



Texas Department *of* Motor Vehicles
HELPING TEXANS GO. HELPING TEXAS GROW.

Motor Carrier Regulation Advisory Committee

1:00 P.M.
Tuesday, December 5, 2023

AGENDA
MOTOR CARRIER REGULATION ADVISORY COMMITTEE MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR CONFERENCE ROOM
AUSTIN, TEXAS 78731
OPEN MEETING VIA
TELECONFERENCE CALL
PURSUANT TO GOVERNMENT CODE §551.125
TUESDAY, DECEMBER 5, 2023
1:00 P.M.

THIS MEETING WILL BE HELD REMOTELY VIA TELECONFERENCE CALL

The physical location of the meeting will be the Lone Star Conference Room of Building 1, 4000 Jackson Avenue, Austin, Texas 78731, where the teleconference call will be audible to the public.

Teleconference Instructions:

Attendee Join Link:

<https://texasdmv.webex.com/texasdmv/j.php?MTID=m3f2d544cb0b1bae09e8991b45c8426de>

Webinar number:

2633 880 1143

Webinar password:

MCRAC (62722 from phones and video systems)

Phone number for accessing the meeting via phone:

United States Toll Free: 1-650-479-3208 United States Toll

Access code: 263 388 01143

Link to December 5, 2023, TxDMV Motor Carrier Regulation Advisory Committee Meeting Documents: <https://www.txdmv.gov/about-us/txdmv-board-meetings>

All agenda items are subject to possible discussion, questions, consideration, and action by the Motor Carrier Regulation Advisory Committee of the Texas Department of Motor Vehicles (Advisory Committee). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of consideration by the Advisory Committee. A quorum of the Board of the Texas Department of Motor Vehicles (board) may be present at this meeting for information-gathering purposes and discussion. However, board members will not vote on any Advisory Committee agenda items, nor will any board action be taken.

1. CALL TO ORDER

A. Roll Call and Establishment of Quorum

2. DISCUSSION, BRIEFING, AND ACTION ITEMS

- A. Consider Amendments to 43 TAC §218.13 and §218.14 - Jimmy Archer
(BRIEFING AND DISCUSSION ONLY)
- B. Recommendations of Advisory Committee on Amendments to 43 TAC
§218.13 and §218.14 - Presiding Officer (DISCUSSION AND ACTION
ITEM)

3. PUBLIC COMMENT

4. ADJOURNMENT

The Advisory Committee will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Advisory Committee. No action will be taken on matters that are not otherwise part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Advisory Committee members may respond in accordance with Government Code Section 551.042 and consider referring the matter to the board.

If you want to comment on any agenda item (including an open comment under the agenda Item for Public Comment), you must complete a speaker's form at the registration table prior to the agenda item being taken up by the Advisory Committee or send an email to GCO_General@txdmv.gov to register by providing the required information prior to the agenda item being taken up by the Advisory Committee:

- 1. a completed [Public Comment Registration Form](#); or
- 2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name;
 - c. your address (optional), including your city, state, and zip code; and
 - d. who you are representing.

Public comment will only be accepted in person. You must wait for the presiding officer to call on you before you verbally make your comment. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker.

Agenda items may be presented by the named presenters, other staff from the Texas Department of Motor Vehicles, or other Advisory Committee members.

Any individual with a disability who plans to attend this meeting and requires auxiliary

aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Carrie Fortner by telephone at (512) 465-3044.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Laura Moriaty, General Counsel, (512) 465-5665.



**Motor Carrier Regulation Advisory Committee (MCRAC) Meeting
December 5, 2023**

**Briefing on Agenda Item 2.A.
Consider Amendments to 43 TAC §218.13 and §218.14**

The draft amendments to 43 Texas Administrative Code (TAC) §218.13 (Application for Motor Carrier Registration) and §218.14 (Expiration and Renewal of Commercial Motor Vehicle Registration) are focused on obtaining relevant information in the motor carrier application process to assist the department in detecting and preventing chameleon carriers.

