

1 **ADOPTION OF**

2 **SUBCHAPTER A. MOTOR VEHICLE TITLES**

3 **43 TAC §217.15**

4 **INTRODUCTION.** The Texas Department of Motor Vehicles adopts new 43 TAC §217.15 concerning title
5 issuance to a government agency for a travel trailer under Transportation Code §501.0341. The
6 department adopts new §217.15 without changes to the proposed text as published in the August 30,
7 2019 issue of the *Texas Register* (44 TexReg 4678).

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9 **REASONED JUSTIFICATION.** Section 217.15 is necessary to implement House Bill 2315, 86th Legislature,
10 Regular Session (2019), which added Transportation Code §501.0341. House Bill 2315 requires the
11 department to establish a process for the department to issue a title to a government agency for a travel
12 trailer used by the government agency to provide temporary housing in response to a natural disaster or
13 other declared emergency. House Bill 2315 was filed as a result of a recommendation from the report
14 titled “*Eye of the Storm*,” created by the Governor’s Commission to Rebuild Texas in the aftermath of
15 Hurricane Harvey.

16 Implementation of HB 2315 will ensure an expedited process for issuing titles to government
17 agencies that provide temporary housing in response to a natural disaster or other declared emergency
18 and protect the governmental agency from fraud by ensuring an accurate record of ownership. House Bill
19 2315 also provided exemptions to certain requirements for a manufactured home purchased by a federal
20 government agency and used to provide temporary housing in response to a natural disaster or other
21 declared emergency. Section 217.15 does not address these exemptions since manufactured housing is
22 not subject to Transportation Code Chapter 501 and is not regulated by the department.

1 Section 217.15 establishes the process for a government agency to apply for and receive a title
2 for a travel trailer used by the government agency to provide temporary housing in response to a natural
3 disaster or other declared emergency. Section 217.15 will apply to a Texas state agency, a political
4 subdivision of the state, and a United States government agency.

5 Section 217.15(a) clarifies that a government agency may apply directly to the department for a
6 title for a travel trailer used by the government agency to provide temporary housing in response to a
7 natural disaster or other declared emergency. Section 217.15(a) clarifies that a travel trailer owned or
8 operated by the United States, or transferred to a state agency from the United States, or used by a
9 governmental agency, to provide temporary housing in response to a natural disaster or other declared
10 emergency may have a title issued under §217.15.

11 Section 217.15(b) requires a government agency to comply with the title application requirements
12 in §217.4, except for the requirement to apply for title with the county tax assessor-collector. The
13 governmental agency must still comply with the time for application, information included on the
14 application, and accompanying documentation requirements under §217.4(a), (c), and (d).

15 Section 217.15(c) provides that the department will issue title without payment of a fee unless
16 the government agency is also applying for registration, in which case the government agency must pay
17 any applicable state inspection fee. Texas state agencies and political subdivisions of the state are already
18 exempt from payment of a title application fee under Transportation Code §501.138. The title application
19 fee will be waived for United States government agencies under the requirement that the department
20 will automatically issue a title under Transportation Code §501.0341.

21 In addition, vehicles owned by the United States, Texas state agencies, and political subdivisions
22 of the state are already exempt from payment of registration fees under Transportation Code §§502.451,
23 502.452, and 502.453; however, they are not exempt from payment of the applicable state inspection

1 fee. The registration fee will be waived for United States government agencies since registration will be
2 issued in accordance with Transportation Code §§502.451, 502.452, and 502.453. Travel trailers are
3 considered trailers for purposes of the inspection fee and are subject to inspection under Transportation
4 Code §548.051. Of the \$12.50 inspection fee required by Transportation Code §548.501, \$7.50 of that fee
5 is remitted to the state.

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7 **SUMMARY OF COMMENTS.**

8 No comments on the new section were received.

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10 **STATUTORY AUTHORITY.** The department adopts new §217.15 under Transportation Code §§501.0041,
11 501.0341, and 1002.001.

12 Transportation Code §501.0041 authorizes the department to adopt rules to administer Chapter
13 501.

14 Transportation Code §501.0341 requires the department to establish, by rule, a process to
15 automatically issue a title to a government agency for a travel trailer used by the government agency to
16 provide temporary housing in response to a natural disaster or other declared emergency.

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

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21 **CROSS REFERENCE TO STATUTE.** Transportation Code §§501.004, 501.021, 501.022, 501.023, and
22 501.0341.

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1 **TEXT.**

2 **Subchapter A. Motor Vehicle Titles**

3 **43 TAC §217.15**

4 §217.15. Title Issuance to Government Agency for Travel Trailer.

5 (a) A government agency may apply to the department for a title to a travel trailer purchased by
6 or transferred to the government agency if the travel trailer is being used as temporary housing in
7 response to a natural disaster or other declared emergency.

8 (b) A government agency applying for a title under subsection (a) of this section must comply with
9 §217.4(a), (c), and (d) of this title (relating to Initial Application for Title).

10 (c) The department will issue a title to a government agency under this section without payment
11 of a fee if the government agency is not applying for registration at the same time. If the government
12 agency is also applying for registration, the government agency must pay any applicable state inspection
13 fee to the department at the time of application.

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

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

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19 /s/ Tracey Beaver
20 Tracey Beaver, General Counsel