

1 the application" to those existing sections that specified a county tax assessor-collector. Sections that did
2 not specify a county tax assessor-collector or just the process have not been amended.

3 The department met with the Customer Service Advisory Committee twice in considering this proposal.
4 The department appreciates the committee members' serious consideration of the issues presented by
5 SB 876 and the members' comments.

6 Implementation of SB 876 also involves significant programming modifications to the
7 department's Registration and Title System (RTS) to enable the routine processing of out of county
8 applications and the distribution of fees as specified in amended Transportation Code §520.006, which
9 applies if a willing county tax assessor-collector is collecting fees and processing the application on behalf
10 of a county tax assessor-collector who is designated by statute to process the application.

11 The following paragraphs address the amendments in this proposal.

12 The amendment to §217.2 removes the term "identification certificate" as a defined term and
13 redesignates the following definitions accordingly. The term is never used alone as a defined term. The
14 term is used in multiple sections of Chapter 217. It usually refers to a document that is then described as
15 a form of personal identification such as a driver's license or identification card, but not in a consistent
16 manner. In §217.4 and §217.89, the term is used and then described similarly to its defined use in §217.2,
17 as relating to a vehicle inspection under Transportation Code Chapter 548 and §501.030. Chapter 548
18 refers to the document as a "vehicle inspection report." As such, the term is unnecessary as a defined
19 term because each use redefines the term.

20 The amendment to §217.4(b)(1) removes the statement "as selected by the applicant." In this
21 section, the term "applicant" refers to the owner or purchaser of the vehicle. The change conforms the
22 section with SB 876, which repeals Transportation Code §501.023(e) and §501.0234(e), which required
23 the purchaser to choose the county the title application was to be filed in. The amendment to §217.4(b)(2)

1 conforms the section with the SB 876 any willing county amendment to Transportation Code §501.023(a).
2 The amendment to §217.4(c)(4) removes the requirement for the applicant to provide the seller's mailing
3 address, which is not required in statute or the applicable department form. The amendment to
4 §217.4(d)(4) replaces the term "identification certificate" with "vehicle inspection report" based on the
5 reasons addressed in the prior discussion of the amendment to §217.2.

6 The amendments to §217.23(c) and (d) are necessary to conform the section with the SB 876 any willing
7 county amendment to Transportation Code §502.040 and §502.041.

8 The amendments to §217.28(a) and (c) are necessary to conform the section with the SB 876 any
9 willing county amendment to Transportation Code §502.041. The amendment also adds new §217.28(f)
10 to create a definition of a closed county by rule for purposes of Transportation Code §502.407(c), as
11 required by SB 876. Proposed §217.28(f) is based on the prior closed definition in §217.4(b)(2), which is
12 being amended as previously discussed in this proposal to conform §217.4 to Transportation Code
13 §501.023 as amended by SB 876. The amendment to §217.28(e)(5) replaces the existing sentence,
14 because proration is covered in §217.45(d)(2). Additionally, the department proposes nonsubstantive
15 amendments to §217.28(b), (c), and (d) to conform to current statutory references by replacing the term
16 "license plate" with the term registration and otherwise referring to "registration renewal notice" and
17 clarifying that an applicant may also renew a vehicle registration via the internet without a registration
18 renewal notice.

19 The amendments to §217.36(b) and (d) are necessary to remove obsolete references to
20 photographic traffic signal enforcement programs. House Bill 1631 prohibited the use of such programs
21 with the enactment of Transportation Code §707.20 and §707.21. The department timely implemented
22 HB 1631 and ceased the prohibited actions; however, a change was not made to the rule to remove the
23 provisions.

1 The amendments to §217.45(b)(3), (d)(3)(B) and (E), (e)(1)(A), and (f)(1) are necessary to conform the
2 section with the SB 876 any willing county amendment to Transportation Code §502.040 and §502.041,
3 including by changing the reference from "the" to "a" county tax assessor-collector. The department has
4 also proposed amending §217.45(f)(1) to remove the reference to log loader license plates in a
5 replacement paragraph, because log loader plates cannot be replaced.