Background

A motor carrier may not operate a commercial motor vehicle on a Texas roadway unless the motor carrier obtains a certificate of registration (a/k/a operating authority) from the Texas Department of Motor Vehicles (department). A motor carrier may not operate a vehicle to transport household goods for compensation on a Texas roadway unless the motor carrier obtains operating authority from the department. The department issues operating authority for intrastate transportation within Texas, which means the motor carrier is only traveling within Texas and is not crossing the Texas state line to travel in another state or country.

The draft amendments to §218.13 and §218.14 are designed to require applicants for intrastate operating authority to provide the department with the information it needs to detect and prevent chameleon carriers. Chameleon carriers are motor carriers that attempt to continue operating under a certificate of registration without addressing previous penalties or violations (including safety violations) under a different certificate of registration. There are two types of chameleon carriers:

- 1) a motor carrier that applies to the department for a new certificate of registration to continue to operate as a motor carrier under a different person's name or a different legal entity; and
- 2) a motor carrier that already has more than one certificate of registration under different names or legal entities. Under this second type of chameleon carrier, the motor carrier continues to operate under a different certificate of registration when it incurs penalties or violates any statutes or rules under one of its current certificates of registration.

The department's goal is to prevent chameleon carriers. However, the additional information and documents addressed in the draft amendments to §218.13 and §218.14 would also help the department detect any current chameleon carriers.

The Texas Legislature passed laws to authorize the department to deny intrastate operating authority to chameleon carriers and to revoke a chameleon carrier's intrastate operating authority. Here is a copy of Transportation Code, §643.054(a-2) and (a-3), which is an example of a Texas law that is designed to prevent chameleon carriers:

Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF CERTIFICATE.

(a-2) The department may deny a registration if the applicant is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder, that the Department of Public Safety has determined has:



- (1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or
- (2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.
- (a-3) The department may deny a registration if the applicant is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder, that:
 - (1) owned, operated, managed, or otherwise controlled a motor carrier that the Federal Motor Carrier Safety Administration has placed out of service for unacceptable safety compliance; or
 - (2) has unpaid administrative penalties assessed under this chapter or Subtitle E.

Draft Amendments to 43 TAC §218.13 and §218.14

The attached document contains a rough draft of proposed amendments to §218.13 and §218.14, which are department rules regarding applications for intrastate operating authority. The proposed new text is underlined. The proposed deletions of current text are indicated by strikethrough and are separated from other text by brackets. The proposed amendments are focused on obtaining relevant information in the motor carrier application process to assist the department in detecting and preventing chameleon carriers. However, some of the proposed amendments are designed to document the department's current processes and to clean up the current rule text. Also, this rough draft does not contain all amendments that the department might propose to §218.13 and §218.14.

The department will consider any advice and recommendations from MCRAC before providing the final draft of the proposed amendments to §218.13 and §218.14 to the Board of the Texas Department of Motor Vehicles (board). MCRAC's recommendations will also be provided to the board. The department will request the board's approval to post the proposed amendments in the *Texas Register* to receive public comment. The department must comply with the requirements in the Texas Administrative Procedure Act before the proposed amendments become effective. Publishing the proposed amendments in the *Texas Register* to receive public comment is the first official, public step in the rulemaking process under the Texas Administrative Procedure Act.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 1 of 18

1 TEXT.

2 SUBCHAPTER B. MOTOR CARRIER REGISTRATION

3 43 TAC §218.13 AND §218.14

4 §218.13. Application for Motor Carrier Registration.

5 (a) Form of application. An application for motor carrier registration must be filed electronically
6 in the department's designated registration system, [with the department's Motor Carrier Division and]
7 must be in the form prescribed by the director and must contain, at a minimum, the following information
8 and documents.

9 (1) USDOT number. A valid USDOT number issued to the applicant.

10 (2) Information and documents on applicant. [Business or trade name.] All applications
11 must include the following information and documents on the applicant, as applicable:

12 (A) The applicant's name, business type (e.g., sole proprietor, corporation, or
13 limited liability company), telephone number, email address, and Secretary of State file number . The
14 applicant's name and email address must match the information the applicant provided to FMCSA to
15 obtain the USDOT number that the applicant provided in its application to the department.

