



1 issuance, yet balances the business needs of legitimate dealers and converters. Implementation of setting  
2 the maximum tag limits under HB 3927 involves programming to multiple department systems, which the  
3 department intends to leverage to also identify potential fraudulent tag issuance earlier even though the  
4 possible volume will be limited for an individual dealer or converter.

5         The department recognizes that implementing fraud prevention and detection mechanisms  
6 should not adversely impact dealers or converters that are not fraudulently issuing temporary tags. The  
7 system proposed by the department is intended to provide dealers or converters with the number of  
8 temporary tags they need to operate without having to request additional tags. Also, by using existing  
9 department systems, the proposal adds no additional costs for a dealer or converter and creates no new  
10 required activities or reports for dealers.

11         The department also recognizes all dealers and converters are not the same. As such, the proposal  
12 considers actual temporary tag issuance specific to each established dealer and converter as a minimum  
13 allotment and then provides an increase based on each dealer's and converter's licensing tenure, as well  
14 as an increase for growth, resulting in a maximum number of temporary tags unique to each dealer and  
15 converter.

16         New licensees have been considered as well, and the proposal provides an initial allotment of  
17 temporary tags based on the type of dealer and whether the dealer or converter is a first-time licensee,  
18 existing licensee moving locations, or an existing licensee establishing an additional location to ensure a  
19 maximum tag limit appropriate to each situation.

20         The following paragraphs address the amendments in this proposal.

21         The amendment to §215.152(b)(1) is a response to fraudulent activity and clarifies that  
22 information entered to obtain a temporary tag must be true and accurate.

1           The amendments to §215.152 add new subsections (c)-(l) to establish the maximum number of  
2 temporary tags that may be allotted to a dealer or converter. In summary, §215.152(c)-(e) implement  
3 Transportation Code §503.0632(b) and establish the calculated number of temporary tags that a dealer  
4 or converter past its initial license period will receive from the department with no dealer or converter  
5 action. Section 215.152(f) establishes a maximum tag limit for newly licensed dealers and converters.  
6 Section 215.152(i) creates the process for dealers to request additional tags. Section 215.152(g), (h), and  
7 (j)-(l) address general matters related to the maximum number of temporary tags. Section 215.2 defines  
8 terms used in Chapter 215.

9           Section 215.152(c) establishes the calculation for determining the number of buyer's temporary  
10 tags a dealer will receive. Section 215.152(c)(1) creates the base of the calculation based on activity  
11 related to sales implementing §503.0632(b)(1)(B). The base starts with the greater of the dealer's highest  
12 number of in-state buyer temporary tags issued or title transactions recorded in the Registration and Title  
13 System (RTS) over the prior three fiscal years. The department is using state fiscal years, because it will  
14 allow the department time to collect data, determine the multipliers, test the system, and be ready to  
15 release the maximum limits prior to the January 1st calendar year implementation date. All months will  
16 be counted towards the maximum limit although a lag will exist. To limit potential fraudulent action, the  
17 department will limit the number of temporary tags issued in the calculation to twice the number of RTS  
18 transactions. The department then adds to the in state total the number of out-of-state temporary tags  
19 issued to set the base.

20           Section 215.152(c)(2) then multiplies the base total by a time in business factor to implement  
21 §503.0632(b)(1)(A). The anticipated factor is based on the percentage of years the dealer has been in  
22 business over the last 10 years. For example, a dealer that has been in business for five years would receive

1 a 50 percent addition to the base. Thus, a hypothetical dealer that had a calculated base of 100 tags and  
2 was in business for five years would have allotted 150 buyer's tags.

3 Section 215.152(c)(3) then multiplies the base total after the addition of the time in business  
4 factor by a determined market growth rate factor of not less than zero to implement §503.0632(b)(1)(C).  
5 The factor is based on the percentage growth in the market over the prior three fiscal years. For example,  
6 the department's current analysis beginning in 2018 indicates a 9.7 percent growth rate. Thus, the  
7 hypothetical dealer would have an additional 15 temporary tags for a total of 165, which is 65 more than  
8 the dealer used in any of the three prior years.

