

1 **PROPOSAL OF**

2 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

3 **43 TAC §217.56**

4 **INTRODUCTION.** The Texas Department of Motor Vehicles (department) proposes amendments to 43 TAC
5 §217.56 concerning vehicle registration reciprocity agreements. The amendments are necessary to
6 implement Transportation Code §502.091(b), which authorizes the department to require an applicant
7 for vehicle registration under the International Registration Plan (IRP) to register under the Unified Carrier
8 Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) before applying for vehicle
9 registration under the IRP if the applicant is required to register under UCR. The amendments are also
10 necessary to delete certain definitions because the relevant terms are defined in the IRP. The
11 amendments are also necessary to incorporate by reference the current edition of the IRP dated January
12 1, 2021. All amendments are substantive, except for the deletion of the definitions.

13 **EXPLANATION.** Amendments to §217.56(c)(2)(B) are necessary to incorporate by reference the current
14 edition of the IRP dated January 1, 2021. Texas is bound by the IRP, which is a vehicle registration
15 reciprocity agreement between the 48 contiguous states, the District of Columbia, and the Canadian
16 provinces. Section 217.56 must incorporate the latest edition of the IRP because it contains language
17 regarding the nature and requirements of vehicle registration under the IRP. Texas is a member of the
18 IRP, as authorized by Transportation Code §502.091 and 49 U.S.C. §31704, and must comply with the
19 current version of the IRP. The jurisdictions that are members of the IRP amended the January 1, 2019
20 edition of the IRP as follows to create the January 1, 2021 edition of the IRP: amended Section 1325
21 regarding the composition of the Board of Directors of the Repository, and added a new Dispute
22 Resolution Committee decision.

1 Amendments to §217.56(c)(2)(B) are also necessary to delete definitions because the relevant
2 terms are defined in the IRP. It is not necessary to repeat any definitions from the IRP in §217.56(c)(2)
3 because the IRP is adopted by reference in §217.56(c)(2)(B). Also, most of the defined terms in the
4 definitions in §217.56(c)(2)(B) do not appear in §217.56(c)(2) other than in the definitions.

5 The amendment to §217.56(c)(2)(C)(i) is necessary to implement Transportation Code
6 §502.091(b) by requiring an applicant for vehicle registration under the IRP to register under UCR before
7 applying for IRP registration if the applicant is required to register under UCR. Texas participates in UCR,
8 which is a federal registration program that is administered by the 41 states that participate in UCR
9 (participating states) under 49 U.S.C. §14504a. Motor carriers and motor private carriers (motor carriers),
10 as well as brokers, freight forwarders, and leasing companies (transportation service providers), that
11 provide interstate transportation services must register under UCR and pay the fees under §14504a and
12 49 C.F.R. §367.20, *et seq.* Texas is authorized to participate in UCR under Transportation Code Chapter
13 645 and 43 TAC §218.17.

14 The department currently enforces UCR through audits and administrative enforcement actions.
15 The amendment to §217.56(c)(2)(C)(i) requires an applicant for IRP to provide the department with a copy
16 of the applicant's receipt under UCR to prove the applicant is currently registered under UCR if the
17 applicant is required to register under UCR. The department believes the amendment to
18 §217.56(c)(2)(C)(i) will help Texas comply with the 85% UCR compliance rate as required by the UCR State
19 Performance Standards dated January 28, 2020. The department also believes the amendment will help
20 Texas increase its UCR compliance rate. Texas achieved a UCR compliance rate of 88.37% for UCR
21 registration year 2019, and 85.39% for UCR registration year 2020. Also, as more of the participating states
22 increase their UCR compliance rate, it increases the chances that the Federal Motor Carrier Safety

