

**ADOPTION OF
SUBCHAPTER I. FEES
43 TAC §217.182**

INTRODUCTION. The Texas Department of Motor Vehicles adopts amendments to Title 43 Texas Administrative Code (TAC) §217.182 concerning Registration Transactions. These amendments implement Transportation Code, §504.002, as amended by House Bill (HB) 1548, 86th Legislature, Regular Session (2019). The department adopts §217.182 without changes to the proposed rule text in the April 17, 2020 issue of the *Texas Register* (45 TexReg 2535).

EXPLANATION.

The amendment to §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."

The amendment to §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 issued 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."

New §217.182(7) adds issuance of an off-highway vehicle license plate under Transportation Code §551A.052, to the list of registration transactions. A registration transaction is a transaction for which an administrative fee, called a processing and handling fee, is assessed to cover the costs of collecting fees for issuing license plates and other resignation insignia. The administrative fee to cover the costs of issuing an off-highway vehicle license plate is authorized in Transportation Code §504.002(b) as amended by HB 1548 86th Legislature, Regular Session (2019). Processing and handling fees are authorized in

1 Transportation Code §502.1911. For purposes of Transportation Code §551.452 and §551A.052, off-
2 highway vehicles are defined in Transportation Code §551A.001.

3 **SUMMARY OF COMMENTS.** The department received one comment on the proposal. The Lubbock
4 County Tax Assessor-Collector commented in support of the proposal with changes.

5 **§217.182**

6 **Comment.**

7 A commenter noted that County Road and Bridge Fees were not mentioned in the proposal. The
8 commenter added that the County Road and Bridge Fees should be collected and remitted to each county.

9 **Agency Response.**

10 The department agrees with the comment to the extent that County Road and Bridge Fees are
11 not mentioned in the proposal. The proposal provides that an off-highway vehicle license plate under
12 Transportation Code §551A.052 is a registration transaction in §217.182, and makes two changes for
13 consistent references. The proposal does not affect the collection or remittance of County Road and
14 Bridge Fees. Addressing the collection or remittance of county road and bridge fees in this adoption would
15 involve matters not noticed in the proposal. As such, the department makes no changes based on this
16 comment.

17 **STATUTORY AUTHORITY.** The department proposes amendments to §217.182 under Transportation
18 Code, §§504.002(b), 551.402(c), and 551A.052(c).

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

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

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

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

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

6 **TEXT.**

7 **SUBCHAPTER I. FEES**

8 **43 TAC §217.182**

9 §217.182. Registration Transaction.

10 As used in this subchapter, a "registration transaction" is a registration or registration renewal under
11 Transportation Code, Chapter 502, or a transaction to issue the following:

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

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

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

16 (4) a license plate or license plate sticker under Transportation Code, §§504.501, 504.502,
17 504.506, or 504.507;

18 (5) a golf cart license plate under Transportation Code, §551.402; or

19 (6) a package delivery vehicle license plate under Transportation Code, §551.452.

20 (7) an off-highway vehicle license plate under Transportation Code, §551A.052.

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

23 Issued at Austin, Texas, on August 6, 2020.

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/s/ Tracey Beaver
Tracey Beaver, General Counsel

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