16 (B) An application submitted by an entity, such as a corporation, general
17 partnership, limited liability company, limited liability corporation, limited partnership, or partnership,
18 must include the entity's Texas Comptroller's Taxpayer Number or the entity's Federal Employer
19 Identification Number.

20 (C) A legible and accurate electronic image of each applicable required document:

21 (i) The certificate of filing, certificate of incorporation, or certificate of
22 registration on file with the Texas Secretary of State; and

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 2 of 18

1 (ii) each assumed name certificate on file with the Secretary of State or
2 county clerk.

3 ~~[The applicant must designate the business or trade name of the motor carrier.]~~

4 (3) Information and documents on applicant's owners, representatives, and affiliates.
5 ~~[Owner name.]~~ All applications must include the following information and documents on the applicant's
6 owners, representatives, and affiliates, as applicable:

7 (A) The contact name, email address, and telephone number of the person
8 submitting the application. An authorized representative of the applicant who files an application with
9 the department on behalf of an applicant may be required to provide written proof of authority to act on
10 behalf of the applicant.

11 (B) The name, social security number or Individual Taxpayer Identification
12 Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of
13 birth, address [home or business?], and ownership percentage for each owner, partner, member, or
14 principal if the applicant is not a publicly traded company.

15 (C) The name, social security number or Individual Taxpayer Identification
16 Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of
17 birth, and address [home or business?] for each officer, director, manager, trustee, or other
18 representative authorized to act on behalf of the applicant if the applicant is owned in full or in part by a
19 legal entity.

20 (D) The name, employer identification number, ownership percentage, and non-
21 profit or publicly traded status for each legal entity that owns the applicant in full or in part.

22 (E) The name, social security number or Individual Taxpayer Identification
23 Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 3 of 18

1 birth, and address [home or business?] for each person who serves or will serve as the applicant's
2 manager, operator, or representative who oversees the applicant's business activities.

3 (F) A legible and accurate electronic image of each applicable required document:

4 (i) at least one of the following unexpired identity documents for each
5 natural person identified in the application:

6 (I) a driver license issued by a state or territory of the United
7 States. If the driver license was issued by the Texas Department of Public Safety, the application must also
8 include the audit number listed on the Texas driver license;

9 (II) Texas identification Card issued by the Texas Department of
10 Public Safety under Transportation Code, Chapter 521, Subchapter E;

11 (III) license to carry a handgun issued by the Texas Department
12 of Public Safety under Government Code, Chapter 411, Subchapter H;

13 (IV) passport; or

14 (V) United States armed forces identification.

15 ~~[If the motor carrier is a sole proprietorship, the owner must indicate the name and social security number~~
16 ~~of the owner. A partnership must indicate the partners' names, and a corporation or other entity must~~
17 ~~indicate principal officers and titles.]~~

18 (4) ~~[Physical address of principal]~~ Principal business address and mailing address. ~~[place~~
19 ~~of business.]~~ The applicant must provide the applicant's [A motor carrier must disclose the motor carrier's]
20 principal business address. If the mailing address is different from the principal business address, the
21 applicant must also provide the applicant's mailing address [must also be disclosed].

22 (5) Legal agent.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 4 of 18

1 (A) A Texas-domiciled motor carrier must provide the name, telephone number,
2 and address of a legal agent for service of process if the agent is different from the motor carrier.

3 (B) A motor carrier domiciled outside Texas must provide the name, telephone
4 number, and Texas address of the legal agent for service of process.

5 (C) A legal agent for service of process shall be a Texas resident, a domestic
6 corporation, or a foreign corporation authorized to transact business in Texas with a Texas physical
7 address, rather than a post office box, for service of process.

8 (6) Description of vehicles. An application must include a motor carrier equipment report
9 identifying each commercial motor vehicle that requires registration and that the carrier proposes to
10 operate. Each commercial motor vehicle must be identified by its motor vehicle identification number,
11 make, model year, and type of cargo and by the unit number assigned to the commercial motor vehicle
12 by the motor carrier. Any subsequent registration of vehicles must be made under subsection (e) of this
13 section.