1 Administration (FMCSA) will reduce the UCR fees for all motor carriers and transportation service
2 providers.

3 The UCR State Performance Standards require each participating state to achieve a minimum of
4 an 85% UCR registration compliance rate by the end of each UCR registration period, which is the period
5 during which registration fees are collected for each UCR registration year. The UCR registration
6 compliance rate for a state is determined for each UCR registration period by dividing the total number
7 of UCR registrations for that state by the total number of people, including sole proprietors and legal
8 entities, that are required to have UCR registration in that state. According to the UCR State Performance
9 Standards, states that do not demonstrate the ability to achieve the 85% registration compliance rate
10 must submit a remedial action plan to the UCR Audit Subcommittee that identifies actions the state has
11 taken or will take to help ensure future compliance with the 85% registration compliance rate. The UCR
12 State Performance Standards also require participating states to undergo periodic compliance reviews
13 which are administered with oversight from the UCR Audit Subcommittee and the UCR Board of Directors.

14 The current UCR Handbook says the participating states enforce the payment of UCR fees in a
15 variety of ways. The UCR Handbook also says that some states deny a motor carrier its vehicle registration
16 under the IRP until the motor carrier completes its UCR registration.

17 If the owner of a commercial vehicle registers its vehicle under the IRP, the vehicle is registered
18 in the 48 contiguous states, as well as the District of Columbia and the Canadian provinces (member
19 jurisdictions). If the owner of a commercial vehicle does not have IRP registration, the owner must
20 generally obtain vehicle registration in each of the member jurisdictions in which the vehicle will travel.
21 Many owners of commercial vehicles that travel through more than one of the member jurisdictions want
22 to get IRP registration because it is an efficient and cost-effective way to obtain vehicle registration at a
23 fraction of the cost. When the owner registers its vehicles with one base member jurisdiction under the

1 IRP, the vehicles are only required to display one license plate that indicates the vehicles are registered in
2 all member jurisdictions. Also, under the IRP, the owner pays vehicle registration fees based on the
3 percentage of travel in each member jurisdiction relative to the total distance traveled in all member
4 jurisdictions. IRP registration is also called apportioned registration because the owner is only required to
5 pay a portion of the registration fees in any member jurisdiction.

6 FMCSA must set the UCR fees in an amount sufficient to collect enough revenue to pay the
7 administrative costs for UCR and to pay the participating states the revenue they are entitled to receive
8 under §14504a(g) and (h), based on the recommendation of the UCR Board under §14504a(d)(7)(A). The
9 41 participating states collect the UCR fees for each UCR registration year. The collected UCR fees are
10 allocated to the states and to pay the administrative costs for UCR under §14504a(g) and (h).

11 FMCSA must increase the UCR fees if there is a shortage of UCR revenue and the UCR board
12 requests an adjustment to the fees. *See* §14504a(d)(7) and (f)(1)(E). When FMCSA proposed to increase
13 the UCR fees in 2010, some commenters stated that the UCR fees should only be raised after the
14 participating states achieved adequate compliance with UCR. *See* Fees for the Unified Carrier Registration
15 Plan and Agreement, 75 Fed.Reg. 21993, 22001 (April 27, 2010). Many commenters stated that raising the
16 UCR fees as proposed was unfair because it increased the burden on compliant motor carriers to the
17 benefit of the non-compliant motor carriers. *Id.* at 22002. One commenter stated that applicants for
18 vehicle registration should be required to show proof of compliance with UCR before their vehicle could
19 be registered. *Id.* FMCSA encouraged more states to register any person, including any entities, for UCR
20 at the same time the states renew vehicle registration, including IRP registration. *Id.* at 21999.

