

1 **ADOPTION OF**

2 **SUBCHAPTER A. MOTOR VEHICLE TITLES**

3 **43 TAC §217.3**

4 **INTRODUCTION.** The Texas Department of Motor Vehicles adopts amendments to 43 TAC §217.3
5 concerning motor vehicle titles. The amended section removes the reference to the list of certified
6 mopeds published by the Texas Department of Public Safety (DPS) because that list will no longer be
7 maintained. DPS is no longer maintaining the list in response to House Bill (HB) 3171, 86th Legislature,
8 Regular Session (2019). House Bill 3171 repealed Transportation Code §521.225, which required DPS to
9 maintain the list. The department adopts the amendments to §217.3 without changes to the proposed
10 text as published in the October 16, 2020 issue of the Texas Register (45 TexReg 7407). The rule will not
11 be republished.

12 **REASONED JUSTIFICATION.** The amendment to §217.3(1)(B) eliminates the reference to the list of
13 certified mopeds published by DPS and clarify that determinations on whether a motor vehicle may be
14 titled as a moped will be based on the definition of moped in Transportation Code §541.201. Previously,
15 DPS provided a list of certified mopeds for use when county tax assessor-collector offices processed title
16 applications. Transportation Code §521.225, which required that the list be maintained, was repealed by
17 HB 3171. Because that list is no longer maintained, determinations will be based on the statutory
18 definition of moped. Transportation Code §541.201(8) defines moped as, "a motor vehicle that is
19 equipped with a rider's saddle and designed to have when propelled not more than three wheels on the
20 ground, that cannot attain a speed in one mile of more than 30 miles per hour, and the engine of which
21 cannot produce more than five-brake horsepower; and if an internal combustion engine, has a piston
22 displacement of 50 cubic centimeters or less and connects to a power drive system that does not require
23 the operator to shift gears." If the vehicle meets the definition, it will be titled as a moped. The

1 amendments are not changing or adding requirements for the definition of moped, but are removing the
2 requirement that a motor vehicle be listed on the certified moped list before titling as a moped.

3 **SUMMARY OF COMMENTS.** The department received no comments on the proposal.

4 **STATUTORY AUTHORITY.** The department adopts amendments to §217.3 under Transportation Code
5 §501.0041 and §1002.001.

6 Transportation Code §501.0041 authorizes the department to adopt rules to administer Chapter
7 501.

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

10 **CROSS REFERENCE TO STATUTE.** Transportation Code §501.021 and §501.022.

11 **TEXT.**

12 **SUBCHAPTER A. MOTOR VEHICLE TITLES**

13 **43 TAC §217.3**

14 §217.3. Motor Vehicle Titles.

15 Unless otherwise exempted by law or this chapter, the owner of any motor vehicle that is required
16 to be titled, including any motor vehicle required to be registered in accordance with Transportation Code
17 Chapter 502, shall apply for a Texas title in accordance with Transportation Code Chapter 501 or 731.

18 (1) Motorcycles, autocycles, and mopeds.

19 (A) The title requirements for a motorcycle, autocycle, and moped are the same
20 requirements prescribed for any motor vehicle.

21 (B) A vehicle that meets the criteria for a moped under Transportation Code
22 §541.201(8) ~~[and has been certified as a moped by the Department of Public Safety]~~ will be registered and
23 titled as a moped. ~~[If the vehicle does not appear on the list of certified mopeds published by that agency,~~

1 ~~the vehicle will be treated as a motorcycle for title and registration purposes.]~~

2 (2) Farm vehicles.

3 (A) The term "motor vehicle" does not apply to implements of husbandry, which
4 may not be titled.

5 (B) Farm tractors owned by agencies exempt from registration fees in accordance
6 with Transportation Code §502.453, are required to be titled and registered with "Exempt" license plates
7 issued in accordance with Transportation Code §502.451.

8 (C) Farm tractors used as road tractors to mow rights of way or used to move
9 commodities over the highway for hire are required to be registered and titled.

10 (D) Owners of farm trailers and farm semitrailers with a gross weight of 34,000
11 pounds or less may apply for a Texas title. Owners of farm trailers and farm semitrailers with a gross
12 weight in excess of 34,000 pounds shall apply for a Texas title. If a farm trailer or farm semitrailer with a
13 gross weight of 34,000 pounds or less has been titled previously, any subsequent owner shall apply for a
14 Texas title for the farm trailer or farm semitrailer.

15 (3) Neighborhood electric vehicles. The title requirements of a neighborhood electric
16 vehicle (NEV) are the same requirements prescribed for any motor vehicle.

17 (4) Trailers, semitrailers, and house trailers. Owners of trailers and semitrailers shall apply
18 for a Texas title for any trailer or semitrailer with a gross weight in excess of 4,000 pounds. Owners of
19 trailers and semitrailers with a gross weight of 4,000 pounds or less may apply for a Texas title. If a trailer
20 or semitrailer with a gross weight of 4,000 pounds or less has been titled previously, any subsequent
21 owner shall apply for a Texas title for the trailer or semitrailer. House trailer-type vehicles must meet the
22 criteria outlined in subparagraph (C) of this paragraph to be titled:

23 (A) The rated carrying capacity will not be less than one-third of its empty weight.

1 (B) Mobile office trailers, mobile oil field laboratories, and mobile oil field
2 bunkhouses are not designed as dwellings, but are classified as commercial semitrailers and must be
3 registered and titled as commercial semitrailers if operated on the public streets and highways.

4 (C) House trailer-type vehicles and camper trailers must meet the following
5 criteria in order to be titled.

6 (i) A house trailer-type vehicle that is less than eight feet six inches in
7 width or less than 45 feet in length is classified as a travel trailer and shall be registered and titled.

8 (ii) A camper trailer shall be titled as a house trailer and shall be registered
9 with travel trailer license plates.

10 (iii) A recreational park model type trailer that is primarily designed as
11 temporary living quarters for recreational, camping or seasonal use, is built on a single chassis, and is 400
12 square feet or less when measured at the largest horizontal projection when in the set up mode shall be
13 titled as a house trailer and may be issued travel trailer license plates.

14 (5) Assembled vehicles. The title requirements for assembled vehicles are prescribed in
15 Subchapter L of this title (relating to Assembled Vehicles).

16 (6) Not Eligible for Title. The following are not eligible for a Texas title regardless of the
17 vehicle's previous title or registration in this or any other jurisdiction:

18 (A) vehicles that are missing or are stripped of their motor, frame, or body, to the
19 extent that the vehicle loses its original identity or makes the vehicle unsafe for on-road operation as
20 determined by the department;

21 (B) vehicles designed by the manufacturer for on-track racing only;

22 (C) vehicles designed or determined by the department to be for off-highway use
23 only, unless specifically defined as a "motor vehicle" in Transportation Code Chapter 501; or

1 (D) vehicles assembled, built, constructed, rebuilt, or reconstructed in any
2 manner with:

3 (i) a body or frame from a vehicle which is a "nonrepairable motor
4 vehicle" as that term is defined in Transportation Code §501.091(9); or

5 (ii) a motor or engine from a vehicle which is flood damaged, water
6 damaged, or any other term which may reasonably establish the vehicle from which the motor or engine
7 was obtained is a loss due to a water related event.

8 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be
9 within the state agency's legal authority to adopt.

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

11 /s/ Tracey Beaver
12 Tracey Beaver, General Counsel