6 The amendments to §217.46(d)(3), (e)(1), and (f) are necessary to conform the section with the
7 SB 876 any willing county amendment to Transportation Code §502.041. The §217.46(d)(3) amendment
8 removes the reference to "as indicated on the License Plate Renewal Notice" because an "appropriate"
9 county may be a willing county. Similarly, §217.46(f) amendment removes the requirement to go to "the
10 county in which the owner resides" for replacement license plates. The amendments to §217.46(c)(1)(C)
11 and (4) substitute the term "vehicle identification number" for "motor number." The amendment to
12 §217.46(c)(3)(B)(ii) removes the requirement for "tire size" because the department does not collect the
13 information in this context. The amendments to §217.46(d)(2), (3), and (4) conform to current statutory
14 references by replacing the term "license plate renewal notice" with the term "registration renewal
15 notice." Finally, the amendment to §217.46(d)(2) also replaces the word "mail" with "send" should
16 additional distribution methods be adopted in the future.

17 The amendment to §217.89(b) is necessary to conform the section with the SB 876 any willing
18 county amendment to Transportation Code §501.023(a). The amendments to §217.89(c) and (d)(3)(B) are
19 based on a review of the enacting statute HB 3588, 78th Legislature, Regular Session (2003), which
20 established the \$65 rebuilder fee and submission requirements. House Bill 3588 did not have a savings
21 clause for the prior inspections. The department is proposing to apply the change prospectively and not
22 to any existing title issued under the process. The amendments to §217.89(d)(2)(D) and (G) are to update
23 the rule to conform with the existing process that does not require the owner's address, but does require

1 the rebuilder's name, address, and signature. The amendments to §217.89(d)(3)(A) update the
2 requirement to refer to the "authorization or certificate number and the date of inspection" instead of a
3 "sticker" number and "expiration." The amendment to §217.89(d)(5) updates the statutory reference to
4 Transportation Code §502.046, which was transferred, redesignated, and amended from Transportation
5 Code §502.153 by HB 2357 Acts 2011, 82nd Legislature, Regular Session (2012).

6 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
7 has determined that for each year of the first five years the proposed new section will be in effect, there
8 will be a one-time technology implementation cost of \$70,000 in the first year to implement programming
9 for the department's automated systems, and that while SB 876 could result in shifts of which counties
10 perform the transactions and receive registration and title fees, SB 876 and this proposal do not alter the
11 overall number of applications or revenues that would be collected. Therefore, there is no fiscal impact
12 to the state or local governments as a result of the enforcement or administration of the proposal.

13 Roland D. Luna, Sr., Director of the Vehicle Titles and Registration Division, has determined that
14 there will be no measurable effect on local employment or the local economy as a result of the proposal,
15 because the overall number of applications will not be affected.

16 **PUBLIC BENEFIT AND COST NOTE.** Mr. Luna has also determined that, for each year of the first five years
17 the proposed rules are in effect, the public benefits include establishing rules to implement SB 876 and
18 the options it creates for vehicle owners to register and title their vehicles when they are away from their
19 county of residence or another county's tax office is more convenient to their location. The amendment
20 to §217.36 removes obsolete rule text that may be confusing to readers.

21 Mr. Luna anticipates that there will be no additional costs on a regulated person to comply with
22 these rules because the rules do not establish any additional requirements on a regulated person beyond
23 the requirements of statute.

1 The sections implementing SB 876 allow a county tax assessor-collector to choose to accept out of county
2 applications, which may generate costs, but those are business decisions that result from the statute not
3 from the rule. Likewise, a dealer or owner has the choice to apply for title and initial registration, or
4 registration renewal, in a statutorily designated county or a willing county. Costs may result from those
5 business decisions, but they arise from the statute not the rule.

6 The removal of obsolete language in §217.36 to comply with statute does not result in a cost.

7 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
8 Code §2006.002, the department has determined that the proposed amended sections will not have an
9 adverse economic effect on small businesses, micro-businesses, or rural communities.