21 FMCSA must reduce the UCR fees if there is a surplus of UCR revenue and the UCR board requests
22 an adjustment to the fees. *See* §14504a(d)(7), (f)(1)(E), and (h)(4). A surplus of UCR revenue occurs when
23 the participating states collect more UCR revenue than is needed to pay the administrative costs for UCR

1 and to pay the participating states the revenue they are entitled to receive under §14504a(g) and (h). The
2 participating states are not allowed to get more UCR revenue than they are entitled to keep under
3 §14504a(g) and (h), even if there is a surplus of UCR revenue. As more of the participating states increase
4 their UCR compliance rate, it increases the chances that FMCSA will reduce the UCR fees for all motor
5 carriers and transportation service providers. The last time FMCSA reduced the UCR fees was in 2020. See
6 Fees for the Unified Carrier Registration Plan and Agreement, 85 Fed. Reg. 8192 (Feb. 13, 2020) (codified
7 at 49 C.F.R. §367.60).

8 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
9 has determined that for each year of the first five years the amendments will be in effect, there will be no
10 fiscal impact to state or local governments as a result of the enforcement or administration of the
11 proposal. Even if Texas increases its UCR compliance rate by requiring an applicant to comply with UCR
12 before the applicant applies for vehicle registration under IRP, doing so will not increase the amount of
13 UCR revenue that Texas gets to keep under 49 U.S.C. §14504a(g) and (h). Jimmy Archer, Director of the
14 Motor Carrier Division (MCD), has determined that there will be no measurable effect on local
15 employment or the local economy as a result of the proposal.

16 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five
17 years amended §217.56 is in effect, there are anticipated public benefits.

18 Anticipated Public Benefits. A public benefit anticipated as a result of the proposal is another
19 mechanism for the department to enforce UCR, which will help Texas comply with the 85% UCR
20 compliance rate as required by the UCR State Performance Standards. Also, as more of the participating
21 states increase their UCR compliance rate, it increases the chances that FMCSA will reduce the UCR fees
22 for all motor carriers and transportation service providers. Another public benefit anticipated as a result
23 of the proposal is an updated rule that references the current version of the IRP.

1 Anticipated Costs to Comply with The Proposal. Mr. Archer anticipates that there will be no costs
2 to comply with this rule. The cost for a person, including a sole proprietorship and any entity, to comply
3 with UCR is required by federal statute and regulations. *See* 49 U.S.C. §14504a and 49 C.F.R. §367.20, *et*
4 *seq.* The amendment to §217.56 merely adds another enforcement mechanism for the department to
5 require a person to comply with the federal statute and regulations with which the person should already
6 be complying.

7 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
8 Code §2006.002, the department has determined that the proposed amendments will not have an
9 adverse economic effect on small businesses, micro-businesses, and rural communities because the cost
10 for a person to comply with UCR is required by federal statute and regulations. *See* 49 U.S.C. §14504a and
11 49 C.F.R. §367.20, *et seq.* The amendment to §217.56 merely adds another enforcement mechanism for
12 the department regarding a person who is already required to comply with the federal law. Therefore,
13 the department is not required to prepare a regulatory flexibility analysis under Government Code,
14 §2006.002.

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

19 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the
20 first five years the proposed amendments are in effect, no government program will be created or
21 eliminated. Implementation of the proposed amendments will not require the creation of new employee
22 positions or elimination of existing employee positions. Implementation will not require an increase or
23 decrease in future legislative appropriations to the department or an increase or decrease of fees paid to

1 the department. The proposed amendments will not create any new regulations. The proposed
2 amendments will expand existing regulations to implement Transportation Code §502.091(b) by adding
3 an enforcement mechanism to enforce existing law. The proposed amendments will not limit or repeal
4 existing regulations. Lastly, the proposed amendments do not affect the number of individuals subject to
5 the rule's applicability and will not affect the Texas economy.

6 **REQUEST FOR PUBLIC COMMENT.** If you want to comment on the proposal, submit your written
7 comments by 5:00 p.m. CST on December 13, 2021.. A request for a public hearing must be sent separately
8 from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov*
9 or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue,
10 Austin, Texas 78731. If a hearing is held, the department will consider written comments and public
11 testimony presented at the hearing.

12 **STATUTORY AUTHORITY.** The department proposes amendments to §217.56 under Transportation Code
13 §§502.091(b), 502.0021, and 1002.001.