14 (7) Type of motor carrier operations. An applicant must state if the applicant:

15 (A) proposes to transport passengers, household goods, or hazardous materials;
16 or

17 (B) is domiciled in a foreign country.

18 (8) Insurance coverage. An applicant must indicate insurance coverage as required by
19 §218.16 of this title (relating to Insurance Requirements).

20 (9) Safety certification. Each motor carrier must complete, as part of the application, a
21 certification stating that the motor carrier knows and will conduct operations in accordance with all
22 federal and state safety regulations.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 5 of 18

1 (10) Drug-testing certification. Each motor carrier must certify, as part of the application,
2 that the motor carrier is in compliance with the drug-testing requirements of 49 C.F.R. Part 382. If the
3 motor carrier belongs to a consortium, as defined by 49 C.F.R. Part 382, the applicant must provide the
4 names of the persons operating the consortium.

5 (11) Duration of registration.

6 (A) An applicant must indicate the duration of the desired registration. Except as
7 provided otherwise in this section, registration may be for seven calendar days, 90 calendar days, one
8 year, or two years. The duration of registration chosen by the applicant will be applied to all vehicles.

9 (i) Household goods carriers may not obtain seven-day or 90-day
10 certificates of registration.

11 (ii) Motor carriers that transport passengers in a commercial motor
12 vehicle as defined by §218.2(8)(A)(ii) of this title (relating to Definitions) may not obtain seven-day or 90-
13 day certificates of registration, unless approved by the director.

14 (B) Interstate motor carriers that operate in intrastate commerce and meet the
15 requirements under §218.14(c) of this title (relating to Expiration and Renewal of Commercial Motor
16 Vehicles Registration) are not required to renew a certificate of registration issued under this section.

17 (12) Additional requirements. The following fees, documents, and information must be
18 submitted with all applications.

19 (A) An application must be accompanied by an application fee of:

20 (i) \$100 for annual and biennial registrations;

21 (ii) \$25 for 90-day registrations; or

22 (iii) \$5 for seven-day registrations.

23 (B) An application must be accompanied by a vehicle registration fee of:

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 6 of 18

(i) \$10 for each vehicle that the motor carrier proposes to operate under a seven-day, 90-day, or annual registration; or

(ii) \$20 for each vehicle that the motor carrier proposes to operate under a biennial registration.

(C) An application must be accompanied by proof of insurance or financial responsibility and insurance filing fee as required by §218.16.

(D) An application must include the applicant's business telephone number, email address, and any cell phone number.

(E) An application must include the completed ~~New~~ Applicant Questionnaire, which consists of questions and requirements, such as the following: The Federal Motor Carrier Safety Administration goes back three years from the date the applicant filed the application for interstate operating authority to engage in interstate transportation. How far back should TxDMV go from the date of the application?

(i) Have you ever had another motor carrier certificate number registered with the department or the Texas Department of Transportation? If your answer is yes, provide the certificate of registration number for the motor carrier(s). In the Applicant Questionnaire, the word "you" means the applicant or any business that is operated, managed, or otherwise controlled by or affiliated with the applicant or a family member, corporate officer, manager, operator, or owner (if the business is not a publicly traded company) of the applicant.

(ii) Have you had a Compliance Review or a New Entrant Audit by the Texas Department of Public Safety (TxDPS) that resulted in an Unsatisfactory Safety Rating? If your answer is yes, provide the USDOT number(s) and the certificate of registration number(s) issued by the department or the Texas Department of Transportation.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 7 of 18

1 (iii) Are you currently under an Order to Cease from TxDPS? If your
2 answer is yes, provide the motor carrier's USDOT number(s) and the Carrier Profile number(s). [Need to
3 define Carrier Profile number.]

4 (iv) Are you related to another motor carrier? The relationship may
5 be through a person, family member, corporate officer, or partner who also operates or has operated as
6 a motor carrier in Texas. If your answer is yes, state how you are related and provide the motor carrier's
7 name and the motor carrier's USDOT number or the certificate of registration number issued by the
8 department or the Texas Department of Transportation for each related motor carrier.