10 The proposal amends §§217.4, 217.23, 217.28, 217.45, 217.46, and 217.89 to comply with statute
11 and imposes no requirements not specified in statute. In addition, SB 876 does not authorize the
12 department to use its discretion in implementing the SB 876 requirements.

13 The removal of obsolete language in §217.36 to comply with statute does not result in a cost or
14 the need for a regulatory flexibility analysis.

15 The department has determined that the proposed amended sections will not have a financial
16 effect, on any small businesses, micro-businesses, or rural communities. Therefore, the department is not
17 required to prepare a regulatory flexibility analysis under Government Code §2006.002.

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

22 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the first
23 five years the proposed new section is in effect, the proposed rule:

- 1 - will not create or eliminate a government program;
- 2 - will not require the creation of new employee positions or the elimination of existing employee positions;
- 3 - will not require an increase or decrease in future legislative appropriations to the department;
- 4 - will not require an increase or decrease in fees paid to the department;
- 5 - will not create new regulation;
- 6 - will not expand existing regulations;
- 7 - will repeal existing regulations in §217.36;
- 8 - will not increase or decrease the number of individuals subject to the rule's applicability; and
- 9 - will not positively or adversely affect the Texas economy.

10 **REQUEST FOR PUBLIC COMMENT.**

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

16 **STATUTORY AUTHORITY.** The department proposes amendments to §§217.2, 217.4, 217.23, 217.28,
17 217.36, 217.45, 217.46, and 217.89 under Transportation Code §§501.0041, 502.0021, 520.003, and
18 1002.001.

19 - Transportation Code §501,0041 authorizes the department to adopt rules to administer Transportation
20 Code Chapter 501.

21 - Transportation Code §502.0021 authorizes the department to adopt rules to administer Transportation
22 Code Chapter 502.

- 1 - Transportation Code §520.003 authorizes the department to adopt rules to administer Transportation
2 Code Chapter 520,
3 - Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate
4 to implement the powers and the duties of the department.

5 **CROSS REFERENCE TO STATUTE.** Transportation Code §§501.023, 501.0234, 501.030, 502.040, 502.041,
6 502.407, 520.006, 521.144, 707.020 and 707.021.

7 **TEXT.**

8

9

SUBCHAPTER A. MOTOR VEHICLE TITLES

10

43 TAC §217.2 AND §217.4

11 §217.2. Definitions.

12 The following words and terms, when used in this subchapter, shall have the following meanings, unless
13 the context clearly indicates otherwise.

14 (1) - (10) (No Change)

15 (11) [~~Identification certificate—A form issued by an inspector of an authorized safety~~
16 ~~inspection station in accordance with Transportation Code, Chapter 548.~~]

17 [(12)] Implements of husbandry--Farm implements, machinery, and tools used in tilling
18 the soil, including self-propelled machinery specifically designed or especially adapted for applying plant
19 food materials or agricultural chemicals. This term does not include an implement unless it is designed or
20 adapted for the sole purpose of transporting farm materials or chemicals. This term does not include any
21 passenger car or truck. This term does include a towed vehicle that transports to the field and spreads
22 fertilizer or agricultural chemicals; or a motor vehicle designed and adapted to deliver feed to livestock.

1 (12) [(13)] Manufacturer's certificate of origin--A form prescribed by the department
2 showing the original transfer of a new motor vehicle from the manufacturer to the original purchaser,
3 whether importer, distributor, dealer, or owner and when presented with an application for title showing
4 on appropriate forms prescribed by the department, each subsequent transfer between distributor and
5 dealer, dealer and dealer, and dealer and owner.

6 (13) [(14)] Moped--A motor vehicle as defined by Transportation Code, §541.201.

7 (14) [(15)] Motor vehicle importation form--A declaration form prescribed by the United
8 States Department of Transportation and certified by United States Customs that relates to any motor
9 vehicle being brought into the United States and the motor vehicle's compliance with federal motor
10 vehicle safety standards.