9 Section 215.152(c)(4) is used here as a remedy if the standard formula is not working based on  
10 sudden changes in the market to implement §503.0632(b)(2)-(4). This provision allows the department to  
11 make adjustments to increase the number of buyer's temporary tags to all dealers in the state, or a more  
12 limited area, if the standard formula is lagging behind. For example, a sudden increase in sales after a  
13 slow market period may require a separate temporary increase in the number of buyer's temporary tags  
14 for all dealers until the increased sales data can be incorporated into the standard calculation. Remedies  
15 for individual dealer situations are addressed in §215.152(i).

16 Section 215.152(d) and (e) apply to dealer and converter temporary tags. The subsections are  
17 similar in construction to the §215.152(c) in that the subsections use prior temporary tag data to establish  
18 a base and then increase the allotment with multipliers based on time in business and growth rate. The  
19 growth rate is based on the actual growth in the use of dealer or converter tags. Also, §215.152(d) and (e)  
20 have a similar provision to §215.152(c)(4) to make adjustments to a rapidly changing market.

21 Section 215.152(f) establishes the number of allotted buyer, dealer, and converter tags for new  
22 licensees. The allotment is by an annual block, because new dealers or converters will have no prior  
23 history to establish a base or significant time in operation to establish a multiplier. The annual block

1 allotment is not subject to the time in operation or annual growth multiplier. The period of allotment will  
2 run through the dealer's or converter's first two-year license period and end the following December 31st.  
3 This will provide information to calculate a base, a three-year multiplier, and the annual growth rate  
4 multiplier. However, even with this information, many dealers and converters may see a significant drop  
5 in the number allotted temporary tags depending on the base number.

6 Section 215.152(g) and (h) are added to avoid the situation under §215.152(f) in which an existing  
7 dealer or converter could inflate the number of temporary tags they are allotted or be limited in its ability  
8 to expand. Section 215.152(g) provides that an existing dealer or converter that is moving its operations  
9 from one location to a different location will continue with its allotment of temporary tags. The dealer or  
10 converter will not be issued a block allotment under subsection (f). Section 215.152(h) provides that an  
11 existing dealer or converter opening an additional location will receive an allotment based on the  
12 allotment provided to existing locations. Section 215.152(g) and (h) do not limit a dealer or converter from  
13 requesting additional temporary tags under §215.152(i).

14 Section 215.152(i) establishes the process under which a dealer or converter may request  
15 additional temporary tags as required by new Transportation Code §503.0632(d). Section 215.152(i)  
16 establishes that the dealer may request additional tags after 50 percent of the calendar allotment have  
17 been used. Also, requests will be made through the eLICENSING system.

18 Section 215.152(i)(1) establishes that the dealer or converter is required to demonstrate that the  
19 need for additional temporary tags results from business operations, including anticipated needs, as  
20 required by §503.0632(c), and lists some types of information that may be presented, including evidence  
21 of factors under §503.0632(b) related to the individual license holder. The list is not exclusive. Section  
22 215.152(i)(2) establishes that the department will consider the information provided but may also  
23 consider any additional information that the department considers to be relevant to making a

1 determination. As in §215.152(i)(1), a non-exclusive list of information that the department may consider  
2 is listed in §215.152(i)(2).

3 Section 215.152(i)(3) establishes that the department is not bound to issue only the number of  
4 additional temporary tags requested by the dealer or converter and may issue more or less than the  
5 request. A decision to grant the request on whole or in part does not constitute a denial of the request.  
6 Section 215.152(i)(4) establishes that a denied request may be appealed to the director of the  
7 department's Motor Vehicle Division. The director's decision is final. Section 215.152(i)(5) establishes that  
8 once a denial is final, a dealer or converter may only submit a subsequent request for additional temporary  
9 tags during that calendar year if the dealer or converter is able to provide additional information not  
10 considered in the prior request.

