1   **ADOPTION OF**

2   **SUBCHAPTER B. PAYMENT OF FEES FOR DEPARTMENT GOODS AND SERVICES**

3   **43 TAC §209.23**

4   **INTRODUCTION.** The Texas Department of Motor Vehicles (department) adopts an amendment to 43

5   TAC §209.23, concerning payment of fees for department goods and services. The department adopts

6   §209.23 without changes to the proposed text as published in the August 21, 2020, issue of the *Texas*

7   *Register* (45 TexReg 5869). The amendment is necessary to conform §209.23 to proposed amendments

8   to 43 TAC §219.11, which is also published in this issue of the *Texas Register*.

9

10   **REASONED JUSTIFICATION.** The adopted amendment to §209.23 is necessary to remove unnecessary

11   citations to statutes and to conform §209.23 to proposed amendments to Title 43 TAC §219.11, which is

12   also adopted in this issue of the *Texas Register*. Amendments to §219.11(f)(1)(A) and (B) are adopted to

13   remove two escrow account payment methods for purchasing oversize or overweight permits in order to

14   streamline department processes to improve program efficiency.

15   The adopted amendment to §209.23 deletes most of the language regarding the use of escrow

16   accounts, including use of permit account cards for payment for oversize overweight vehicle permits. The

17   amendment removes unnecessary citations to statutes and conforms §209.23 to the adopted

18   amendments to §219.11(f)(1)(A) and (B), which remove escrow accounts as an acceptable payment

19   method for oversize oroverweight permits.

20

21   **SUMMARY OF COMMENTS.**

22   No comments on the proposed amendments were received.

1   **STATUTORY AUTHORITY.** The department adopts an amendment to §209.23 under Transportation Code

2   §1001.009 and §1002.001.

3   Transportation Code §1001.009 authorizes the Board of the Texas Department of Motor Vehicles

4   (board) to adopt rules regarding the method of collection of a fee for any goods or services provided by

5   the department.

6   Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and

7   appropriate to implement the powers and the duties of the department under the Transportation Code.

8   **CROSS REFERENCE TO STATUTE.** Transportation Code Chapters 502, 621, 622, 623, 643, and 645**.**

9

10   **SUBCHAPTER B. PAYMENT OF FEES FOR DEPARTMENT GOODS AND SERVICES**

11   **43 TAC §209.23**

12   **TEXT.**

13   §209.23. Methods of Payment.

14   (a) All fees for department goods and services and any fees required in the administration of any

15   department program shall be paid to the department with a method of payment accepted by the

16   department at the point of sale, which may be:

17   (1) a valid debit or credit card, approved by the department, and issued by a financial

18   institution chartered by a state or the United States, or a nationally recognized credit organization;

19   (2) electronic funds transfer;

20   (3) a personal check, business check, cashier's check, or money order, payable to the

21   Texas Department of Motor Vehicles, except that a personal or business check is not an acceptable

22   method of payment of fees under Transportation Code, §502.094;

1   (4) cash in United States currency, paid in person; or

2   (5) by an escrow account, established with the department for the specific purpose of

3   paying fees [required by Transportation Code, Chapters 502, 621, 622, 623, 643, or 645. Use of an

4   escrow account includes use of a Permit Account Card (PAC) for payment of Oversize/Overweight

5   vehicle permit fees, as authorized by §219.11(f)(1)(A) of this title (relating to General

6   Oversize/Overweight Permit Requirements and Procedures)].

7   (b) Persons paying the department by credit card or Automated Clearing House (ACH) shall pay

8   any applicable service charge per transaction.

9

10   **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be a

11   valid exercise of the agency's legal authority.

12   Issued at Austin, Texas, on December 10, 2020.

13

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