11 (15) [(16)] Non-United States standard motor vehicle--A motor vehicle not manufactured
12 in compliance with federal motor vehicle safety standards.

13 (16) [(17)] Obligor--An individual who is required to make payments under the terms of a
14 support order for a child.

15 (17) [(18)] Off-highway vehicle--A motor vehicle as defined by Transportation Code,
16 §551A.001.

17 (18) [(19)] Person--An individual, firm, corporation, company, partnership, or other entity.

18 (19) [(20)] Recreational off-highway vehicle or ROV--A motor vehicle as defined by
19 Transportation Code, §551A.001, and designed primarily for recreational use. The term does not include
20 a "utility vehicle" as defined by Transportation Code, §551A.001, or a self-propelled, motor-driven vehicle
21 designed or marketed by the manufacturer primarily for non-recreational uses.

22 (20) [(21)] Safety certification label--A label placed on a motor vehicle by a manufacturer
23 certifying that the motor vehicle complies with all federal motor vehicle safety standards.

1 (21) ~~[(22)]~~ Sand rail--A motor vehicle as defined by Transportation Code, §551A.001.

2 (22) ~~[(23)]~~ Statement of fact--A written declaration that supports an application for a title,
3 that is executed by an involved party to a transaction involving a motor vehicle, and that clarifies an error
4 made on a title or other negotiable evidence of ownership. An involved party is the seller, or an agent of
5 the seller involved in the motor vehicle transaction. When a written declaration is necessary to correct an
6 odometer disclosure error, the signatures of both the seller and buyer when the error occurred are
7 required.

8 (23) ~~[(24)]~~ Title application--A form prescribed by the division director that reflects the
9 information required by the department to create a motor vehicle title record.

10 (24) ~~[(25)]~~ Utility vehicle or UTV--A motor vehicle as defined by Transportation Code,
11 §551A.001, and designed primarily for utility use. The term does not include a "golf cart" as defined by
12 Transportation Code, §551.401, or a self-propelled, motor-driven vehicle designed or marketed by the
13 manufacturer primarily for non-utility uses.

14 (25) ~~[(26)]~~ Verifiable proof--Additional documentation required of a vehicle owner,
15 lienholder, or agent executing an application for a certified copy of a title.

16 (A) -(C) (No change)

17
18 §217.4 Initial Application for Title.

19 (a) No Change

20 (b) Place of application. Except as otherwise provided by Transportation Code, Chapters 501 and
21 502, and by §217.84(a) of this title (relating to Application for Nonrepairable or Salvage Vehicle Title),
22 when motor vehicle ownership is transferred, a title application must be filed with:

1 (1) the county tax assessor-collector in the county in which the applicant resides or in the
2 county in which the motor vehicle was purchased or encumbered [~~as selected by the applicant~~]; or

3 (2) a [~~the~~] county tax assessor-collector of a county who is willing to accept the application
4 [~~if the county tax assessor-collector's office of the county in which the owner resides is closed for more~~
5 ~~than one week or if the department is notified that the county tax assessor-collector's office may be closed~~
6 ~~for more than one week~~].

7 (c) Information to be included on application. An applicant for an initial title must file an
8 application on a form prescribed by the department. The form will at a minimum require the:

9 (1) - (3) (No change)

10 (4) previous owner's legal name and municipality and state [~~complete mailing address~~], if
11 available;

12 (5) - (8) (No change)

13 (d) Accompanying documentation. The title application must be supported by, at a minimum, the
14 following documents:

15 (1) - (3) (No change)

16 (4) a vehicle inspection report [~~an identification certificate~~] if required by Transportation
17 Code, Chapter 548, and Transportation Code, §501.030, and if the vehicle is being titled and registered,
18 or registered only;

19 (5) - (6) (No Change)

20

21 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

22 **43 TAC §§217.23, 217.28, 217.36, 217.45, and 217.46**

23

1 §217.23. Initial Application for Vehicle Registration.