9 (v) Do you currently owe any administrative penalties to the
10 department? If your answer is yes, provide the following information under which the administrative
11 penalties were assessed:

12 (I) department's notice number(s); and
13 (II) the motor carrier's USDOT number and certificate of
14 registration number issued by the department or the Texas Department of Transportation;

15 (vi) Name and title of person completing the Applicant
16 Questionnaire; and

17 (vii) Is the person completing the Applicant Questionnaire an
18 authorized representative of the applicant? If your answer is yes, please add your name, job title, phone
19 number, and address.

20 [(F) An application submitted by an individual must include the number from one
21 of the following forms of identification, as well as a copy of the identification document:]

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 8 of 18

1 ~~[(i) an unexpired driver's license issued by a state or territory of the~~
2 ~~United States. If the driver's license was issued by the Department of Public Safety, the application must~~
3 ~~also include the audit number listed on the driver's license;]~~

4 ~~[(ii) an unexpired identification certificate issued by a state or territory of~~
5 ~~the United States; or]~~

6 ~~[(iii) an unexpired concealed handgun license or license to carry a~~
7 ~~handgun issued by the Department of Public Safety under Government Code, Chapter 411, Subchapter~~
8 ~~H;]~~

9 ~~[(G) An application submitted by an individual or entity with an assumed name~~
10 ~~must be accompanied by supporting documents regarding the assumed name, such as an assumed name~~
11 ~~filing in the county of proposed operation.]~~

12 ~~[(H) An application submitted by an entity, such as a corporation, general~~
13 ~~partnership, limited liability company, limited liability corporation, limited partnership, or partnership,~~
14 ~~must include the entity's Texas Comptroller's Taxpayer Number or the entity's Federal Employer~~
15 ~~Identification Number.]~~

16 [(F) A certification that the information and documents provided in the application
17 are true and correct and that the applicant complied with the application requirements under Chapter
18 218 of this title (relating to Motor Carriers) and Transportation Code, Chapter 643.

19 [(G) [(H)] An application must be accompanied by any other information or
20 documents required by the department to evaluate the application under current law and board rules.

21 (13) Additional requirements for household goods carriers. The following information,
22 documents, and certification must be submitted with all applications by household goods carriers:

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 9 of 18

1 (A) A copy of the tariff that sets out the maximum charges for transportation of
2 household goods, or a copy of the tariff governing interstate transportation services. If an applicant is
3 governed by a tariff that its association has already filed with the department under §218.65 of this title
4 (relating to Tariff Registration), the applicant complies with the requirement in this subparagraph by
5 checking the applicable box on the application to identify the association's tariff.

6 (B) If the motor vehicle is not titled in the name of the household goods carrier,
7 the following lease information and documentation, notwithstanding §218.18(a) of this title (relating to
8 Short-term Lease and Substitute Vehicles):

9 (i) a copy of a valid lease agreement for each motor vehicle that the
10 household goods carrier will operate; and

11 (ii) the name of the lessor and their USDOT number for each motor
12 vehicle leased to the household goods carrier under a short-term lease.

13 (C) A certification that the household goods carrier has procedures that comply
14 with Code of Criminal Procedure, Article 62.063(b)(3), which prohibits certain people who are required to
15 register as a sex offender from providing moving services in the residence of another person without
16 supervision.

17 (14) Additional requirements for passenger carriers. The following information and
18 documents must be submitted with all applications for motor carriers that transport passengers in a
19 commercial motor vehicle as defined by §218.2(8)(A)(ii) of this title:

20 (A) If the commercial motor vehicle is titled in the name of the motor carrier, a
21 copy of the International Registration Plan registration receipt or a copy of the front and back of the title
22 for each commercial motor vehicle; or

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 10 of 18

(B) If the commercial motor vehicle is not titled in the name of the motor carrier, the following lease information and documentation, notwithstanding §218.18(a) of this title:

(i) A copy of a valid lease agreement for each commercial motor vehicle; and

(ii) The name of the lessor and their USDOT number for each commercial motor vehicle [~~vehicles~~] leased to the motor carrier under a short-term lease.

