



Texas Department *of* Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.



TxDMV Board Meeting

9:00 a.m.

Thursday, February 8, 2024

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR CONFERENCE ROOM
AUSTIN, TEXAS 78731
THURSDAY, FEBRUARY 8, 2024
9:00 A.M.

The presiding officer of the Board will be physically present in the Lone Star Conference Room of Building 1, 4000 Jackson Avenue, Austin, Texas 78731. Some board members may attend via videoconferencing.

Link to February 8, 2024, TxDMV Board 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 Board of the Texas Department of Motor Vehicles (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff, Board member, or other personnel as needed. The Board reserves the right to discuss any items in closed session where authorized by the Open Meetings Act.

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1. Roll Call and Establishment of Quorum

2. Pledges of Allegiance - U.S. and Texas

3. Chair's Reports - Chairman Bacarisse

- A. Chair's Annual Report to Governor on State of Affairs - Fiscal Year 2023 (BRIEFING ONLY)
- B. [Appointment of Civil Rights Officer under Transportation Code, §1001.023\(b\)\(7\) \(BRIEFING ONLY\)](#)
- C. [Excuse Absences of a Board Member under Transportation Code §1001.027\(a\)\(4\) \(ACTION ITEM\)](#)

4. Executive Director's Reports - Daniel Avitia (BRIEFING ONLY)

- A. [Vehicle Titles and Registration Advisory Committee Meeting Update](#)
- B. [MVCPA SB 224 Advisory Committee Meeting Update](#)
- C. [Awards, Recognition of Years of Service, and Announcements](#)

CONTESTED CASE

- 5. Consideration and Approval of Proposed Final Order on Enforcement Case *Texas Department of Motor Vehicles v. Marquez Auto Sales, Inc.*; Enforcement Docket No. 22-0001153.ENF; SOAH Docket No. 608-22-1781.ENF - Laura Moriaty (ACTION ITEM)**

RULE PROPOSALS

- 47 6. **Rule Review**
 Rule Review Proposal under Government Code §2001.039: Chapter 219,
 Oversize and Overweight Vehicles and Loads - Laura Moriaty (ACTION ITEM)
 Subchapters A, C, D, E, F, G, and H; and Subchapter B, §§219.10–219.15
 and §219.17
- 49 7. **Chapter 219. Oversize and Overweight Vehicles and Loads** - Jimmy Archer
 (ACTION ITEM)
 Amendments, Subchapters A, B, C, D, E, F and G
 New, §§219.5, 219.7 and 219.9
 Repeal, §§219.84, 219.86, and 219.123
 (Relating to Cleanup)

BRIEFING AND ACTION ITEMS

- 188 8. Appointment of Members to the Household Goods Rules Advisory Committee
 (HGRAC) - David Richards (ACTION ITEM)
- 191 9. **Finance and Audit**
- 192 A. Notification of Pending Vehicle Title Forms Procurement with Estimated
 Lifetime Value Exceeding \$5,000,000 - Brad Payne (BRIEFING ONLY)
- B. Internal Audit Division Status Update - Salem Chuah and Jason Gonzalez
 (BRIEFING ONLY)
- i. Current Engagements
- ii. Regional Service Centers Audit

CLOSED SESSION

10. The Board may enter into closed session under one or more provisions of
 the Texas Open Meetings Act, Government Code Chapter 551, including
 but not limited to:

Section 551.071 - Consultation with and advice from legal counsel regarding:
- pending or contemplated litigation, or a settlement offer;
- a matter in which the duty of the attorney to the government body under the
Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas
clearly conflicts with Government Code Chapter 551; or
- any item on this agenda; or

- *Lucid Group USA, Inc. vs. Monique Johnston, in her official capacity as Director
of the Motor Vehicle Division of the Texas Department of Motor Vehicles, et al.*
Case No. 1:22-cv-01116; in the United States District Court for the Western
District of Texas, Austin Division.

Section 551.076 - Deliberation Regarding Security Devices or Security Audits.
- the deployment, or specific occasions for implementation, of security

personnel or devices; or
- a security audit.

Section 551.089 - Deliberation Regarding Security Devices or Security Audits.

- security assessments or deployments relating to information resources technology;
- network security information as described by Government Code Section 2059.055(b); or
- the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

11. Action Items from Closed Session

12. Public Comment

13. Adjournment

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

If you would like 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 Board 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 Board:

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. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker

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.

Board Meeting Date: 2/8/2024
BRIEFING ITEM

To: Texas Department of Motor Vehicles Board
From: Charles Bacarisse, Chair
Agenda Item: 3.B
Subject: Appointment of Civil Rights Officer under Transportation Code, §1001.023(b)(7)

RECOMMENDATION

Briefing Only.

PURPOSE AND EXECUTIVE SUMMARY

The Civil Rights officer is appointed by the Chair of the Texas Department of Motor Vehicles Board and oversees the Equal Employment Opportunity process for the department as required by Transportation Code Chapter 1001 to help ensure compliance with civil rights laws and policies.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

The Civil Rights Officer positively impacts the lives of TxDMV employees and the culture of the department by promoting equality and upholding state and federal statutes prohibiting employment discrimination and retaliation in the workplace. The Civil Rights Officer contributes to any necessary revisions of agency policies related to civil rights functions and protections. The Civil Rights Officer receives and investigates employee complaints of discrimination, harassment, and retaliation and serves as the agency's Title VI Non-Discrimination Coordinator.

Terry Vannoy has been with TxDMV for five years and currently serves as an associate general counsel. Before joining the department, her experience included more than 20 years as a licensed attorney and human resources executive in the private sector.

**Texas Department of Motor Vehicles**

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Board Meeting Date: 2/8/2024**ACTION ITEM**

To: Texas Department of Motor Vehicles Board
From: Charles Bacarisse, Chair
Agenda Item: 3.C
Subject: Excuse Absences of a Board Member under Transportation Code §1001.027(a)(4)

RECOMMENDATION

Action Item.

PURPOSE AND EXECUTIVE SUMMARY

To excuse the absences of any board member who was absent from more than half of the regularly scheduled board meetings in a calendar year.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

Texas Transportation Code, §1001.027, in part, provides that an absence of a board member from a regularly scheduled board meeting may be excused by a majority vote of the board. A board member's unexcused absence from more than half of the board's regularly scheduled meetings during a calendar year is grounds for removal of the board member under Transportation Code, §1001.027(a)(4).



Texas Department of Motor Vehicles

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Board Meeting Date: 2/8/2024**BRIEFING ITEM**

To: Texas Department of Motor Vehicles Board
From: Daniel Avitia, Executive Director
Agenda Item: 4.A
Subject: Executive Director's Report - Vehicle Titles and Registration Advisory Committee Meeting Update

RECOMMENDATION

Briefing Only.

PURPOSE AND EXECUTIVE SUMMARY

Update on the Vehicle Titles and Registration Advisory Committee (VTRAC) meeting that occurred January 10, 2024.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

VTRAC met January 10, 2024, to elect committee leadership. The committee was also briefed on the implementation plan for rule amendments necessary to implement House Bills 718 and 3297 (88th Texas Legislature, Regular Session) and for the rule review of 43 Texas Administrative Code, Chapter 217, Vehicle Titles and Registration.

Department staff continue to review impacted rules and refine the draft amendments. Staff plan to present the draft amendments to the committee in February to obtain recommendations for staff consideration and presentation to the board at its June board meeting.

To: Texas Department of Motor Vehicles Board
From: Daniel Avitia, Executive Director
Agenda Item: 4.B
Subject: Executive Director's Report - MVCPA SB 224 Advisory Committee Meeting Update

RECOMMENDATION

Briefing Only.

PURPOSE AND EXECUTIVE SUMMARY

The Motor Vehicle Crime Prevention Authority's (MVCPA) ongoing activities related to Senate Bill 224 from the 88th Texas Legislature.

FINANCIAL IMPACT

The 88th Texas Legislature provided the following funding in support of SB 224: \$24.6 million for Fiscal Year (FY) 2024 and \$30.3 million for FY 2025.