14 Transportation Code §502.091(b) authorizes the department to adopt rules to carry out the IRP
15 and to require an applicant for IRP to register under UCR before the applicant applies for registration
16 under IRP.

17 Transportation Code §502.0021 authorizes the department to adopt rules to administer
18 Transportation Code Chapter 502.

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

21 **CROSS REFERENCE TO STATUTE.** Transportation Code §502.091 and §645.001.

22

23 **TEXT.**

1 **Subchapter B. Motor Vehicle Registration**

2 **43 TAC §217.56**

3 §217.56 Registration Reciprocity Agreements

4 (a) Purpose. To promote and encourage the fullest possible use of the highway system and
5 contribute to the economic development and growth of the State of Texas and its residents, the
6 department is authorized by Transportation Code, §502.091 to enter into agreements with duly
7 authorized officials of other jurisdictions, including any state of the United States, the District of Columbia,
8 a foreign country, a state or province of a foreign country, or a territory or possession of either the United
9 States or of a foreign country, and to provide for the registration of vehicles by Texas residents and
10 nonresidents on an allocation or distance apportionment basis, and to grant exemptions from the
11 payment of registration fees by nonresidents if the grants are reciprocal to Texas residents.

12 (b) Definitions. The following words and terms, when used in this section, shall have the following
13 meanings, unless the context clearly indicates otherwise:

14 (1) Cab card--The apportioned vehicle registration receipt that contains, but is not limited
15 to, the vehicle description and the registered weight at which the vehicle may operate in each jurisdiction.

16 (2) Department--The Texas Department of Motor Vehicles.

17 (3) Director--The director of the Motor Carrier Division, Texas Department of Motor
18 Vehicles.

19 (4) Executive director--The chief executive officer of the department.

20 (5) Regional Service Center--A department office which provides specific services to the
21 public, including replacement titles, bonded title rejection letters, and apportioned registration under
22 the International Registration Plan (IRP).

1 (6) Temporary cab card--A temporary registration permit authorized by the department
2 that allows the operation of a vehicle for 30 days subject to all rights and privileges afforded to a vehicle
3 displaying apportioned registration.

4 (c) Multilateral agreements.

5 (1) Authority. The executive director may on behalf of the department enter into a
6 multilateral agreement with the duly authorized officials of two or more other jurisdictions to carry out
7 the purpose of this section.

8 (2) International Registration Plan.

9 (A) Applicability. The IRP is a registration reciprocity agreement among states of
10 the United States and other jurisdictions providing for payment of registration fees on the basis of fleet
11 distance operated in various jurisdictions. Its purpose is to promote and encourage the fullest possible
12 use of the highway system by authorizing apportioned registration for commercial motor vehicles and
13 payment of appropriate vehicle registration fees and thus contributing to the economic development
14 and growth of the member jurisdictions.

15 (B) Adoption. The department adopts by reference the January 1, 2021 ~~January~~
16 ~~1, 2018,~~ edition of the IRP. ~~[Effective January 1, 2019, the department adopts by reference the~~
17 ~~amendments to the IRP with an effective date of January 1, 2019.]~~ The department also adopts by
18 reference the January 1, 2016, edition of the IRP Audit Procedures Manual. In the event of a conflict
19 between this section and the IRP or the IRP Audit Procedures Manual, the IRP and the IRP Audit
20 Procedures Manual control. Copies of the documents are available for review in the Motor Carrier
21 Division, Texas Department of Motor Vehicles. Copies are also available on request. ~~[The following words~~
22 ~~and terms, when used in the IRP or in paragraph (2) of this subsection, shall have the following meanings,~~
23 ~~unless the context clearly indicates otherwise.]~~

