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**SUBCHAPTER I. FEES**

**43 TAC §217.182**

**INTRODUCTION.** The Texas Department of Motor Vehicles (department) proposes to amend section 43 TAC §217.182 concerning Registration Transactions. These amendments implement Transportation Code, §504.002, as amended by House Bill 1548, 86<sup>th</sup> Legislature, Regular Session (2019). Transportation Code, §504.002(b) authorizes the department, if necessary to cover costs of issuing license plates for golf carts under §551.402 or off-highway vehicles under §551A.052, to charge an administrative fee for the issuance of a golf-cart or off-highway vehicle license plate.

**EXPLANATION.**

Amended §217.182(5) inserts the word “license” before plate. This amendment is necessary to accurately reflect that an administrative fee is being assessed for a golf cart license plate under Transportation Code, §551.402, and to achieve consistency throughout the entire rule in the use of the term “license plate.”

Amended §217.182(6) inserts the word “license” before plate. This amendment is necessary to accurately reflect that an administrative fee is being assessed for a golf cart, neighborhood electric vehicle, or off-highway vehicle operated as a package delivery vehicle license plate under Transportation Code, §551.452, and to achieve consistency throughout the entire rule in the use of the term “license plate.”

Proposed new §217.182(7) adds issuance of an off-highway vehicle license plate under Transportation Code, §551A.052, to the list of registration transactions for which an administrative fee may be assessed.

**FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Linda M. Flores, Chief Financial Officer, has determined that for each year of the first five years the amendments will be in effect, there will be no

1 fiscal impact to state or local governments as a result of the enforcement or administration of the proposal  
2 because the fee assessed for the issuance of an off-highway vehicle license plate will cover the  
3 department's administrative costs. Jeremiah Kuntz, Director of the Vehicle Titles and Registration Division  
4 (VTR), has determined that there will be no measurable effect on local employment or the local economy  
5 as a result of the proposal because the administrative fee of \$4.75 for issuance of an off-highway vehicle  
6 license plate is a negligible amount for most businesses.

7 **PUBLIC BENEFIT AND COST NOTE.** Mr. Kuntz has also determined that, for each year of the first five years  
8 amended section is in effect, there are public benefits anticipated because the amendments to  
9 §217.182(5) and §217.182(6) will result in a consistent use of the term "vehicle license plate" in the rule  
10 and eliminate potential public confusion.

11 Mr. Kuntz anticipates that there will be costs to comply with these rules. The cost to persons  
12 required to comply with the proposal will be \$4.75 to be paid as an administrative fee for an off-highway  
13 vehicle license plate.

14 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government  
15 Code, §2006.002, the department has determined that the proposed amendments will not have an  
16 adverse economic effect on small businesses, micro-business, or rural communities. Therefore, the  
17 department is not required to prepare a regulatory flexibility analysis under Government Code,  
18 §2006.002.

19 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests  
20 are affected by this proposal and that this proposal does not restrict or limit an owner's right to property  
21 that would otherwise exist in the absence of government action and, therefore, does not constitute a  
22 taking or require a takings impact assessment under the Government Code, §2007.043.

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1 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the  
2 first five years the proposed amendments are in effect, no government program would be created or  
3 eliminated. Implementation of the proposed amendments would not require the creation of new  
4 employee positions or elimination of existing employee positions. Implementation would not require an  
5 increase or decrease in future legislative appropriations to the department. The proposed amendments  
6 will not affect this state's economy. However, the proposed amendments would require an increase in  
7 fees paid to the department due to the administrative fee authorized by HB 1548 and charged by the  
8 department to cover the cost of issuing an off-highway vehicle license plate. Similarly, the proposed  
9 amendments create a new regulation by requiring the payment of an administrative fee for an off-  
10 highway vehicle license plate, and increase the number of individuals subject to the rule's applicability by  
11 extending this fee requirement to off-highway vehicles.

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13 **REQUEST FOR PUBLIC COMMENT**

14 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on May 18,  
15 2020. A request for a public hearing must be sent separately from your written comments. Send written  
16 comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas  
17 Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the  
18 department will consider written comments and public testimony presented at the hearing.

19

20 **STATUTORY AUTHORITY.** The department proposes amendments to §217.182 under Transportation  
21 Code, §504.002(b), § 551.402(c), and §551A.052(c). Transportation Code §504.002(b) authorizes the  
22 department, if necessary to cover the cost of issuing license plates for golf carts or off-highway vehicles,  
23 to charge an administrative fee in an amount set by department rule. Transportation Code §551.402(c)

1 directs the department to establish a procedure to issue license plates to golf carts and authorizes the  
2 department to charge a fee not to exceed \$10 to cover the cost of the license plate. Transportation Code,  
3 §551A.052(c) directs the department to establish a procedure to issue license plates to off-highway  
4 vehicles, and authorizes the department to charge a fee not to exceed \$10 to cover the cost of the license  
5 plate. Transportation Code, §1002.001 authorizes the board to adopt rules that are necessary and  
6 appropriate to implement the powers and the duties of the department.

7

8 **CROSS REFERENCE TO STATUTE.** Transportation Code, Chapters 502, 504, and 551A.

9

10 **TEXT.**

11

#### **Subchapter I. Fees**

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#### **43 TAC §217.182**

13 §217.182. Registration Transaction. As used in this subchapter, a “registration transaction” is a  
14 registration or registration renewal under Transportation Code, Chapter 502, or a transaction to issue the  
15 following:

16 (1) a registration, registration renewal, or permit issued under Transportation Code,  
17 Chapter 502, Subchapter C (Special Registrations);

18 (2) a license plate issued under Transportation Code, §502.146;

19 (3) a temporary additional weight permit under Transportation Code, §502.434;

20 (4) a license plate or license plate sticker under Transportation Code, §§504.501, 504.502,  
21 504.506, or 504.507;

22 (5) a golf cart license plate under Transportation Code, §551.402; [øø]

23 (6) a package delivery vehicle license plate under Transportation Code, §551.452; or [-]