BACKGROUND AND DISCUSSION

In FY 2022, the prices of catalytic converter components increased, and the prevention of catalytic converter theft became a priority. Criminal activity continues to evolve and become more complex, especially when attempting to steal and sell catalytic converters. SB 224 created enhanced penalties for criminal activity involving catalytic converters and administrative penalties for metal recycling entities.

MVCPA board approved the SB 224 Plan of Operation during its meeting in Houston, Texas, on December 7, 2023. The SB 224 Plan Operation was required to be adopted no later than January 1, 2024.

Collaborative efforts related to the implementation of SB 224 with partner state agencies including the Texas Department of Motor Vehicles (TxDMV), Texas Department of Public Safety (DPS), and the Texas Department of Licensing and Regulation (TDLR) have been positive and are ongoing. The MVCPA SB 224 Advisory Committee convened its initial meeting in El Paso, Texas, on January 18, 2024. The advisory committee is comprised of law enforcement, industry representatives, and partner agencies. Items covered during the committee meeting included an overview of SB 224 and various components of the plan of operation. The conversation was fluid and fruitful with all participants providing invaluable information related to the challenges each regulated entity faces.

On January 31, 2024, MVCPA board was briefed on SB 224 partner state agency requests for funding staff positions and other operating needs. An interagency contract (IAC) will be drafted with DPS and TDLR to provide for their SB 224 operational resource needs. Law enforcement taskforce grant applications are currently being developed for SB 224 catalytic converter theft, prevention, education, and prosecutorial support.



Texas Department of Motor Vehicles

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Board Meeting Date: 2/8/2024
BRIEFING ITEM

To: Texas Department of Motor Vehicles Board
From: Daniel Avitia, Executive Director
Agenda Item: 4.C
Subject: Executive Director's Report – Awards, Recognition of Years of Service, Announcements

RECOMMENDATION

Briefing Only. Board Chair and members offer congratulations to employees receiving recognition for an award, reaching a state service milestone, or retirement.

PURPOSE AND EXECUTIVE SUMMARY

The Executive Director announces the name of individuals who retired from the agency and recognizes employees who have reached a state service milestone of 20 years and every five-year increment thereafter. Recognition at the February 8, 2024, Board Meeting for state service awards and retirements include:

- Joi Dinolfo – Enforcement Division – achieved 20 years of state service.
- Jamie Jaquez – Vehicle Title and Registration Division – achieved 20 years of state service.
- Edward Weissbeck – Finance and Operations Division – achieved 20 years of state service.
- David Clem – Information Technology Services Division – achieved 25 years of state service.
- Dawna Eckwall – Motor Vehicle Division – achieved 25 years of state service.
- Robert Martinez – Enforcement Division – achieved 25 years of state service.
- Martha Sandoval – Vehicle Title and Registration Division – achieved 30 years of state service.
- Kavin Edwards – Vehicle Title and Registration Division – achieved 30 years of state service.
- Homer Vasquez – Information Technology Services Division – achieved 35 years of state service.

The following individual recently retired from the agency:

- Patricia Combs – Vehicle Titles and Registration Division - achieved 42 years of state service.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

No additional background and discussion.



Texas Department of Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.

Board Meeting Date: 2/8/2024

ACTION ITEM

To: Texas Department of Motor Vehicles Board
From: Laura Moriarty, General Counsel
Agenda Item: 5
Subject: Consideration and Approval of Proposed Final Order on Enforcement Case
Texas Department of Motor Vehicles v. Marquez Auto Sales, Inc.; Enforcement
Docket 22-0001153.ENF; SOAH Docket No. 608-22-1781.ENF

RECOMMENDATION

Action Item. For board consideration.

PURPOSE AND EXECUTIVE SUMMARY

The State Office of Administrative Hearings (SOAH) issued a Proposal for Decision (PFD). The Board is required to issue a final order in this case.

Marquez Auto Sales, Inc. (Marquez) currently holds a general distinguishing number (GDN) issued by the Texas Department of Motor Vehicles (TxDMV). This contested case involves an enforcement action against Marquez for alleged violations of the board's rules and statutes.

The issues before the board are whether to adopt the Findings of Fact and Conclusions of Law from the PFD, whether to revoke Marquez's GDN, and whether to assess a monetary penalty against Marquez.

The Enforcement Division (Enforcement) provided timely notice of their intent to make oral presentations to the board; however, Marquez did not submit a request to make an oral presentation to the board.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

On December 30, 2021, Enforcement issued a Notice of Department Decision (NODD) to Marquez. After TxDMV received Marquez's request for an administrative hearing, the matter was referred to the State Office of Administrative Hearings (SOAH) for a contested-case hearing. On February 17, 2022, Enforcement issued a Notice of Hearing to Marquez that incorporated the 12 counts contained in the previously issued NODD, alleging that Marquez:

- Counts 1-3: failed to keep complete records for three vehicles purchased or sold from their vehicle inventory;
- Count 4: filed false vehicle inventory tax statements (VITs) in 2021 by failing to report the sale of five vehicles;
- Counts 5-6: failed to meet the premises requirements for operating as a motor vehicle dealership at two separate licensed locations;
- Count 7: displayed buyer's temporary tags on four vehicles that did not receive passing state inspections within the previous 180 days;

- Count 8: failed to keep a complete record for a vehicle purchased or sold from their vehicle inventory;
- Counts 9-11: misused buyer's temporary tags or failed to comply with requirements for issuance or recordkeeping of buyer's temporary tags issued for three vehicles; and
- Count 12: misused buyer's temporary tags or failed to comply with requirements for issuance or recordkeeping of buyer's temporary tags by issuing 603 buyer's temporary tags between January 1, 2021 and August 2021, despite reporting 60 motor vehicle sales during that same period.

On December 14-16, 2022, a SOAH Administrative Law Judge (ALJ) conducted the hearing on the merits. Following the conclusion of the hearing, Enforcement filed a post-hearing agreement, in which Enforcement agreed to dismiss six of the twelve counts (Counts 1-3, 5-6 and 8) in the NODD. Enforcement also agreed to modify Count 4 by dismissing three of the four vehicles listed in Count 4 and modify Count 7 by dismissing one of four vehicles listed in Count 7. The closing briefs by the parties addressed Counts 4 and 7, as modified by the post-hearing agreement, and Counts 9-12 of the NODD.

The ALJ initially closed the record on February 21, 2023, after the filing of the closing briefs by the parties, but re-opened the record to allow Marquez to file a supplement to a pre-existing exhibit with the record closing on April 20, 2023. The ALJ issued the PFD on April 21, 2023. The ALJ sustained Counts 4, 7 and 12, finding that Marquez violated statutes and TxDMV rules by:

- failing to report the sale of a vehicle on a vehicle inventory tax statement;
- issuing buyer's temporary tags for three vehicles that had not passed inspection within 180 days prior to the date of the sale of the vehicles; and
- issuing more than one buyer's temporary tag to 142 motor vehicles.

The ALJ did not sustain Counts 9-11 because the ALJ found that Enforcement failed to meet the burden of proof by not pleading sufficient facts in the Notice of Hearing to put Marquez on notice of how Marquez had allegedly violated the laws specified in those counts.

The ALJ recommended that the board assess a total penalty of \$11,100 against Marquez: \$1,000 for failing to report a sale on the vehicle inventory tax statement, \$3,000 for issuing buyer's tags on three vehicles without timely inspections, and \$7,100 for issuing multiple buyer's tags on 142 vehicles. The ALJ also recommended that the board exercise its discretion not to revoke Marquez's dealer license based on the mitigating factors cited by the ALJ in the PFD.

On May 5, 2023, Enforcement filed Exceptions to the PFD, requesting that the ALJ modify Conclusion of Law No. 17 to increase the civil penalty for issuing more than one tag for a vehicle from \$50 per tag to \$100 per tag for 142 tags, resulting in an increase in the total penalty for that violation from \$7,100 to \$14,200. Additionally, Enforcement requested that Conclusion of Law No. 18 be amended to recommend the revocation of Marquez's GDN.