- 1 ~~[(i) Apportionable vehicle—Any vehicle—except recreational vehicles,~~
2 ~~vehicles displaying restricted plates, city pickup and delivery vehicles, and government owned vehicles—~~
3 ~~used or intended for use in two or more member jurisdictions that allocate or proportionally register~~
4 ~~vehicles and used either for the transportation of persons for hire or designed, used, or maintained~~
5 ~~primarily for the transportation of property and:]~~
- 6 ~~[(I) is a power unit having two axles and a gross vehicle~~
7 ~~weight or registered gross vehicle weight in excess of 26,000 pounds (11,793.401 kilograms);]~~
- 8 ~~[(II) is a power unit having three or more axles,~~
9 ~~regardless of weight;]~~
- 10 ~~[(III) is used in combination, when the weight of such~~
11 ~~combination exceeds 26,000 pounds (11,793.401 kilograms) gross vehicle weight; or]~~
- 12 ~~[(IV) at the option of the registrant, a power unit, or the~~
13 ~~power unit in a combination of vehicles having a gross vehicle weight of 26,000 pounds (11,793.401~~
14 ~~kilograms) or less.]~~
- 15 ~~[(ii) Commercial vehicle—A vehicle or combination of vehicles designed~~
16 ~~and used for the transportation of persons or property in furtherance of any commercial enterprise,~~
17 ~~for hire or not for hire.]~~
- 18 ~~[(iii) Erroneous issuance—Apportioned registration issued based on~~
19 ~~erroneous information provided to the department.]~~
- 20 ~~[(iv) Established place of business—A physical structure owned or leased~~
21 ~~within the state of Texas by the applicant or fleet registrant and maintained in accordance with the~~
22 ~~provisions of the IRP.]~~

1 ~~[(v) Fleet distance—All distance operated by an apportionable vehicle or~~
2 ~~vehicles used to calculate registration fees for the various jurisdictions.]~~

3 (C) Application.

4 (i) An applicant must submit an application to the department on a form
5 prescribed by the director, along with additional documentation as required by the director. An
6 applicant shall provide the department with a copy of the applicant's receipt under the Unified Carrier
7 Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) to prove the applicant is
8 currently registered under UCR if the applicant is required to register under UCR.

9 (ii) Upon approval of the application, the department will compute the
10 appropriate registration fees and notify the registrant.

11 (D) Fees. Upon receipt of the applicable fees in the form as provided by §209.23
12 of this title (relating to Methods of Payment), the department will issue one or two license plates and
13 a cab card for each vehicle registered.

14 (E) Display of License Plates and Cab Cards.

15 i) The department will issue one license plate for a tractor, truck-tractor,
16 trailer, and semitrailer. The license plate issued to a tractor or a truck-tractor shall be installed on the
17 front of the tractor or truck-tractor, and the license plate issued for a trailer or semitrailer shall be
18 installed on the rear of the trailer or semitrailer.

19 (ii) The department will issue two license plates for all other vehicles that
20 are eligible to receive license plates under the IRP. Once the department issues two license plates for
21 a vehicle listed in this clause, one plate shall be installed on the front of the vehicle, and one plate shall
22 be installed on the rear of the vehicle.

1 (iii) The cab card shall be carried at all times in the vehicle in accordance
2 with the IRP. If the registrant chooses to display an electronic image of the cab card on a wireless
3 communication device or other electronic device, such display does not constitute consent for a peace
4 officer, or any other person, to access the contents of the device other than the electronic image of the
5 cab card.

6 (iv) The authority to display an electronic image of the cab card on a
7 wireless communication device or other electronic device does not prevent the Texas State Office of
8 Administrative Hearings or a court of competent jurisdiction from requiring the registrant to provide a
9 paper copy of the cab card in connection with a hearing, trial, or discovery proceeding.

10 (F) Audit. An audit of the registrant's vehicle operational records may be
11 conducted by the department according to the IRP provisions and the IRP Audit Procedures Manual.
12 Upon request, the registrant shall provide the operational records of each vehicle for audit in unit
13 number order, in sequence by date, and including, but not limited to, a summary of distance traveled
14 by each individual vehicle on a monthly, quarterly, and annual basis with distance totaled separately
15 for each jurisdiction in which the vehicle traveled.