2 (a) - (b) (No change)

3 (c) An initial application for registration must be filed with the tax assessor-collector of the county
4 in which the owner resides or any county tax assessor-collector who is willing to accept the application,
5 except as provided in subsection (d) of this section. [∴]

6 (d) An ~~[(1) an]~~ application for registration, as a prerequisite to filing an application for title, may
7 ~~[also]~~ be filed with the county tax assessor-collector in the county in which:

8 (1) the owner resides;

9 (2) the motor vehicle is purchased or encumbered; or

10 (3) a county tax assessor-collector who is willing to accept the application.

11 ~~[(2) if a county has been declared a disaster area, the resident may apply at the closest~~
12 ~~unaffected county if the affected county tax assessor-collector estimates the county offices will be~~
13 ~~inoperable for a protracted period; or]~~

14 ~~[(3) if the county tax assessor-collector office in the county in which the owner resides is~~
15 ~~closed for more than one week, the resident may apply to the county tax assessor-collector in a county~~
16 ~~that borders the closed county if the adjacent county agrees to accept the application.]~~

17

18 §217.28 .Vehicle Registration Renewal.

19 (a) To renew vehicle registration, a vehicle owner must apply ~~[, prior to the expiration of the~~
20 ~~vehicle's registration,]~~ to the tax assessor-collector of the county in which the owner resides or a county
21 tax assessor-collector who is willing to accept the application.

22 (b) The department will send a registration ~~[license plate]~~ renewal notice, indicating

1 indicating the proper registration fee and the month and year the registration expires, to each vehicle
2 owner prior to the expiration of the vehicle's registration.

3 (c) The registration [license-plate] renewal notice should be returned by the vehicle owner to the
4 [appropriate] county tax assessor-collector in which the owner resides or a county tax assessor-collector
5 who is willing to accept the application, or to that [the] tax assessor-collector's deputy, either in person
6 or by mail, unless the vehicle owner renews via the Internet. The renewal notice must be accompanied by
7 the following documents and fees:

8 (1) - (3) (No change)

9 (d) If a registration renewal notice is lost, destroyed, or not received by the vehicle owner, the
10 vehicle may be registered if the owner presents personal identification acceptable to the county tax
11 assessor-collector or via the Internet. Failure to receive the notice does not relieve the owner of the
12 responsibility to renew the vehicle's registration.

13 (e) Renewal of expired vehicle registrations.

14 (1) - (4) (No change)

15 (5) Specialty license plates, symbols, tabs, or other devices may be prorated as provided
16 in §217.45(d)(2) of this title (relating to Specialty License Plates, Symbols, Tabs, and Other Devices) [if a
17 vehicle is registered in accordance with Transportation Code, §§502.255, 502.431, 502.435, 502.454,
18 504.315, 504.401, 504.405, 504.505, or 504.515 and if the vehicle's registration is renewed more than one
19 month after expiration of the previous registration, the registration fee will be prorated].

20 (f) For purposes of Transportation Code §502.407(c), the county tax assessor-collector's office of
21 the county in which the owner resides is closed for a protracted period of time if the county tax assessor-
22 collector's office has notified the department that it is closed or will be closed for more than one week.

23

1 §217.36. Refusal to Register by Local Government and Record Notation.

2 (a) (No change)

3 ~~[(b) Refusal to register due to traffic signal violation. A local authority, as defined in Transportation~~
4 ~~Code, §541.002, that operates a traffic signal enforcement program authorized under Transportation~~
5 ~~Code, Chapter 707 may enter into a contract with the department under Government Code, Chapter 791~~
6 ~~to indicate in the state's motor vehicle records that the owner of a motor vehicle has failed to pay the civil~~
7 ~~penalty for a violation of the local authority's traffic signal enforcement system involving that motor~~
8 ~~vehicle. In accordance with Transportation Code, §707.017, a county tax assessor-collector may refuse to~~
9 ~~register a motor vehicle if such a failure is indicated in the motor vehicle record for that motor vehicle.~~
10 ~~The local authority is responsible for obtaining the agreement of the county in which the local authority~~
11 ~~is located to refuse to register motor vehicles for failure to pay civil penalties imposed by the local~~
12 ~~authority.]~~

13 (c) (No change)

14 (d) Record notation. A contract between the department and a county, municipality, or local
15 authority entered into under Transportation Code, §502.010 or ~~]~~ Transportation Code, §702.003 ~~[, or~~
16 ~~Transportation Code, §707.017]~~ will contain the terms set out in this subsection.