The ALJ considered the Exceptions and issued an Exceptions Letter on August 4, 2023. The ALJ's Exceptions Letter did not recommend any changes to the Findings of Fact, Conclusions of Law, or the sanction recommendation in the PFD and stated that the PFD was ready for consideration by the board.

Board Authority

- The board has jurisdiction to consider the contested case and enter a final order in accordance with Texas

Occupations Code §2301.709.

- Under Texas Occupations Code §2301.651, the board may revoke a license for a violation of board rules and statutes, including the rules and statutes regarding the issuance and record keeping requirements for temporary buyer's tags.
- Texas Transportation Code §503.095 allows for a civil penalty of up to \$1,000 for each violation, or per day for a continuing violation, of Transportation Code, Chapter 503 and the related rules.
- Texas Occupations Code §2301.801 also authorizes civil penalties of up to \$10,000 per violation, or per day for a continuing violation, for violations of Occupations Code, Chapter 2301, the rules adopted under it, or Transportation Code §503.038(a), which includes misuse or allowing the misuse of temporary tags. In determining the amount of a penalty, Texas Occupations Code §2301.801(b) states:

...[T]he board shall consider:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act, and the harm or potential harm to the safety of the public;
 - (2) the economic damage to the public caused by the violation;
 - (3) the history of previous violations;
 - (4) the amount necessary to deter a future violation;
 - (5) efforts to correct the violation; and
 - (6) any other matter that justice may require.
- Texas Government Code §2001.058(e) authorizes the board to change a finding of fact or a conclusion of law made by the ALJ in a PFD only if the ALJ:
 - a. misapplied or misinterpreted applicable law, agency rules, written policies provided to the ALJ by the agency, or prior administrative decisions,
 - b. relied on a prior administrative decision that is incorrect or should be changed, or
 - c. made a technical error in a finding of fact that should be changed.

The Board must state in writing the specific reason and legal basis for any change it makes to a finding of fact or conclusion of law.

Attachments

The following documents are attached to this Executive Summary for consideration by the Board:

- | | |
|-------------------|-------------------------------|
| 1. April 21, 2023 | SOAH ALJ's PFD |
| 2. May 5, 2023 | TxDMV's Exceptions to the PFD |
| 3. August 4, 2023 | SOAH ALJ's Exceptions Letter |

State Office of Administrative Hearings

FILED
608-22-1781
4/21/2023 2:03 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

Kristofer S. Monson
Chief Administrative Law Judge

April 21, 2023

ACCEPTED
608-22-1781
4/21/2023 2:10:41 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

Damien Shores
Counsel for Texas Department of Motor Vehicles

VIA EFILE TEXAS

Kenneth Krohn
Counsel for Marquez Auto Sales, Inc.

VIA EFILE TEXAS

RE: Docket Number 608-22-1781.ENF; Texas Department of Motor Vehicles (TXDMV) No. 22-0001153.ENF; TXDMV v. MARQUEZ AUTO SALES, INC.

Dear Parties:

Please find attached a Proposal for Decision in this case.

Exceptions and replies may be filed by any party in accordance with 1 Texas Administrative Code section 155.507(b), a SOAH rule which may be found at www.soah.texas.gov.

CC: Service List

SOAH Docket No. 608-22-1781**Suffix: ENF**

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS DEPARTMENT OF MOTOR VEHICLES,
PETITIONER
v.
MARQUEZ AUTO SALES, INC.,
RESPONDENT**

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Motor Vehicles (Department), Enforcement Division, filed this enforcement action against Marquez Auto Sales, Inc. (Respondent) alleging that Respondent filed a false inventory tax statement, misused buyer's temporary tags, and failed to comply with recordkeeping of buyer's temporary tags. Staff seeks to assess a \$12,000 civil penalty and revoke Respondent's motor vehicle general distinguishing number (GDN) license. The Administrative Law Judge (ALJ) finds Staff proved some, but not all, of the allegations. The ALJ recommends the Department impose a penalty of \$11,100 against Respondent and does not recommend revocation.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

There are no contested issues of jurisdiction in this proceeding; therefore, those matters are addressed in the Findings of Fact and Conclusions of Law without further discussion here. Respondent argued that certain of Department's allegations are vague and did not provide adequate notice. Those issues are addressed further in Section III.C.-D. of this Proposal for Decision. ALJ Holly Vandrovec convened the hearing on the merits by videoconference December 14-16, 2022. Attorney Damien Shores represented Staff, and attorney Kenneth Krohn represented Respondent. After the hearing, the Department filed a pleading striking certain allegations contained in the Department's Notice of Department Decision and amending others. The record initially closed on February 21, 2023, upon filing of briefs. The ALJ re-opened the record on April 20, 2023, to allow for the filing of Respondent Exhibit 2-Supplemental and closed the record that same day.

II. APPLICABLE LAW

A dealer is a person, including a corporation, who regularly and actively buys, sells, or exchanges vehicles at an established and permanent location.¹ A dealer must hold a GDN issued by the Department under Texas Transportation Code chapter 503.² A dealer must comply with the requirements of Texas Transportation Code

¹ Tex. Transp. Code § 503.001(4).

² Tex. Occ. Code § 2301.002(7), (17), (27).

chapter 503, Texas Occupations Code chapter 2301, and 43 Texas Administrative Code chapter 215.³

A. VEHICLE INVENTORY TAX STATEMENTS

Texas Tax Code § 23.122(f) requires a dealer to file a vehicle inventory tax (VIT) statement each month with the county tax assessor-collector⁴ that lists all motor vehicles sold by the dealer in the prior month. The VIT statement must be filed on or before the 10th day of each month.

B. BUYER'S TAG REQUIREMENTS

For each vehicle sold, a dealer must issue one temporary buyer tag to the purchaser.⁵ A dealer may only issue one temporary buyer tag for each vehicle sale.⁶ Dealers must enter information into the Department's database for persons to whom temporary tags are issued and obtain a specific number for the tag before a temporary tag may be issued and printed.⁷ A dealer may not misuse or allow the misuse of a temporary tag.⁸ The dealer is responsible for the safekeeping and distribution of each

³ See Tex. Transp. Code ch. 503; Tex. Occ. Code § 2301.351.

⁴ The term "collector" is defined as "the county tax assessor-collector in the county in which a dealer's motor vehicle inventory is located." Tex. Tax Code § 23.121(a)(2).

⁵ Tex. Transp. Code § 503.063(a). The Texas Legislature amended Texas Transportation Code section 503.063 to be effective September 1, 2021. The amendments are not relevant to this case; therefore, citations to this section will be to the current version.

⁶ Tex. Transp. Code § 503.063(a).

⁷ Tex. Transp. Code § 503.0631. The Texas Legislature amended Texas Transportation Code section 503.0631 to be effective September 1, 2021. The amendments are not relevant to this case; therefore, citations to this section will be to the current version.

⁸ Tex. Transp. Code § 503.038(a)(12).

buyer's tag the dealer obtains.⁹ A buyer's tag may not be issued for a used vehicle that has not passed inspection within 180 days prior to the date of sale.¹⁰

C. SANCTIONS AND DISCIPLINE

A person who violates chapter 503 of the Texas Transportation Code, or any rule adopted under that chapter, is subject to a penalty of not less than \$50 and not more than \$1,000.¹¹ Each act in violation of chapter 503 of the Texas Transportation Code and each day of a continuing violation is a separate violation.¹²

Further, if after a hearing the Department finds that a person has violated Texas Transportation Code section 503.038(a) (addressing certain violations related to the GDN), the Texas Occupations Code authorizes the Department to impose a penalty not to exceed \$10,000 per violation.¹³ Each act of violation and each day of a continuing violation is a separate violation.¹⁴

The following factors must be considered in determining the amount of the penalty under the Texas Occupations Code:

⁹ Tex. Transp. Code § 503.063(d).

¹⁰ Tex. Transp. Code § 548.101(2).

¹¹ Tex. Transp. Code § 503.095(a).

¹² Tex. Transp. Code § 503.095(b).

¹³ Tex. Occ. Code § 2301.801(a).

¹⁴ Tex. Occ. Code § 2301.801(a).

