaser resides. If the purchaser does not intend to use the vehicle in a manner

1 that would qualify it for the license plates issued to that vehicle, such plates must be exchanged for the  
2 appropriate license plates.

3 (2) Transfer between vehicles. Commercial vehicle license plates are non-transferable  
4 between vehicles.

5 (3) Transfer of Apportioned and Tow Truck license plates. Apportioned and Tow Truck  
6 license plates are non-transferable between persons or vehicles, and become void if the vehicle to which  
7 the license plates were issued is sold.

8 (f) Replacement of lost, stolen, or mutilated commercial vehicle license plates. An owner of lost,  
9 stolen, or mutilated commercial vehicle license plates may obtain replacement license plates by filing an  
10 Application for Replacement Plates and remitting the prescribed fee to the county tax assessor-collector  
11 of the county in which the owner resides.

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

14 Issued at Austin, Texas, on 2/10/2020

15 /s/ Tracey Beaver  
16 Tracey Beaver, General Counsel  
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