17 (1)- (5) (No change)

18

19 §217.45. Specialty License Plates, Symbols, Tabs, and Other Devices.

20 (a) (No change)

21 (b) Initial application for specialty license plates, symbols, tabs, or other devices.

22 (1) - (2) (No change)

1 (3) Place of application. Applications for specialty license plates may be made directly to
2 the county tax assessor-collector in which the owner resides or a county tax assessor-collector who is
3 willing to accept the application, except that applications for the following license plates must be made
4 directly to the department:

5 (A) County Judge;

6 (B) Federal Administrative Law Judge;

7 (C) State Judge;

8 (D) State Official;

9 (E) U.S. Congress--House;

10 (F) U.S. Congress--Senate; and

11 (G) U.S. Judge.

12 (4) (No change)

13 (c) (No change)

14 (d) Specialty license plate renewal.

15 (1) - (2) (No change)

16 (3) Renewal.

17 (A) Renewal notice. Approximately 60 days before the expiration date of a
18 specialty license plate, symbol, tab, or other device, the department will send each owner a renewal
19 notice that includes the amount of the specialty plate fee and the registration fee.

20 (B) Return of notice. The owner must return the fee and any prescribed
21 documentation to the tax assessor-collector of the county in which the owner resides or a county tax
22 assessor-collector who is willing to accept the application, except that the owner of a vehicle with one of

1 the following license plates must return the documentation, and specialty license plate fee, if applicable,
2 directly to the department and submit the registration fee to a ~~the~~ county tax assessor-collector:

- 3 (i) County Judge;
- 4 (ii) Federal Administrative Law Judge;
- 5 (iii) State Judge;
- 6 (iv) State Official;
- 7 (v) U.S. Congress--House;
- 8 (vi) U.S. Congress--Senate; and
- 9 (vii) U.S. Judge.

10 (C) - (D) (No Change)

11 (E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed, or not
12 received by the vehicle owner, the specialty license plates, symbol, tab, or other device may be renewed
13 if the owner provides acceptable personal identification along with the appropriate fees and
14 documentation to the tax assessor-collector of the county in which the owner resides or a county tax
15 assessor-collector who is willing to accept the application. Failure to receive the notice does not relieve
16 the owner of the responsibility to renew the vehicle's registration.

17 (e) Transfer of specialty license plates.

18 (1) Transfer between vehicles.

19 (A) Transferable between vehicles. The owner of a vehicle with specialty license
20 plates, symbols, tabs, or other devices may transfer the specialty plates between vehicles by filing an
21 application through the county tax assessor-collector in which the owner resides or a county tax assessor-
22 collector who is willing to accept the application, if the vehicle to which the plates are transferred:

23 (i) is titled or leased in the owner's name; and

1 (ii) meets the vehicle classification requirements for that particular
2 specialty license plate, symbol, tab, or other device.

3 (B) - (C) (No change)

4 (2) - (3) (No change)

5 (f) Replacement.

6 (1) Application. When specialty license plates, symbols, tabs, or other devices are lost,
7 stolen, or mutilated, the owner shall apply directly to a ~~the~~ county tax assessor-collector for the issuance
8 of replacements ~~[, except that Log Loader license plates must be reapplied for and accompanied by the~~
9 ~~prescribed fees and documentation].~~

10 (2) - (3) (No change)

11 (g)-(l) (No change)

12
13 §217.46. Commercial Vehicle Registration.

14 (a) - (b) (No change)

15 (c) Application for commercial vehicle registration.