1. The seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act, and the harm or potential harm to the safety of the public;
2. The economic damage to the public caused by the violation;
3. The history of previous violations;
4. The amount necessary to deter a future violation;
5. Efforts to correct the violation; and
6. Any other matter that justice may require.¹⁵

In addition to these factors, the Department's disciplinary matrix states that the Department will consider the following mitigating factors in determining the amount of civil penalty to assess or whether revocation is appropriate: (1) acknowledgement of wrongdoing, (2) willingness to cooperate with the Department; (3) efforts to correct the violation, and (4) any other matter that justice may require, including rehabilitative potential and present value to the community.¹⁶ The Department's disciplinary matrix include the following aggravating factors: (1) history of violations of a similar nature, (2) number of violation or number of consumers harmed by violation, (3) attempted concealment of the violation, (4) intentional, premeditated, knowing, or grossly negligent act constituting a violation, and (5) violation of an order issued by the Department.¹⁷ The disciplinary matrix includes suggested "low" and "high" sanction amounts.

¹⁵ Tex. Occ. Code § 2301.801(b).

¹⁶ Department's Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited April 20, 2023).

¹⁷ Department's Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited April 20, 2023).

The Department may cancel a GDN if the dealer commits any of several acts, including if the dealer “files a false or forged tax document”¹⁸ or “misuses or allows the misuse of a temporary tag authorized under this chapter.”¹⁹ The Department can revoke a GDN if the dealer violates any law relating to the sale and distribution of motor vehicles, chapter 2301 of the Occupations Code, or any rule adopted by the Board of the Department.²⁰ In determining whether revocation is appropriate, the Department’s disciplinary matrix states that the Department will consider the following factors:

1. Whether the licensee is unfit under the standards governing the occupation, including the qualifications for a license;
2. Whether the licensee made a material misrepresentation in any information filed according to the Department’s statutes or rules;
3. Whether the licensee willfully defrauded a purchaser; and
4. Whether the licensee failed to fulfill a written agreement with a retail purchaser of a motor vehicle.²¹

Staff has the burden of proving, by a preponderance of the evidence, that Respondent committed the alleged violations and the appropriate sanction for any such violations.²²

¹⁸ Tex. Transp. Code § 503.038(a)(2).

¹⁹ Tex. Transp. Code § 503.038(a)(12).

²⁰ Tex. Occ. Code § 2301.651(a)(3)-(4).

²¹ Department’s Disciplinary Matrix at 1, available at (last visited April 20, 2023).

²² 1 Tex. Admin. Code § 155.427; *Granek v. Tex. State Bd. of Med. Exam’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.) (concluding that preponderance of the evidence standard is appropriate for agency proceedings, which are civil in nature).

III. EVIDENCE AND ANALYSIS

Department Exhibits 1-15 (including Supplemental Exhibit 1.5) and Respondent Exhibits 1-15 (including Supplemental Exhibit 2) were admitted. Michael Scott, a certified fraud examiner and investigator for the Department, and Armando Marquez, owner of Respondent, provided testimony.

A. ALLEGED VIOLATION NO. 4 – FALSE VIT STATEMENT

Department alleges that Respondent sold a 2015 Ford bearing vehicle identification number (VIN) 1FDXE4Fs3FDA02466, but never included that vehicle on a VIT statement.²³ Respondent admits that the 2015 Ford was never included on a VIT statement.²⁴ Mr. Marquez testified that two individuals came to his business when the vehicle was purchased, but that the vehicle was purchased under one of the individual's names. The individuals later had a disagreement as to whose name the vehicle should be in. Therefore, Respondent was unsure how to report the sale of the vehicle and was afraid to submit inaccurate information to the taxing authority.²⁵

The ALJ finds that Respondent failed to report the sale of the 2015 Ford in a VIT statement as required by law.²⁶ The purchase and sale agreement signed by the

²³ Notice of Department Decision (NODD) at Allegation No. 4; Department Closing at 1-3.

²⁴ Transcript (Tr.) at 242.

²⁵ Tr. at 244-45; Respondent Closing at 14-16.

²⁶ Tex. Tax Code § 23.122(f).

buyer included one of the individual's names.²⁷ The fact that the individuals later disputed who should have been listed as the buyer does not excuse Respondent from its responsibility to comply with the statute and report the sale.

B. ALLEGED VIOLATION NO. 7 – ISSUING BUYER'S TAGS WITHOUT A PASSING INSPECTION

The Department alleges that several buyer's tags were issued for vehicles that had not passed inspection within 180 days prior to the date of sale as required by the Texas Transportation Code.²⁸ The allegations are summarized in the below table.

Vehicle	Date of Buyer's Tag	Date of Inspection
1FDXE4Fs3FDA02466	4/01/2021	12/01/2021
1FTSS34L58DB16548	5/18/2021	09/17/2021
1GTHG39U661127263	6/01/2021	12/20/2021

Respondent admits that each of the alleged vehicles did not have the required safety inspection within 180 days prior to the sale of the vehicle. Respondent argues, however, that all vehicles eventually received a passing inspection on the first inspection and that no vehicle posed a safety threat.²⁹

The ALJ finds that Department established the alleged violation.

²⁷ Respondent Ex. 4.

²⁸ NODD at Allegation No. 7; Department Closing at 4-5; Tex. Transp. Code § 548.101(2).

²⁹ Respondent Closing at 16.

C. ALLEGED VIOLATION NOS. 9-11 – MISUSE OF BUYER’S TAGS AND FAILURE TO COMPLY WITH RECORDKEEPING REQUIREMENTS

Department alleges that, for three specific vehicles, Respondent “misused a buyer’s temporary tag or failed to comply with the requirements for issuance of or recordkeeping of the buyer’s temporary tag.”³⁰ At the hearing, it became clear that conduct at issue in these violations is Respondent’s issuance of more than one buyer’s temporary tags for each of the noted vehicles.³¹

Respondent argues, among other things, that these allegations are vague and do not provide proper notice of the conduct at issue or what violations were being alleged such that Respondent was unable to adequately prepare to defend itself at the hearing.³²

The substantive notice requirements for contested case hearings are set out in Texas Government Code § 2001.052(a). Under that subsection, notice of a hearing in a contested case must include:

- (1) a statement of the time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

³⁰ NODD at Allegation Nos. 9-11.

³¹ *See also* Department Closing at 5-7.

³² Tr. at 26; Respondent Closing at 16-18.

- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) either:
 - (A) a short, plain statement of the factual matters asserted; or
 - (B) an attachment that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.

The “short, plain statement” language of § 2001.052(a)(4) means an agency must “sufficiently identify the facts or evidence which it intends to prove at the hearing so that a party may have a meaningful opportunity to prepare to defend.”³³

Department’s Notice of Department Decision, attached to its Notice of Hearing, includes the following language for each allegation:

Respondent, a licensee, misused a buyer’s temporary tag or failed to comply with the requirements for issuance of or recordkeeping of the buyer’s temporary tag in connection with the sale of a [specific vehicle to a specific purchaser on a specific date], in violation of TEX. TRANSP. CODE §§ 503.063 and 503.0631 and 43 TEX. ADMIN. CODE §§ 215.151, 215.152, 215.153, and 215.155.³⁴

The allegations include the term “misused,” but do not state what conduct constitutes the misuse. The statutory and regulatory citations include many

³³ *Pretzer v. Motor Vehicle Board*, 125 S.W.3d. 23, 37 (Tex. App.–Austin 2003), *aff’d in part, rev’d in part*, 138 S.W.3d at 908, 915 (quoting Ronald L. Beal, *Texas Administrative Practice and Procedure*, § 6.2.3 (1997)). The supreme court did not reverse the portion of the appeals court decision relevant to this case. Since *Pretzer*, the language of § 2001.052(a)(4) has been strengthened by the addition of the word “factual,” effective September 1, 2015.