11 Section 215.152(j) provides that an allotment change under §215.152(i) does not result in a  
12 change to the base allotment in future years. That number will be calculated under §215.152(c), (d) or (e),  
13 or allotted under §215.152(f). Ultimately if the additional number of temporary tags are used, that  
14 number will become the base. Section 215.152(k) provides that the department will continue to monitor  
15 for temporary tag usage that suggests that misuse or fraud has occurred as described in Transportation  
16 Code §§503.038, 503.0632(f), or 503.067. Section 215.152(l) provides that unused temporary tags do not  
17 roll over to subsequent years. The base calculations will be done annually.

18 The amendments to §215.158(d) address the changes in Transportation Code §503.0626 and  
19 §503.0631 that removed the requirement for the temporary tag databases to be within the department's  
20 Vehicle Titles and Registration Division. The department has assigned the function to the department's  
21 Motor Vehicle Division. Otherwise, the proposal does not change the process for determining preprinted  
22 internet-down tags. The amendments to §215.158 also add new subsection (e), which clarifies that a  
23 preprinted internet-down tag will apply against the dealer's maximum number of allotted buyer's tags

1 when the preprinted tag is entered into the temporary tag database as a sale. Preprinting the tags will not  
2 reduce the maximum number of allotted buyer's tags.

3 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,  
4 has determined that for each year of the first five years the proposed amendments and new section are  
5 in effect, there will be no significant fiscal impact to the state or local governments as a result of the  
6 enforcement or administration of the proposal. There will be no significant costs to the department and  
7 the proposed amendments will have no significant impact on revenue collections.

8 Monique Johnston, Director of the Motor Vehicle Division, has determined that there will be no  
9 measurable effect on local employment or the local economy as a result of the proposal, because the  
10 overall number of motor vehicle sales should not be affected.

11 **PUBLIC BENEFIT AND COST NOTE.** Ms. Johnston has also determined that, for each year of the first five  
12 years the proposed rules are in effect, the public benefits include establishing rules to implement HB 3927  
13 and limiting the criminal activity of a small subset of dealers who fraudulently obtain and sell tens of  
14 thousands of temporary tags to persons seeking to engage in violent criminal activity, including armed  
15 robbery, human trafficking, and assaults on law enforcement; or to criminally operate uninsured and  
16 uninspected vehicles as a hazard to Texas motorists and the environment. In addition, the department's  
17 calculations indicate that the numbers will be generous so as not to impede commerce by long time  
18 dealers and converters or new entrants to the marketplace; or burden license holder and department  
19 resources with unnecessary reviews. The proposal is to limit the unauthorized sale of temporary tags and  
20 should not limit or affect a license holder's ability to sell motor vehicles or otherwise conduct legitimate  
21 business.

22 Ms. Johnston anticipates that the proposal will create no additional costs for license holders. A  
23 license holder is not required to purchase any special equipment, employ additional persons, or prepare

1 additional reports. The department will gather the information and make the necessary calculations to  
2 determine the maximum number of temporary tags each dealer or converter will be allotted. To the  
3 extent a request for additional tags is necessary, the department expects the matter can be handled via  
4 the eLICENSING system with primarily the presentation of sales information that shows the tags have  
5 been legitimately issued and that more are needed. This information should be existing and readily  
6 available to the license holder and the use of the eLICENSING system will expedite the review process by  
7 the department.

8 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** The cost analysis in the  
9 Public Benefit and Cost Note section of this proposal has determined that proposed §215.152 and  
10 §215.158 will not result in additional costs for license holders, including any small businesses, micro-  
11 businesses, or rural communities. Therefore, the department is not required to prepare a regulatory  
12 flexibility analysis under Government Code §2006.002.

13 Even if a cost were determined, the department has tried to minimize cost to license holders. The  
14 requirements in §215.152 are designed to be flexible and without a requirement that a license holder  
15 incur costs from the purchase of special equipment, employment of additional persons, or preparation of  
16 additional reports. In addition, the proposal is not to limit or affect a license holder's ability to sell motor  
17 vehicles.

18 To the extent the department was to perform a regulatory flexibility analysis under Government  
19 Code §2006.002, the department would consider the alternatives of not adopting the amendments to  
20 §215.152, exempting small and micro-business license holders from the amendments to §215.152, and  
21 adopting a limited version of §215.152 for small and micro-business license holders. The department  
22 would reject all three options. It has been small and micro-business license holders that have misused the  
23 temporary tag database and issued the tens of thousands of illegal tags. Further, the requirements of

1 §215.152 are minimal. The department, after considering the purpose of the authorizing statutes, does  
2 not believe it is legal or feasible to waive or modify the requirements of proposed §215.150 for a small or  
3 micro-business license holder.