16 (G) Assessment. The department may assess additional registration fees of up to
17 100% of the apportionable fees paid by the registrant for the registration of its fleet in the registration
18 year to which the records pertain, as authorized by the IRP, if an audit conducted under subparagraph
19 (F) of this paragraph reveals that:

20 (i) the operational records indicate that the vehicle did not generate
21 interstate distance in two or more member jurisdictions for the distance reporting period supporting the
22 application being audited, plus the six-month period immediately following that distance reporting
23 period;

1 (ii) the registrant failed to provide complete operational records; or

2 (iii) the distance must be adjusted, and the adjustment results in a
3 shortage of registration fees due Texas or any other IRP jurisdiction.

4 (H) Refunds. If an audit conducted under subparagraph (F) of this paragraph
5 reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund the
6 overpayment of registration fees in accordance with Transportation Code, §502.195 and the IRP. Any
7 registration fees refunded to a carrier for another jurisdiction will be deducted from registration fees
8 collected and transmitted to that jurisdiction.

9 (I) Cancellation or revocation. The director or the director's designee may cancel
10 or revoke a registrant's apportioned registration and all privileges provided by the IRP as authorized by
11 the following:

12 (i) the IRP; or

13 (ii) Transportation Code, Chapter 502.

14 (J) Enforcement of cancelled or revoked registration.

15 (i) Notice. If a registrant is assessed additional registration fees, as
16 provided in subparagraph (G) of this paragraph, and the additional fees are not paid by the due date
17 provided in the notice or it is determined that a registrant's apportioned license plates and privileges
18 should be canceled or revoked, as provided in subparagraph (I) of this paragraph, the director or the
19 director's designee will mail a notice by certified mail to the last known address of the registrant. The notice
20 will state the facts underlying the assessment, cancellation, or revocation; the effective date of the
21 assessment, cancellation, or revocation; and the right of the registrant to request a conference as provided
22 in clause (ii) of this subparagraph.

1 (ii) Conference. A registrant may request a conference upon receipt of a
2 notice issued as provided by clause (i) of this subparagraph. The request must be made in writing to the
3 director or the director's designee within 30 days of the date of the notice. If timely requested, the
4 conference will be scheduled and conducted by the director or the director's designee at division
5 headquarters in Austin and will serve to abate the assessment, cancellation, or revocation unless and until
6 that assessment, cancellation, or revocation is affirmed or disaffirmed by the director or the director's
7 designee. In the event matters are resolved in the registrant's favor, the director or the director's designee
8 will mail the registrant a notice of withdrawal, notifying the registrant that the assessment, cancellation,
9 or revocation is withdrawn, and stating the basis for that action. In the event matters are not resolved in
10 the registrant's favor, the director or the director's designee will issue a ruling reaffirming the department's
11 assessment of additional registration fees or cancellation or revocation of apportioned license plates and
12 privileges. The registrant has the right to appeal in accordance with clause (iii) of this subparagraph.

13 (iii) Appeal. If a conference held in accordance with clause (ii) of this
14 subparagraph fails to resolve matters in the registrant's favor, the registrant may request an
15 administrative hearing. The request must be in writing and must be received by the director no later than
16 the 20th day following the date of the ruling issued under clause (ii) of this subparagraph. If requested
17 within the designated period, the hearing will be initiated by the department and will be conducted in
18 accordance with Chapter 206, Subchapter D of this title (relating to Procedures in Contested Cases).
19 Assessment, cancellation, or revocation is abated unless and until affirmed or disaffirmed by order of the
20 Board of the Texas Department of Motor Vehicles or its designee.

21 (K) Reinstatement.