³⁴ NODD at Allegation Nos. 9-11.

requirements related to the issuance of buyer's temporary tags (including, the information that must be included on a tag, where the tag must be displayed, that it be sealed in a plastic bag or other weather-resistant material, the requirement that dealers keep tags safe, how much a dealer is allowed to charge for a tag, etc.). None of the citations include reference to particular subsections that could have helped clarify the conduct forming the basis of the alleged violations. The allegations also use the word "or" such that the conduct could also be related to issuing the tag or recordkeeping requirements. The ALJ finds that Department failed to provide adequate notice "'sufficient[to] identify the facts or evidence which it intends to prove at the hearing so that a party may have a meaningful opportunity to prepare to defend.'"³⁵ Accordingly, no violations are sustained for these allegations.

D. ALLEGED VIOLATION NO. 12 – ISSUANCE OF MORE BUYER'S TAGS THAN VEHICLE SALES

Department alleges that Respondent violated the one buyer's temporary tag per vehicle sale rule set forth in Transportation Code § 503.063(a) because it issued 599 tags and only reported 68 vehicle sales during the time period from January 1, 2021, through August 31, 2021.³⁶

Respondent also argues that this allegation is vague and fails to provide adequate notice of the conduct at issue. The ALJ finds that Notice of Department

³⁵ *Pretzer v. Motor Vehicle Board*, 125 S.W.3d. 23, 37 (Tex. App.–Austin 2003), *aff'd in part, rev'd in part*, 138 S.W.3d at 908, 915 (quoting Ronald L. Beal, *Texas Administrative Practice and Procedure*, § 6.2.3 (1997)). The supreme court did not reverse the portion of the appeals court decision relevant to this case. Since *Pretzer*, the language of § 2001.052(a)(4) has been strengthened by the addition of the word "factual," effective September 1, 2015.

³⁶ NODD at Allegation No. 12 as amended during the hearing. *See* Tr. at 19-21.

Decision Allegation No. 12 is sufficient to put Respondent on notice of the alleged violation because this allegation specifically states what the problem is: many more tags were issued than cars sold.

With respect to the merits of the allegation, Respondent points to its Exhibit 13, which it contends shows that tags were issued to 246 vehicles over the given time period, not 68. Respondent states that 104 of those vehicles were only issued one tag but admits that the remaining 142 vehicles were issued more than one tag.³⁷ Respondent argues that the additional tags were not issued for nefarious reasons and that there was no evidence that the tags were sold to criminals or to customers for inflated prices. Mr. Marquez provided several reasons that additional tags were issued to the vehicles, including issues with the titles of some vehicles, issues specific to vehicles with bonded titles, and COVID- related delays in vehicle registrations by the Harris County Tax Office.

The ALJ concludes that the statute is clear that, absence narrow circumstances not applicable here, only one buyer's temporary tag should be issued per sale. None of Respondent's reasons for issuing additional tags fall within the statute's exceptions. Therefore, the ALJ concludes that Department met its burden to show a violation of § 503.063(a) of the Transportation Code for 142 vehicles.

³⁷ Respondent Closing at 19.

E. SANCTION

Staff originally requested civil penalties in the amount of \$12,000 and revocation of Respondent's GDN license.³⁸ Even though many allegations from the Notice of Department Decision have since been struck, Staff continues to request the same sanctions.³⁹ Neither Staff's Closing Brief nor the affidavit in support of the requested sanctions include any analysis to support the sanctions or even say what aggravating and mitigating factors should be considered in this case.

Respondent argues that the requested sanctions are too high, are not in line with the Department's Disciplinary Matrix, and that mitigating factors should be considered.⁴⁰

The ALJ summarizes the violations proven by Staff and the corresponding sanction ranges in the chart below. The ALJ notes that the statutory minimum/maximum numbers differ from those in the Disciplinary Matrix.

³⁸ NODD; Department Ex. 15.

³⁹ Department Closing at 9-10.

⁴⁰ Respondent Closing at 22-33.

Department Decision Allegation No.	Conduct	Statute Violated	Low Sanction	High Sanction
4	Failed to include 1 vehicle on a vehicle inventory tax statement	Tex. Tax Code § 23.122; Tex. Transp. Code § 503.038(a)(2), (10).	\$50 penalty per statute ⁴¹ ----- \$1,000 penalty per Disciplinary Matrix at 2	\$10,000 penalty and/or Revocation of GDN per statute ⁴² ----- Revocation per Disciplinary Matrix at 2
7	Issued tags for 3 vehicles without inspections done within prior 180 days	Tex. Transp. Code § 548.101(2).	\$50 penalty per statute ----- \$500 penalty per Disciplinary Matrix at 4	\$1,000 penalty and/or Revocation of GDN per statute ⁴³ ----- \$2,000 per tag per Disciplinary Matrix at 4
12	Issued multiple tags for 142 vehicles	Tex. Transp. Code § 503.063(a).	\$50 penalty per statute ----- Warning Letter per Disciplinary Matrix at 4	\$1,000 penalty and/or Revocation of GDN per statute ⁴⁴ ----- \$2,000 per tag per Disciplinary Matrix at 4

⁴¹ Tex. Transp. Code § 503.095(a).

⁴² Tex. Occ. Code §§ 2301.801(a); .651(a).

⁴³ Tex. Transp. Code § 503.095(a); Tex. Occ. Code § 2301.651(a).

⁴⁴ Tex. Transp. Code § 503.095(a); Tex. Occ. Code § 2301.651(a).

The ALJ and the Department must consider a number of mitigating and aggravating factors set forth in the statute as well as the Department's Disciplinary Matrix.⁴⁵ The ALJ summarizes the applicable aggravating and mitigating factors as follows:

Aggravating Factors	Mitigating Factors
Respondent has a disciplinary history that includes a Warning Letter dated October 15, 2020, that includes allegations relating to the sale of one vehicle. ⁴⁶	Respondent acknowledged wrongdoing. ⁴⁷
142 vehicles were issued multiple tags.	Once Respondent understood the limitations on how many tags could be issued, he ceased issuing more than one tag. ⁴⁸
	The failure to include a single vehicle on the VIT statement resulted in a failure to collect approximately \$40 in taxes. ⁴⁹ No other economic damages to the public were shown.

⁴⁵ Tex. Occ. Code § 2301.801(b); Department's Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited April 20, 2023).

⁴⁶ Department Ex. 14.

⁴⁷ Tr. at 326-27.

⁴⁸ Tr. at 326.

⁴⁹ Tr. at 324.

Aggravating Factors	Mitigating Factors
	For the vehicles issued tags without a current inspection, all three vehicles passed inspection on their first attempt within eight months after the date of the tag and no vehicle was shown to have been a public safety hazard.
	There is no evidence that consumers were harmed by the violations.
	There is no evidence that Respondent attempted to conceal the violations.
	There is no evidence that Respondent defrauded a purchaser.
	There is no evidence that Respondent failed to fulfill a written agreement with a purchaser.

The ALJ notes that the Department's Disciplinary Matrix includes the sanction of revocation for only one of the violations at issue – the failure to include one vehicle on a VIT statement. Because there is only one instance of this violation, the ALJ views it as an isolated incident. Additionally, the ALJ finds only one of the required factors to consider for revocation could apply here – whether the licensee made a material misrepresentation in any information filed pursuant to Department statutes/rules. Because the vehicle did not appear on the appropriate VIT statement, this factor applies. Considering the mitigating factors above and the fact that only one revocation factor applies, the ALJ declines to recommend revocation for this violation and recommends a \$1,000 penalty for this violation.

Considering the various factors required by statute and the Department's Disciplinary Matrix, the ALJ recommends a \$3,000 penalty for issuing tags without proper inspections (\$1,000 per vehicle) and a \$7,100 penalty for issuing multiple

buyer's tags to 142 vehicles (\$50/vehicle). Although there are many vehicles implicated in the allegation regarding multiple tags, Respondent showed a willingness to work with the Department and correct his behavior as soon as he understood the requirements.⁵⁰

Therefore, the ALJ recommends \$11,100 in civil penalties be assessed against the Respondent.