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

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

- 10 will not create or eliminate a government program;
- 11 will not require the creation of new employee positions or the elimination of existing employee  
12 positions;
- 13 will not require an increase or decrease in future legislative appropriations to the department;
- 14 will not require an increase or decrease in fees paid to the department;
- 15 will create new regulation establishing the process for determining the maximum number of  
16 temporary tags that may be allocated to dealers and converters and the procedures for requesting  
17 additional tags;
- 18 will not expand existing regulations;
- 19 will not repeal existing regulations;
- 20 will not increase or decrease the number of individuals subject to the rule's applicability; and
- 21 will not positively or adversely affect the Texas economy.

22 **REQUEST FOR PUBLIC COMMENT.**

1 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on December  
2 13, 2021. A request for a public hearing must be sent separately from your written comments. Send  
3 written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General  
4 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is  
5 held, the department will consider written comments and public testimony presented at the hearing.

6 **STATUTORY AUTHORITY.** The department proposes amendments to §§215.152 and 215.158 under  
7 Transportation Code §§503.002, 503.0632, and 1002.001.

8 Transportation Code §503.002 authorizes the department to adopt rules to administer  
9 Transportation Code Chapter 503.

10 Transportation Code §503.0632(a) provides that the department by rule may establish the  
11 maximum number of temporary tags that a dealer or converter may obtain in a calendar year under  
12 §§503.062, 503.0625, or 503.063.

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

15 **CROSS REFERENCE TO STATUTE.** Transportation Code §§503.062, 503.0625, 503.063, and 503.0632(a)-  
16 (e).

17

18 **TEXT.**

19 **Subchapter E. General Distinguishing Numbers**

20 **43 TAC §215.152 and 215.158**

21

22 §215.152. Obtaining Numbers for Issuance of Temporary Tags.

1 (a) A dealer, a federal, state, or local governmental agency, or a converter is required to have  
2 internet access to connect to the temporary tag databases maintained by the department.

3 (b) Except as provided by §215.157 of this title (relating to Advance Numbers, Preprinted Internet-  
4 down Temporary Tags), before a temporary tag may be issued and displayed on a vehicle, a dealer, a  
5 federal, state, or local governmental agency, or converter must:

6 (1) enter in the temporary tag database true and accurate information about the vehicle,  
7 dealer, converter, or buyer, as appropriate; and

8 (2) obtain a specific number for the temporary tag.

9 (c) The department will inform each dealer annually of the maximum number of buyer's  
10 temporary tags the dealer is authorized to issue during the calendar year under Transportation Code  
11 §503.0632. The number of buyer's temporary tags allocated to each dealer by the department will be  
12 determined based on the following formula:

13 (1) Sales data determined from the department's systems from previous three fiscal  
14 years. A dealer's base number will contain the greater of:

15 (A) the maximum number of in-state buyer's temporary tags issued during  
16 previous fiscal years, or

17 (B) the maximum number of title transactions processed through the Registration  
18 and Title System during previous fiscal years; and

19 (C) the addition of the maximum number of out-of-state buyer's temporary tags  
20 issued during previous fiscal years; except

21 (D) the dealer's base number will be limited to an amount that is not more than  
22 two times the number of title transactions identified in subparagraph (B) of this paragraph.

23 (2) a multiplier based on the dealer's time in operation; and

1                   (3) the total value of paragraphs (1) and (2) of this subsection, multiplied by the expected  
2 annual growth rate percentage, not less than zero, to determine the buyer's temporary tag allotment;  
3 and in addition:

4                   (4) the department may increase the determined allotment of buyer's temporary tags for  
5 dealers in the state, in a geographic or population area, or in a county, based on:

6                                   (A) changes in the market;

7                                   (B) temporary conditions that may affect sales; and

8                                   (C) any other information the department considers relevant.