(b) Conditional acceptance of application. If an application has been conditionally accepted by the director pursuant to Transportation Code, §643.055, the applicant may not operate the following until the department has issued a certificate under Transportation Code, §643.054:

(1) a commercial motor vehicle or any other motor vehicle to transport household goods for compensation, or

(2) a commercial motor vehicle to transport persons or cargo.

(c) Approved application. An applicant meeting the requirements of this section and whose registration is approved will be issued the following documents:

(1) Certificate of registration. The department will issue a certificate of registration. The certificate of registration will contain the name and address of the motor carrier and a single registration number, regardless of the number of vehicles requiring registration that the carrier operates.

(2) Insurance cab card. The department will issue an insurance cab card listing all vehicles to be operated under the carrier's certificate of registration. The insurance cab card shall be continuously maintained at the registrant's principal place of business. The insurance cab card will be valid for the same period as the motor carrier's certificate of registration and will contain information regarding each vehicle registered by the motor carrier.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 11 of 18

1 (A) A current copy of the page of the insurance cab card on which the vehicle is
2 shown shall be maintained in each vehicle listed, unless the motor carrier chooses to maintain a legible
3 and accurate image of the insurance cab card on a wireless communication device in the vehicle or
4 chooses to display such information on a wireless communication device by accessing the department's
5 online system from the vehicle. The appropriate information concerning that vehicle shall be highlighted
6 if the motor carrier chooses to maintain a hard copy of the insurance cab card or chooses to display an
7 image of the insurance cab card on a wireless communication device in the vehicle. The insurance cab
8 card or the display of such information on a wireless communications device will serve as proof of
9 insurance as long as the motor carrier has continuous insurance or financial responsibility on file with the
10 department.

11 (B) On demand by a department investigator or any other authorized government
12 personnel, the driver shall present the highlighted page of the insurance cab card that is maintained in
13 the vehicle or that is displayed on a wireless communication device in the vehicle. If the motor carrier
14 chooses to display the information on a wireless communication device by accessing the department's
15 online system, the driver must locate the vehicle in the department's online system upon request by the
16 department-certified inspector or other authorized government personnel.

17 (C) The motor carrier shall notify the department in writing if it discontinues use
18 of a registered commercial motor vehicle before the expiration of its insurance cab card.

19 (D) Any erasure or alteration of an insurance cab card that the department
20 printed out for the motor carrier renders it void.

21 (E) If an insurance cab card is lost, stolen, destroyed, or mutilated; if it becomes
22 illegible; or if it otherwise needs to be replaced, the department will print out a new insurance cab card

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 12 of 18

1 at the request of the motor carrier. Motor carriers are authorized to print out a copy of a new insurance
2 cab card using the department's online system.

3 (F) The department is not responsible for a motor carrier's inability to access the
4 insurance information using the department's online system.

5 (G) The display of an image of the insurance cab card or the display of insurance
6 information from the department's online system via a wireless communication device by the motor
7 carrier does not constitute effective consent for a law enforcement officer, the department investigator,
8 or any other person to access any other content of the wireless communication device.

9 (d) Additional and replacement vehicles. A motor carrier required to obtain a certificate of
10 registration under this section shall not operate additional vehicles unless the carrier identifies the
11 vehicles on a form prescribed by the director and pays applicable fees as described in this subsection.

12 (1) Additional vehicles. To add a vehicle, a motor carrier must pay a fee of \$10 for each
13 additional vehicle that the motor carrier proposes to operate under a seven-day, 90-day, or annual
14 registration. To add a vehicle during the first year of a biennial registration, a motor carrier must pay a fee
15 of \$20 for each vehicle. To add a vehicle during the second year of a biennial registration, a motor carrier
16 must pay a fee of \$10 for each vehicle.

17 (2) Replacement vehicles. No fee is required for a vehicle that is replacing a vehicle for
18 which the fee was previously paid. Before the replacement vehicle is put into operation, the motor carrier
19 shall notify the department, identify the vehicle being taken out of service, and identify the replacement
20 vehicle on a form prescribed by the department. A motor carrier registered under seven-day registration
21 may not replace vehicles.