IV. FINDINGS OF FACT

1. Marquez Auto Sales, Inc. (Respondent) holds a general distinguishing number (GDN) license issued by the Texas Department of Motor Vehicles (Department) and is in the business of selling used vehicles.
2. Respondent sold a 2015 Ford bearing vehicle identification number (VIN) 1FDXE4Fs3FDA02466, but never included that vehicle on a vehicle inventory tax (VIT) statement filed with the Harris County Tax Office.
3. Although there was a dispute after the sale as to whose name the 2015 Ford should be registered under, the purchase and sale agreement signed by the buyer included only one name.
4. Respondent sold three used vehicles and issued temporary buyer's tags for those vehicles despite the fact that none of the three vehicles had received passing state inspections within the 180-day period preceding the sale. The vehicles at issue and relevant dates are as follows:

Vehicle	Date of Buyer's Tag	Date of Inspection
1FDXE4Fs3FDA02466	4/01/2021	12/01/2021
1FTSS34L58DB16548	5/18/2021	09/17/2021
1GTHG39U661127263	6/01/2021	12/20/2021

⁵⁰ Tr. at 221.

5. Respondent issued multiple buyer's temporary tags to 142 vehicles during the time period from January 1, 2021, through August 31, 2021.
6. Respondent has a disciplinary history that includes a Warning Letter dated October 15, 2020 regarding allegations relating to the sale of one vehicle.
7. Respondent acknowledged wrongdoing.
8. Respondent corrected his behavior after he was notified of the alleged violations.
9. The failure to include a single vehicle on the VIT statement resulted in a failure to collect approximately \$40 in taxes. There were no other economic damages to the public.
10. The three vehicles that were issued buyer's tags without current inspections all passed their inspections on the first attempt after the sales and within eight months of the sales. None of the vehicles were a public safety hazard.
11. No consumer was harmed by Respondent's violations.
12. Respondent did not attempt to conceal the violations.
13. Respondent did not defraud a purchaser or fail to fulfill a written agreement with a purchaser.
14. On February 18, 2022, Department staff (Staff) issued a Notice of Hearing and a Notice of Department Decision (Department Decision) to Respondent, which contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency. The Department Decision did not include a sufficient statement of the factual matters asserted for Allegation Nos. 9-11.

15. On December 23, 2022, Staff filed a pleading striking several allegations and amending other allegations from the Department Decision, which had also been amended during the hearing.
16. State Office of Administrative Hearings (SOAH) Administrative Law Judge Holly Vandrovec convened the hearing on the merits from December 14, 2022, through December 16, 2022, via Zoom videoconference. Damien Shores, Enforcement Division attorney, represented Staff. Attorney Kenneth Krohn represented Respondent. The record initially closed on February 21, 2023, upon the filing of briefs; however, it was re-opened on April 20, 2023 to accept the filing of an exhibit admitted at the hearing.

V. CONCLUSIONS OF LAW

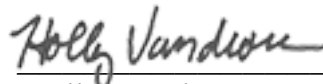
1. The Department has jurisdiction and authority to revoke, probate, or suspend a license to sell a motor vehicle, and to reprimand and/or impose a civil penalty against a license holder. Tex. Transp. Code §§ 503.038(a), .095(a); Tex. Occ. Code §§ 2301.651, .801(a).
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 2301.704.
3. Respondent received proper notice of the of the hearing on the merits. Tex. Occ. Code §2301.705; Tex. Gov't Code §§ 2001.051-.052. Department Decision Allegation Nos. 9-11 failed to provide adequate notice of the facts or evidence the Department intended to prove at the hearing such that Respondent did not have a meaningful opportunity to prepare to defend itself.⁵¹ The remainder of the Department Decision satisfied the statutory notice requirements.

⁵¹ *Pretzer v. Motor Vehicle Board*, 125 S.W.3d. 23, 37 (Tex. App.–Austin 2003), *aff'd in part, rev'd in part*, 138 S.W.3d at 908, 915 (quoting Ronald L. Beal, *Texas Administrative Practice and Procedure*, § 6.2.3 (1997)).

4. Staff had the burden to prove by a preponderance of the evidence that Respondent committed the alleged violations and that the sanctions it recommended were appropriate. 1 Tex. Admin. Code § 155.427.
5. Respondent violated Texas Tax Code § 23.122(f) by failing to include the sale of a 2015 Ford bearing VIN 1FDXE4Fs3FDA02466 on a VIT statement.
6. Respondent violated Texas Transportation Code § 548.101(2) by issuing buyers temporary tags for three vehicles that had not passed inspection within 180 days prior to the date of sale of the vehicles.
7. Respondent violated Texas Transportation Code § 503.063(a) for issuing more than one buyer's temporary tag to 142 vehicles.
8. Department may cancel a dealer's GDN if the dealer files a false tax document or has failed to demonstrate compliance with Texas Tax Code § 23.122. Tex. Transp. Code § 503.038(a)(2), (10).
9. A person who violates chapter 2301 of the Texas Occupations Code is subject to a civil penalty not to exceed \$10,000 for each violation. Tex. Occ. Code § 2301.801(a).
10. Pursuant to Texas Occupations Code § 2301.651(a)(4), the Board has the authority to revoke or suspend Respondent's license or reprimand Respondent for any violation of a law related to the sale of motor vehicles.
11. A person who violates any Board rule adopted under chapter 503 of the Texas Transportation Code is subject to a civil penalty of not less than \$50 or more than \$1,000. Tex. Transp. Code § 503.095.
12. In determining the amount of civil penalties to assess, the Department must consider the following factors: (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act, and the harm or potential harm to the safety of the public; (2) the economic damage to the public caused by the violation; (3) the history of previous violations; (4) the amount necessary to deter a future violation; (5) efforts to correct the violation; and (6) any other matter that justice may require. Tex. Occ. Code § 2301.801(b).

13. In deciding on the amount of civil penalties and whether or not to revoke a license, the Department must also consider: (1) acknowledgement of wrongdoing, (2) willingness to cooperate with the Department; (3) efforts to correct the violation, and (4) any other matter that justice may require, including rehabilitative potential and present value to the community. Department's Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited April 20, 2023).
14. In deciding whether revocation is appropriate, the Department must consider the following factors: (1) whether the licensee is unfit under the standards governing the occupation, including the qualifications for a license; (2) whether the licensee made a material misrepresentation in any information filed according to the Department's statutes or rules; (3) whether the licensee willfully defrauded a purchaser; and (4) whether the licensee failed to fulfill a written agreement with a retail purchaser of a motor vehicle. Department's Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited April 20, 2023).
15. Respondent should be assessed a penalty of \$1,000 for failing to include one vehicle on a VIT statement. Tex. Tax Code § 23.122(f).
16. Respondent should be assessed a penalty of \$3,000 for issuing buyers temporary tags for three vehicles that had not passed inspection within 180 days prior to the date of sale of the vehicles. Tex. Transp. Code § 548.101(2).
17. Respondent should be assessed a penalty of \$7,100 for issuing more than one buyer's tags to 142 vehicles. Tex. Transp. Code § 503.063(a).
18. Department should not revoke Respondent's GDN license.

Signed April 21, 2023



Holly Vandrovec
Administrative Law Judge

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Status as of 4/21/2023 2:11 PM CST

Associated Case Party: MARQUEZ AUTO SALES, INC.

Name	BarNumber	Email	TimestampSubmitted	Status
KENNETH KROHN		krohnk@outlook.com	4/21/2023 2:03:39 PM	SENT

Associated Case Party: TXDMV

Name	BarNumber	Email	TimestampSubmitted	Status
DAMIEN SHORES		damien.shores@txdmv.gov	4/21/2023 2:03:39 PM	SENT
Melinda Moreno		melinda.moreno@txdmv.gov	4/21/2023 2:03:39 PM	SENT



Texas Department of Motor Vehicles

ENFORCEMENT DIVISION

4000 Jackson Avenue – Austin, Texas 78731
Telephone (512) 465-4204 – FAX (512) 465-5650

May 5, 2023

Deputy Clerk
State Office of Administrative Hearings
PO Box 13025
Austin TX 78711-3025
VIA ELECTRONIC FILING

**RE: IN THE MATTER OF THE LICENSE OF
MARQUEZ AUTO SALES, INC.
MVD CAUSE NO. 22-0001153.ENF
SOAH DOCKET NO. 608-22-1781.ENF**

Dear Clerk:

Please find enclosed Petitioner's Exceptions to the Proposal for Decision. A copy of this response has been forwarded to Respondent's attorney.