16 (1) Application form. An applicant shall apply for commercial license plates through the
17 appropriate county tax assessor-collector upon forms prescribed by the director and shall require, at a
18 minimum, the following information:

19 (A) owner name and complete address;

20 (B) complete description of vehicle, including empty weight; and

21 (C) vehicle identification number ~~[motor number]~~ or serial number.

22 (2) Empty weight determination.

1 (A) The weight of a Motor Bus shall be the empty weight plus carrying capacity,
2 in accordance with Transportation Code, §502.055.

3 (B) The weight of a vehicle cannot be lowered below the weight indicated on a
4 Manufacturer's Certificate of Origin unless a corrected Manufacturer's Certificate of Origin is obtained.

5 (C) In all cases where the department questions the empty weight of a particular
6 vehicle, the applicant should present a weight certificate from a public weight scale or the Department of
7 Public Safety.

8 (3) Gross weight.

9 (A) (No change)

10 (B) Restrictions. The following restrictions apply to combined gross weights.

11 (i) (No change)

12 (ii) A combination of vehicles is restricted to a total gross weight not to
13 exceed 80,000 pounds; however, all combinations may not qualify for 80,000 pounds unless such weight
14 can be properly distributed in accordance with axle load limitations, ~~[tire size,]~~ and distance between
15 axles, in accordance with Transportation Code, §623.011.

16 (4) Vehicle identification number ~~[Motor number]~~ or serial number. Ownership must be
17 established by a court order if no vehicle identification number ~~[motor]~~ or serial number can be identified.
18 Once ownership has been established, the department will assign a number upon payment of the fee.

19 (5) - (7) (No change)

20 (d) Renewal of commercial license plates.

21 (1) (No change)

22 (2) Registration ~~[License Plate]~~ Renewal Notice. The department will send ~~[mail]~~ a
23 registration renewal notice ~~[License Plate Renewal Notice]~~, indicating the proper registration fee and the

1 month and year the registration expires, to each vehicle owner approximately six to eight weeks prior to
2 the expiration of the vehicle's registration.

3 (3) Return of registration renewal notices [~~License Plate Renewal Notices~~]. Except for
4 authorized online renewals, registration renewal notices [~~License Plate Renewal Notices~~] should be
5 returned by the vehicle owner to the department or the appropriate county tax assessor-collector, as
6 indicated on the registration renewal notice [~~License Plate Renewal Notice~~]. Unless otherwise exempted
7 by law, registration renewal notices [~~License Plate Renewal Notices~~] may be returned either in person or
8 by mail, and shall be accompanied by:

9 (A)-(D) (No change)

10 (4) Lost or destroyed registration renewal notice [~~License Plate Renewal Notice~~]. If a
11 registration renewal notice [~~License Plate Renewal Notice~~] is lost, destroyed, or not received by the vehicle
12 owner, the vehicle may be registered if the owner presents personal identification acceptable to the
13 county tax assessor-collector. Failure to receive the notice does not relieve the owner of the responsibility
14 to renew the vehicle's registration.

15 (e) Transfer of commercial vehicle license plates.

16 (1) Transfer between persons. With the exceptions noted in paragraph (3) of this
17 subsection, when ownership of a vehicle displaying commercial vehicle license plates is transferred,
18 application for transfer of such license plates shall be made with the county tax assessor-collector in the
19 county in which the purchaser resides or a county tax assessor-collector who is willing to accept the
20 application. If the purchaser does not intend to use the vehicle in a manner that would qualify it for the
21 license plates issued to that vehicle, such plates must be exchanged for the appropriate license plates.

22 (2) - (3) (No change)

1 (f) Replacement of lost, stolen, or mutilated commercial vehicle license plates. An owner of lost,
2 stolen, or mutilated commercial vehicle license plates may obtain replacement license plates by filing an
3 Application for Replacement Plates and remitting the prescribed fee to the county tax assessor-collector
4 or from the department [~~of the county in which the owner resides~~].

5
6 **SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES**

7 **43 TAC §217.89**

8
9 §217.89. Rebuilt Salvage Motor Vehicles.