22 (e) Supplement to original application. A motor carrier required to register under this section shall
23 electronically file in the department's designated registration system [submit] a supplemental application

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 13 of 18

1 under the following circumstances and supply any new information and documents required under
2 §218.13 of this title (relating to Application for Motor Carrier Registration) if the information and
3 documents have not previously been provided to the department or if the information or any documents
4 have changed since the registrant provided the information or documents to the department.

5 (1) Change of cargo. A registered motor carrier may not begin transporting household
6 goods or hazardous materials unless the carrier submits a supplemental application to the department
7 and shows the department evidence of insurance or financial responsibility in the amounts specified by
8 §218.16.

9 (2) Change of name. A motor carrier that changes its name shall file a supplemental
10 application for registration no later than the effective date of the change. The motor carrier shall include
11 evidence of insurance or financial responsibility in the new name and in the amounts specified by §218.16.
12 A motor carrier that is a corporation must have its name change approved by the Texas Secretary of State
13 before filing a supplemental application. A motor carrier incorporated outside the state of Texas must
14 complete the name change under the law of its state of incorporation before filing a supplemental
15 application.

16 (3) Change of address or legal agent for service of process. A motor carrier shall file a
17 supplemental application for any change of address or any change of its legal agent for service of process
18 no later than the effective date of the change. The address most recently filed will be presumed
19 conclusively to be the current address.

20 (4) Change in principal officers and titles. A motor carrier that is a corporation shall file a
21 supplemental application for any change in the principal officers and titles no later than the effective date
22 of the change.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 14 of 18

1 (5) Conversion of corporate structure. A motor carrier that has successfully completed a
2 corporate conversion involving a change in the name of the corporation shall file a supplemental
3 application for registration and evidence of insurance or financial responsibility reflecting the new
4 company name. The conversion must be approved by the Office of the Secretary of State before the
5 supplemental application is filed.

6 (6) Change in drug-testing consortium status. A motor carrier that changes consortium
7 status shall file a supplemental application that includes the names of the persons operating the
8 consortium.

9 (7) Retaining a revoked or suspended certificate of registration number. A motor carrier
10 may retain a prior certificate of registration number by:

11 (A) filing a supplemental application to re-register instead of filing an original
12 application; and

13 (B) providing adequate evidence that the carrier has satisfactorily resolved the
14 facts that gave rise to the suspension or revocation.

15 (f) Change of ownership. A motor carrier must file an original application for registration when
16 there is a corporate merger or a change in the ownership of a sole proprietorship or of a partnership.

17 (g) Alternative vehicle registration for household goods agents. To avoid multiple registrations of
18 a commercial motor vehicle, a household goods agent's vehicles may be registered under the motor
19 carrier's certificate of registration under this subsection.

20 (1) The carrier must notify the department on a form approved by the director of its intent
21 to register its agent's vehicles under this subsection.

22 (2) When a carrier registers vehicles under this subsection, the carrier's certificate will
23 include all vehicles registered under its agent's certificates of registration. The carrier must register under

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 15 of 18

1 its certificate of registration all vehicles operated on its behalf that do not appear on its agent's certificate
2 of registration.

3 (3) The department may send the carrier a copy of any notification sent to the agent
4 concerning circumstances that could lead to denial, suspension, or revocation of the agent's certificate.

5 (h) Substitute vehicles leased from leasing businesses. A registered motor carrier is not required
6 to comply with the provisions of subsection (e) of this section for a substitute vehicle leased from a
7 business registered under §218.18 of this title (relating to Short-term Lease and Substitute Vehicles). A
8 motor carrier is not required to carry proof of registration as described in subsection (d) of this section if
9 a copy of the lease agreement for the originally leased vehicle is carried in the cab of the temporary
10 replacement vehicle.

11 (i) Once the motor carrier obtains a certificate of registration, the motor carrier must update the
12 information and documents that it provided to the department in its current application within 30 days
13 of a change in the information or any documents provided to the department. ~~[review its principal~~
14 ~~business address, mailing address, and email address in the department's online system every six months~~
15 ~~and shall update such information if it is no longer correct.]~~

16
17 §218.14. Expiration and Renewal of Commercial Motor Vehicle Registration.