Should you have any questions, you may contact me at Damien.Shores@TxDMV.gov or (512) 465-4167.

Sincerely,

Damien Shores
Attorney
Enforcement Division

cc: Marquez Auto Sales, Inc.
c/o Kenneth A. Krohn, Attorney
1210 W. Clay Street, Suite 12
Houston, TX 77019
VIA EMAIL

MVD CAUSE NO. 22-0001153.ENF
SOAH DOCKET NO. 608-22-1781.ENF

TEXAS DEPARTMENT OF MOTOR	§	BEFORE THE STATE OFFICE
VEHICLES,	§	
Petitioner	§	OF
v.	§	
MARQUEZ AUTO SALES, INC.,	§	ADMINISTRATIVE HEARINGS
Respondent		

PETITIONER’S EXCEPTIONS TO PROPOSAL FOR DECISION

Comes Now, Petitioner, the Texas Department of Motor Vehicles (DMV), and files its exceptions to the Proposal for Decision (PFD) issued by the Administrative Law Judge (ALJ) in this matter on April 21, 2023. Petitioner objects to certain findings set forth in the PFD, as shown below.

I. PENALTY MATRIX

Petitioner would like to point out that the disciplinary matrix¹ indicates the following:

“The disciplinary matrix is intended to give licensees a general guideline for how the Department determines the appropriate sanction for the most common violations. The matrix does not contain all possible violations, nor does it limit the Department from seeking sanctions outside the disciplinary matrix recommended low and high sanctions when circumstances require.”²

As such, Petitioner would like the ALJ to understand that the disciplinary matrix is a general guideline and does not limit the DMV from pursuing higher sanctions when circumstances require.

¹ See PFD pages 5 and 6.

² Department’s Disciplinary Matrix at 1, available at <https://www.txdmv.gov/sites/default/files/body-files/Motor-Vehicle-Disciplinary-Matrix.pdf> (last visited May 1, 2023).

II. EVIDENCE AND ANALYSIS

Petitioner excepts to the ALJ's suggested sanction of a \$7,100 penalty for issuing multiple buyer's tags to 142 vehicles (\$50/vehicle) on page 16 of the PFD. Petitioner feels that assessing the minimum statutory penalty of \$50 per tag issued sends the wrong message to other licensed dealers regarding how tag misuse will be treated by the DMV. Such a low penalty is insufficient to adequately deter other licensed dealers from misusing temporary tags. Recall that the disciplinary matrix is a general guideline and not a limit. While Petitioner does concede the mitigating factors in Respondent's favor, Petitioner is concerned that the sanction of \$50 per tag is too low and that a sanction of at least \$100 per tag (or higher) would be more appropriate to both punish Respondent and discourage future tag misuse from other licensed dealers. The \$100 per tag sanction is also in line with a recent SOAH PFD regarding tag misuse.³

Petitioner also feels that Respondent's dealer's license should be revoked for this tag misuse. Tag misuse is a hot button issue in Texas that the DMV Board takes very seriously. In two recent cases the DMV had before SOAH, revocation was recommended by the ALJ for tag misuse.⁴ In another recent case where tag misuse was at issue, the ALJ did not recommend revocation, but the DMV Board ultimately decided to revoke the Respondent's license.⁵ Petitioner sees no reason revocation should not also be recommended in this case.

³ See Texas Department of Motor Vehicles v. NJIM Group, Inc. d/b/a NJIM Auto, SOAH Docket No. 608-23-01988.ENF, Proposal for Decision at 18, April 26, 2023 (the ALJ recommends \$34,700 penalty for issuing 347 temporary buyer's tags in excess of the vehicles reported (\$100/vehicle)).

⁴ See Texas Department of Motor Vehicles v. LVB Automotive, Inc., SOAH Docket No. 608-22-1186.ENF, Proposal for Decision at 33, Aug. 2, 2022 ("The Department may revoke a dealer's GDN if the dealer misuses or allows the misuse of a temporary tag and/or violates any law relating to the sale and distribution of motor vehicles or any rule adopted by the Board."). See also Texas Department of Motor Vehicles v. NJIM Group, Inc. d/b/a NJIM Auto, SOAH Docket No. 608-23-01988.ENF, Proposal for Decision at 19, April 26, 2023 ("The Department may revoke a dealer's GDN if the dealer misuses or allows the misuse of a temporary tag.").

⁵ See Texas Department of Motor Vehicles v. Jay Enterprises, Inc. d/b/a M&M Auto Sales, SOAH Docket No. 608-20-3330.ENF, Proposal for Decision at 17, October 27, 2020 (NOTE: in the attached Final Order, the DMV Board rejected the ALJ's recommended penalty of \$5,000 and ordered revocation of Respondent's license along with a \$11,000 penalty).

III. CONCLUSIONS OF LAW

Petitioner excepts to Conclusion of Law (COL) numbers 17 and 18 on page 21 of the PFD because the recommend sanctions are inappropriate. COL number 17 says: “Respondent should be assessed a penalty of \$7,100 for issuing more than one buyer’s tags to 142 vehicles.” Instead of the \$7,100 penalty, which is based on assessing a \$50 penalty for each of the 142 vehicles that received more than one buyer’s temporary tag, COL number 17 should be amended to assess a penalty of \$14,200, which is based on assessing at least a \$100 penalty for each of the 142 vehicles that received more than one buyer’s temporary tag.⁶

COL 18 should be amended to revoke Respondent’s GDN license based on the evidence and testimony provided since the DMV considers Respondent’s tag misuse egregious enough to warrant it⁷. Petitioner met its burden to show that Respondent issued additional tags for 142 vehicles. Given the number and nature of the violations, in addition to the evidence provided, revocation is appropriate.

⁶ See PFD page 4, “A person who violates chapter 503 of the Texas Transportation Code, or any rule adopted under that chapter, is subject to a penalty of not less than \$50 and not more than \$1,000.¹¹ Each act in violation of chapter 503 of the Texas Transportation Code and each day of a continuing violation is a separate violation.¹² Further, if after a hearing the Department finds that a person has violated Texas Transportation Code section 503.038(a) (addressing certain violations related to the GDN), the Texas Occupations Code authorizes the Department to impose a penalty not to exceed \$10,000 per violation.¹³ Each act of violation and each day of a continuing violation is a separate violation.¹⁴”

11 Tex. Transp. Code § 503.095(a).

12 Tex. Transp. Code § 503.095(b).

13 Tex. Occ. Code § 2301.801(a).

14 Tex. Occ. Code § 2301.801(a).

⁷ See PFD page 6, “Department may cancel a GDN if the dealer commits any of several acts, including if the dealer “files a false or forged tax document”¹⁸ or “misuses or allows the misuse of a temporary tag authorized under this chapter.”¹⁹ The Department can revoke a GDN if the dealer violates any law relating to the sale and distribution of motor vehicles, chapter 2301 of the Occupations Code, or any rule adopted by the Board of the Department.²⁰”

18 Tex. Transp. Code § 503.038(a)(2).

19 Tex. Transp. Code § 503.038(a)(12).

20 Tex. Occ. Code § 2301.651(a)(3)-(4).

IV. PRAYER

WHEREFORE PREMISES CONSIDERED, Petitioner prays that the Administrative Law Judge consider these exceptions, and revise the PFD under the provisions of the Texas Occupations Code and the Texas Administrative Code as set forth herein.

Respectfully submitted,

Damien Shores

Damien Shores
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Austin, Texas 78731
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Damien.Shores@TxDMV.gov

CERTIFICATE OF SERVICE

I certify that on the 5th day of May 2023, a true and correct copy of this document was served on the following individuals at the locations and the manner indicated below.