9                   (d) The department will inform each dealer annually of the maximum number of agent temporary  
10 tags and vehicle specific temporary tags the dealer is authorized to issue during the calendar year under  
11 Transportation Code §503.0632. The number of agent temporary tags and vehicle specific temporary tags  
12 allocated to each dealer by the department, for each tag type, will be determined based on the following  
13 formula:

14                   (1) dealer temporary tag data for agent temporary tags and vehicle specific temporary  
15 tags determined from the department's systems from previous three fiscal years. A dealer's base number  
16 will contain the maximum number of dealer temporary tags issued during previous fiscal years;

17                                   (2) a multiplier based on the dealer's time in operation; and

18                   (3) the total value of paragraphs (1) and (2) of this subsection, multiplied by the expected  
19 annual growth rate percentage, not less than zero, to determine the dealer's temporary tag allotment;  
20 and in addition:

21                   (4) the department may increase a dealer's allotment of agent temporary tags and vehicle  
22 specific temporary tags for dealers in the state, in a geographic or population area, or in a county, based  
23 on:

1                   (A) changes in the market;

2                   (B) temporary conditions that may affect sales; and

3                   (C) any other information the department considers relevant.

4           (e) The department will inform each converter annually of the maximum number of temporary  
5 tags the converter is authorized to issue during the calendar year under Transportation Code §503.0632.

6 The number of temporary tags allocated to each converter by the department will be determined based  
7 on the following formula:

8                   (1) converter temporary tag data determined from the department's systems from  
9 previous three fiscal years. A converter's base number will contain the maximum number of converter  
10 temporary tags issued during previous fiscal years;

11                   (2) A multiplier based on the converter's time in operation; and

12                   (3) the total value of paragraphs (1) and (2) of this subsection, multiplied by the expected  
13 annual growth rate percentage, not less than zero, to determine the converter's temporary tag allotment.

14                   (4) The department may increase a converter's allotment of converter temporary tags for  
15 converters in the state, in a geographic or population area, or in a county, based on:

16                               (A) changes in the market;

17                               (B) temporary conditions that may affect sales; and

18                               (C) any other information the department considers relevant.

19           (f) A dealer or converter that is licensed after the commencement of a calendar year shall be  
20 authorized to issue the number of temporary tags allotted in this subsection prorated on all or part of the  
21 remaining months until the commencement of the calendar year after the dealer's or converter's initial  
22 license expires. The allocations shall be as determined by the department in granting the license, but not  
23 more than:

1                   (1) 600 temporary tags for a franchised dealer per each tag type, buyer's temporary tags,  
2 agent temporary tags, and vehicle specific tags;

3                   (2) 300 temporary tags for a nonfranchised dealer per each tag type, buyer's temporary  
4 tags, agent temporary tags, and vehicle specific tags; and

5                   (3) A converter will be allocated 600 temporary tags.

6                   (g) An existing dealer or converter that is moving its operations from one location to a different  
7 location will continue with its allotment of temporary tags and not be allocated temporary tags under  
8 subsection (f) of this section.

9                   (h) An existing dealer or converter opening an additional location will receive a maximum  
10 allotment based on the allotment provided to existing locations.

11                   (i) After using 50 percent of the allotted maximum number of temporary tags, a dealer or  
12 converter may request an increase in the number of temporary tags by submitting a request in the  
13 department's eLICENSING system.

14                   (1) The dealer or converter must provide information demonstrating the need for  
15 additional temporary tags results from business operations, including anticipated needs, as required by  
16 §503.0632(c). Information may include documentation of sales and tax reports filed as required by law,  
17 information of anticipated need, or other information of the factors listed in §503.0632(b).

18                   (2) The department shall consider the information presented and may consider  
19 information not presented that may weigh for or against granting the request that the department in its  
20 sole discretion determines to be relevant in making its determination. Other relevant information may  
21 include information of the factors listed in §503.0632(b), the timing of the request, and the applicant's  
22 temporary tag activity.

1                   (3) The department may allocate a lesser or greater number of additional temporary tags  
2 than the amount requested by the dealer or converter. Allocation of a lesser or greater number of  
3 additional temporary tags is not a denial of the request.