18 (a) Expiration and renewal dates.

19 (1) A motor carrier with annual or biennial registration will be assigned a date for the
20 expiration and renewal of its motor carrier registration according to the last digit of the carrier's certificate
21 of registration number, as outlined in the following chart:

22 201000193-1.html

23 (2) 90 day certificates of registration are valid for 90 calendar days from the effective date.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 16 of 18

1 (3) Seven day certificates of registration are valid for seven calendar days from the
2 effective date.

3 (b) Registration renewal.

4 (1) Approximately 60 days before the expiration of registration, the department will mail
5 or send electronically a renewal notice to each registered motor carrier with annual or biennial
6 registration. The notice will be mailed to the carrier's last known address according to the division's
7 records. Failure to receive the notice does not relieve the registrant of the responsibility to renew. A motor
8 carrier must ensure that the department receives the renewal at least 15 days prior to the renewal date
9 specified in subsection (a) of this section. A supplement to an application for motor carrier registration
10 renewal must be filed electronically in the department's designated registration system and must:

11 (A) supply any new information and documents required under §218.13~~(e)~~ of
12 this title (relating to Application for Motor Carrier Registration) if the information and documents have
13 ~~has~~ not previously been provided [supplied] to the department or if the information or any documents
14 have changed since the registrant provided the information or documents to the department; and

15 (B) include a \$10 fee for each vehicle that the carrier operates under an annual
16 certificate of registration and a \$20 fee for each vehicle that the carrier operates under a biennial
17 certificate of registration.

18 (2) Seven day and 90 day registrations may not be renewed.

19 (3) A motor carrier shall maintain continuous insurance or evidence of financial
20 responsibility in an amount at least equal to the amount prescribed under §218.16 of this title (relating to
21 Insurance Requirements).

22 (4) The insurance cab card issued to a motor carrier is valid for the same period as the
23 motor carrier's certificate of registration.

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 17 of 18

(5) To renew registration after it has expired, a motor carrier must file a supplemental application electronically in the department's designated registration system within 180 days after the registration expiration and must include the following information, documents, and fees:

(A) identify its vehicles on a form prescribed by the director; [;]

(B) supply any new information and documents required under §218.13 of this title if the information and documents have not previously been provided to the department or if the information or any documents have changed since the registrant provided the information and documents to the department in its last application;

(C) pay all vehicle fees; [,] and

(D) if current proof of insurance is not on file with the department, comply with [division, meet] all insurance requirements.

(c) Interstate motor carrier operating in intrastate commerce.

(1) An interstate motor carrier registered under §218.17 of this title (relating to Unified Carrier Registration System) is not required to renew a certificate of registration issued under §218.11 of this title (relating to Motor Carrier Registration) except when the motor carrier is operating as a

(A) non-charter bus carrier;

(B) household goods carrier; or

(C) recyclable materials or waste carrier.

(2) If a motor carrier that registered under §218.17 does not maintain continuous motor carrier registration under §218.11, the motor carrier must file a supplemental application to re-register under §218.13 to operate on public streets and highways in this state.

(3) The motor carrier must notify the department if the motor carrier is registered under UCR. The notification must be filed with the department on a form prescribed by the department. Once

TITLE 43. TRANSPORTATION
Part 10. Texas Department of Motor Vehicles
Chapter 218 - Motor Carriers

Proposed Sections
Page 18 of 18

1 the department receives the notification, the department will convert the motor carrier's certificate of
2 registration to a non-expiring certificate of registration if the motor carrier qualifies for a non-expiring
3 certificate of registration.

4 (4) If the department issues the motor carrier a non-expiring certificate of registration,
5 the motor carrier must notify the department if the motor carrier is no longer registered under UCR or if
6 the motor carrier operates as a non-charter bus carrier, household goods carrier, or recyclable materials
7 or waste carrier. The notification must be filed with the department on a form prescribed by the
8 department.