22 (i) The director or the director's designee will reinstate apportioned
23 registration to a previously canceled or revoked registrant if all applicable fees and assessments due on

1 the previously canceled or revoked apportioned account have been paid and the applicant provides proof
2 of an acceptable recordkeeping system for a period of no less than 60 days.

3 (ii) The application for the following registration year will be processed in
4 accordance with the provisions of the IRP.

5 (L) Denial of apportioned registration for safety reasons. The department will
6 comply with the requirements of the Performance and Registration Information Systems Management
7 program (PRISM) administered by the Federal Motor Carrier Safety Administration (FMCSA).

8 (i) Denial or suspension of apportioned registration. Upon notification
9 from the FMCSA that a carrier has been placed out of service for safety violations, the department will:

10 (I) deny initial issuance of apportioned registration;

11 (II) deny authorization for a temporary cab card, as provided for
12 in subparagraph (M) of this paragraph;

13 (III) deny renewal of apportioned registration; or

14 (IV) suspend current apportioned registration.

15 (ii) Issuance after denial of registration or reinstatement of suspended
16 registration. The director or the director's designee will reinstate or accept an initial or renewal application
17 for apportioned registration from a registrant who was suspended or denied registration under clause (i)
18 of this subparagraph upon presentation of a Certificate of Compliance from FMCSA, in addition to all other
19 required documentation and payment of fees.

20 (M) Temporary cab card.

21 (i) Application. The department may authorize issuance of a temporary
22 cab card to a motor carrier with an established Texas apportioned account for a vehicle upon proper
23 submission of all required documentation, a completed application, and all fees for either:

1 (I) Texas title as prescribed by Transportation Code, Chapter 501
2 and Subchapter A of this chapter (relating to Motor Vehicle Titles); or

3 (II) registration receipt to evidence title for registration purposes
4 only (Registration Purposes Only) as provided for in Transportation Code, §501.029 and §217.24 of this
5 title (relating to Vehicle Last Registered in Another Jurisdiction).

6 (ii) Title application. A registrant who is applying for a Texas title as
7 provided for in clause (i)(I) of this subparagraph and is requesting authorization for a temporary cab card,
8 must submit to a Regional Service Center a photocopy of the title application receipt issued by the county
9 tax assessor-collector's office.

10 (iii) Registration Purposes Only. A registrant who is applying for
11 Registration Purposes Only under clause (i)(II) of this subparagraph and is requesting authorization for a
12 temporary cab card, must submit an application and all additional original documents or copies of original
13 documents required by the director to a Regional Service Center.

14 (iv) Department approval. On department approval of the submitted
15 documents, the department will send notice to the registrant to finalize the transaction and make
16 payment of applicable registration fees.

17 (v) Finalization and payment of fees. To finalize the transaction and print
18 the temporary cab card, the registrant may compute the registration fees through the department's
19 apportioned registration software application, TxIRP system, and:

20 (I) make payment of the applicable registration fees to the
21 department as provided by §209.23 of this title; and

22 (II) afterwards, mail or deliver payment of the title application fee
23 in the form of a check, certified cashier's check, or money order payable to the county tax assessor-

1 collector in the registrant's county of residency and originals of all copied documents previously
2 submitted.

3 (vi) Deadline. The original documents and payment must be received by
4 the Regional Service Center within 72-hours after the time that the office notified the registrant of the
5 approval to print a temporary cab card as provided in clause (iv) of this subparagraph.

6 (vii) Failure to meet deadline. If the registrant fails to submit the original
7 documents and required payment within the time prescribed by clause (vi) of this subparagraph, the
8 registrant's privilege to use this expedited process to obtain a temporary cab card will be denied by the
9 department for a period of six months from the date of approval to print the temporary cab card.

10 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be
11 within the state agency's legal authority to adopt.

12 Issued at Austin, Texas, on November 1, 2021.

13

14

15

/s/ Tracey Beaver
Tracey Beaver, General Counsel