10 (a) Filing for title. When a salvage motor vehicle or a non-repairable motor vehicle for which a
11 non-repairable vehicle title was issued prior to September 1, 2003, has been rebuilt, the owner shall file
12 a certificate of title application, as described in §217.4 of this title (relating to Initial Application for Title),
13 for a rebuilt salvage certificate of title.

14 (b) Place of application. An application for a rebuilt salvage certificate of title shall be filed with
15 the county tax assessor-collector in the county in which the applicant resides, ~~or~~ in the county in which
16 the motor vehicle was purchased or is encumbered, or to any county tax assessor-collector who is willing
17 to accept the application.

18 (c) Fee for rebuilt salvage certificate of title. In addition to the statutory fee for a title application
19 and any other applicable fees, a \$65 rebuilt salvage fee must accompany the application [~~unless the~~
20 ~~applicant provides the evidence described in subsection (d)(3)(B) of this section.~~]

21 (d) Accompanying documentation. The application for a certificate of title for a rebuilt non-
22 repairable or salvage motor vehicle must be supported, at a minimum, by the following documents:

1 (1) evidence of ownership, properly assigned to the applicant, as described in subsection
2 (e) of this section;

3 (2) a rebuilt statement, on a form prescribed by the department that includes:

4 (A) a description of the motor vehicle, which includes the motor vehicle's model
5 year, make, model, identification number, and body style;

6 (B) an explanation of the repairs or alterations made to the motor vehicle;

7 (C) a description of each major component part used to repair the motor vehicle
8 and showing the identification number required by federal law to be affixed to or inscribed on the part;

9 (D) the name ~~and address~~ of the owner and the name and address of the
10 rebuilder;

11 (E) a statement by the owner that the owner is the legal and rightful owner of the
12 vehicle, the vehicle is rebuilt, repaired, reconstructed, or assembled and that the vehicle identification
13 number disclosed on the rebuilt affidavit is the same as the vehicle identification number affixed to the
14 vehicle;

15 (F) the signature of the owner, or the owner's authorized agent; and

16 (G) a statement by the rebuilder that the vehicle has been rebuilt, repaired, or
17 reconstructed by the rebuilder and that all component parts used were obtained in a legal and lawful
18 manner, signed by the rebuilder or the rebuilder's authorized agent or employee;

19 (3) evidence of inspection submitted by the person who repairs, rebuilds, or reconstructs
20 a non-repairable or salvage motor vehicle in the form of [:]

21 [(A)] disclosure on the rebuilt statement of the vehicle inspection report
22 authorization or certificate ~~[sticker]~~ number, and the date of inspection ~~[expiration]~~, issued by an

1 authorized state safety inspection station after the motor vehicle was rebuilt, if the motor vehicle will be
2 registered at the time of application; ~~or~~

3 ~~[(B) a written statement, executed by a specially trained commissioned officer of~~
4 ~~the Department of Public Safety prior to September 1, 2003, certifying that the rebuilt non-repairable or~~
5 ~~salvage motor vehicle's parts and identification numbers have been inspected and that the vehicle~~
6 ~~complies with state safety standards;]~~

7 (4) an odometer disclosure statement properly executed by the seller of the motor vehicle
8 and acknowledged by the purchaser, if applicable;

9 (5) proof of financial responsibility in the title applicant's name, as required by
10 Transportation Code §502.046, ~~§502.153~~ unless otherwise exempted by law;

11 (6) a vehicle inspection report ~~[the identification certificate]~~ required by Transportation
12 Code, §548.256, and Transportation Code, §501.030, if the motor vehicle was last titled and registered in
13 another state or country, unless otherwise exempted by law; and

14 (7) a release of any liens, unless there is no transfer of ownership and the same lienholder
15 is being recorded as is recorded on the surrendered evidence of ownership.

16 (e)-(g) (No change)

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

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

20

21 /s/ Tracey Beaver
22 Tracey Beaver, General Counsel
23