4                   (4) If a request is denied, a dealer or converter may appeal the denial to the Director of  
5 the Motor Vehicle Division whose decision is final.

6                   (5) Once a denial is final, a dealer or converter may only submit a subsequent request for  
7 additional temporary tags during that calendar year if the dealer or converter is able to provide additional  
8 information not considered in the prior request.

9                   (j) A change in the allotment under subsection (i) of this section does not create a dealer or  
10 converter base for subsequent year calculations.

11                   (k) The department may at any time initiate an enforcement action against a dealer or converter  
12 if temporary tag usage suggests that misuse or fraud has occurred as described in Transportation Code  
13 §§503.038, 503.0632(f), or 503.067.

14                   (l) Unused dealer or converter tag allotments from a calendar year do not roll over to subsequent  
15 years.

16  
17 §215.158. General Requirements and Allocation of Preprinted Internet-down Temporary Tag Numbers.

18                   (a) The dealer, or a federal, state, or local governmental agency, is responsible for the safekeeping  
19 of preprinted Internet-down temporary tags and shall store them in a secure place, and promptly destroy  
20 any expired tags. The dealer, or a federal, state, or local governmental agency shall report any loss, theft,  
21 or destruction of preprinted Internet-down temporary tags to the department within 24 hours of  
22 discovering the loss, theft, or destruction.

1 (b) A dealer, or a federal, state, or local governmental agency, may use a preprinted Internet-  
2 down temporary tag up to 12 months after the date the preprinted Internet-down temporary tag is  
3 created. A dealer, or a federal, state, or local governmental agency, may create replacement preprinted  
4 Internet-down temporary tags up to the maximum allowed, when:

5 (1) a dealer, or a federal, state, or local governmental agency, uses one or more  
6 preprinted Internet-down temporary tags and then enters the required information in the temporary tag  
7 database after access to the temporary tag database is again available; or

8 (2) a preprinted Internet-down temporary tag expires.

9 (c) The number of preprinted Internet-down temporary tags that a dealer, or federal, state, or  
10 local governmental agency, may create is equal to the greater of:

11 (1) the number of preprinted Internet-down temporary tags previously allotted by the  
12 department to the dealer or a federal, state, or local governmental agency;

13 (2) 30; or

14 (3) 1/52 of the dealer's, or federal, state, or local governmental agency's, total annual  
15 sales.

16 (d) For good cause shown, a dealer, or a federal, state, or local governmental agency, may obtain  
17 more than the number of preprinted Internet-down temporary tags described in subsection (c) of this  
18 section. The director of the Motor Vehicle Division [~~Vehicle Titles and Registration Division~~] of the  
19 department or that director's delegate may approve, in accordance with this subsection, an additional  
20 allotment of preprinted Internet-down temporary tags for a dealer, or a federal, state, or local  
21 governmental agency, if the additional allotment is essential for the continuation of the dealer's, or a  
22 federal, state, or local governmental agency's, business. The director of the Motor Vehicle Division  
23 [~~Vehicle Titles and Registration Division~~] of the department, or a federal, state, or local governmental

1 agency, or that director's delegate will base the determination of the additional allotment of preprinted  
2 Internet-down temporary tags on the dealer's, or a federal, state, or local governmental agency's, past  
3 sales, inventory, and any other factors that the director of the Motor Vehicle Division [~~Vehicle Titles and~~  
4 ~~Registration Division~~] of the department or that director's delegate determines pertinent, such as an  
5 emergency. A request for additional preprinted Internet-down temporary tags must specifically state why  
6 the additional preprinted Internet-down temporary tags are necessary for the continuation of the  
7 applicant's business.

8 (e) Preprinted Internet-down temporary tags created under subsection (c) of this section apply to  
9 the maximum tag limit established in §215.152 of this title (relating to Obtaining Numbers for Issuance of  
10 Temporary Tags) when the preprinted tag is entered into the temporary tag database as a sale.

11

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

14 Issued at Austin, Texas, on October 29, 2021.

15

16

17

/s/ Tracey Beaver  
Tracey Beaver, General Counsel