Electronic Filing

Docket Clerk
State Office of Administrative Hearings
300 West 15th #504
Austin, TX 78701

Email:

Marquez Auto Sales, Inc.
c/o Kenneth A. Krohn, Attorney
1210 W. Clay Street, Suite 12
Houston, TX 77019

Damien Shores

Damien Shores
Attorney, Enforcement Division

TEXAS DEPARTMENT OF MOTOR VEHICLES

TEXAS DEPARTMENT OF MOTOR VEHICLES v. JAY ENTERPRISES, INC. D/B/A M&M AUTO SALES	§ § § §	MVD CAUSE NO. 19-0014862.ENF SOAH DOCKET NO. 608-20-3330.ENF
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FINAL ORDER

The referenced contested case is before the Board of the Texas Department of Motor Vehicles (Board) in the form of a Proposal for Decision (PFD) from the State Office of Administrative Hearings (SOAH) and involves a civil penalty assessed against Jay Enterprises, Inc. (Respondent) and the revocation of Respondent's license.

The Board enters this Final Order, having considered the administrative record.

In accordance with Texas Government Code §2001.058(e)(1), the specific reasons and legal basis for the Board's changes to the Administrative Law Judge's Conclusions of Law (COL) are as follows.

The Board amends Conclusion of Law 3 to renumber it to 3(a).

The Board adds Conclusion of Law 3(b) to read:

A person who violates chapter 503 of the Texas Transportation Code or any Board rule adopted under chapter 503 of the Texas Transportation Code is subject to a civil penalty of not less than \$50 or more than \$1,000. Tex. Transp. Code §503.095. If the Board determines that a person is violating or has violated chapter 2301 of the Texas Occupations Code, a rule adopted or order issued under chapter 2301, or Section 503.038(a), Transportation Code, the Board may impose a civil penalty. The amount of the penalty may not exceed \$10,000 for each violation. Each act of violation and each day a violation continues is a separate violation. Tex. Occ. Code §2301.801.

The addition of Conclusion of Law 3(b) is necessary because the Administrative Law Judge (ALJ) failed to include the statutory authority for the penalties in a Conclusion of Law.

The Board adds Conclusion of Law 3(c) to read:

Respondent violated Texas Transportation Code §503.063 by issuing more than one buyer's temporary tag per vehicle sold and by failing to safekeep each buyer's temporary tag that Respondent obtained. Tex. Transp. Code §503.063(a) and (d).

The Board amends Conclusion of Law 4 to read:

Respondent should pay a penalty of \$10,000 for allowing the issuance of 1,649 temporary buyer's tags under his eTag account in the same period that Respondent sold one vehicle. Tex. Transp. Code §503.063(a) and (d).

The addition of Conclusion of Law 3(c) and the amendment to Conclusion of Law 4 are necessary

because the ALJ misinterpreted and misapplied the law. Also, the ALJ only has the authority to recommend a penalty. The Board has the authority to change the ALJ's recommended penalty if the Board complies with Texas Government Code §2001.058(e). *Texas State Bd. of Dental Exam. v. Brown*, 281 S.W.3d 692, 700 (Tex. App.—Corpus Christi 2009, pet. denied).

The ALJ improperly imposed a knowledge requirement under Texas Transportation Code §503.063(a) and (d). Section 503.063 does not require the Texas Department of Motor Vehicles (department) to prove that the Respondent knew about the misuse of the buyer's tags. Section 503.063(d) says the dealer is responsible for the safekeeping and distribution of each buyer's tag the dealer obtains. The ALJ's recommendation would allow a dealer to avoid the consequences under §503.063(a) and (d) by merely stating that the dealer didn't know about the excess buyer's temporary tags.

The penalties in the PFD are too low to be effective. The ALJ recommended a penalty totaling \$4,000 based on the issuance of more than one buyer's tag for at least two buyers, using the department's penalty matrix recommendation of \$2,000 per tag. However, the ALJ did not assess any penalties for the remaining buyer's temporary tags that were issued under Respondent's account from January 1, 2019, to September 1, 2019, because the ALJ misinterpreted and misapplied the department's burden of proof under §503.063.

Finding of Fact 14 provides that a dealer is supposed to create one buyer's tag per sale. Finding of Fact 15 states that Respondent admitted to printing more than one buyer's tag for unspecified buyers. Finding of Fact 17 states that the department's records indicate that approximately 1,649 buyer's temporary tags were issued under Respondent's account between January 1, 2019, and September 1, 2019; however, Finding of Fact 16 states that Respondent reported to the Jefferson County Tax Assessor/Collector that Respondent only sold one vehicle during this period. The ALJ's finding that the department must prove the Respondent knew the tags were being issued in addition to these facts is a misinterpretation and misapplication of §503.063. The ALJ's misinterpretation creates an additional burden on the department that is not required under the law.

Texas Transportation Code §503.095(b) states that each act in violation of chapter 503 is a separate violation. Based on Findings of Fact 14 through 17 and the violations found in Conclusion of Law 3(c), it is proper for the Board to assess a civil penalty of \$10,000. A licensee that allows the issuance of 1,649 temporary buyer's tags during a period when the licensee only sold one vehicle presents a serious safety risk to the public. A low monetary penalty will not deter future violations of this magnitude. The Board will not tolerate a dealer that violates §503.063 in such an extreme manner.

The Board adds Conclusion of Law 7 to read:

Respondent misused or allowed the misuse of a temporary tag under Transportation Code chapter 503. Accordingly, the Board should revoke Respondent's GDN license. Tex. Transp. Code §503.038(a)(12).

The ALJ misinterpreted the Board's authority under Texas Transportation Code §503.038(a)(12). Under §503.038(a)(12), the Board has the authority to cancel a dealer's general distinguishing number (GDN) if the dealer misuses or allows the misuse of a temporary tag authorized under chapter 503. The ALJ misinterpreted the statute by inserting a knowledge requirement into the word "allows." Section 503.038(a)(12) does not impose a burden on the department to prove that the Respondent had knowledge of the misuse of buyer's temporary tags issued from Respondent's account.

Finding of Fact 14 provides that a dealer is supposed to create one buyer's tag per sale. Finding of Fact 15 states that Respondent admitted to printing more than one buyer's tag for unspecified buyers. Finding of Fact 17 states that the department's records indicate that approximately 1,649 buyer's temporary tags were issued under Respondent's account between January 1, 2019, and September 1, 2019; however, Finding of Fact 16 states that Respondent reported to the Jefferson County Tax Assessor/Collector that Respondent only sold one vehicle during this period. The ALJ's finding that the department must prove the Respondent knew the tags were being issued in addition to these facts is a misinterpretation and misapplication of §503.038(a)(12). The ALJ's misinterpretation creates an additional burden on the department that is not required under the law. Also, the ALJ's recommendation would allow a dealer to avoid any consequences under §503.038(a)(12) by merely stating that the dealer didn't know about the excess buyer's temporary tags.

Based on Findings of Fact 14 through 17, it is proper for the Board to revoke Respondent's GDN license. A licensee that allows the issuance of 1,649 temporary buyer's tags during a period when the licensee only sold one vehicle presents a serious safety risk to the public. A monetary penalty alone will not deter future violations of this magnitude. The Board will not tolerate a dealer that violates the statute in such an extreme manner. If a dealer allows this to happen with its eTag account, the dealer should not be allowed to be a licensed dealer anymore.

ACCORDINGLY, IT IS ORDERED:

1. Findings of Fact 1 through 25, and Conclusions of Law 1, 2, 5, and 6 are adopted as stated in the ALJ's PFD dated October 27, 2020;
2. Conclusions of Law 3 and 4 are amended as stated in this Final Order;
3. Conclusions of Law 3(b), 3(c), and 7 are adopted as stated in this Final Order;
4. Respondent must pay a civil penalty of \$11,000;
5. Respondent's GDN license is hereby revoked; and
6. Any other motions, requests for entry of specific findings of fact or conclusions of law, exceptions, objections, and requests for general or specific relief by the parties to this contested case, if not expressly granted herein, are hereby denied.

Date: 10/26/2021

Charles Bacarisse

Charles Bacarisse, Chair
Board of the Texas Department of Motor Vehicle

FILED TxDMV Board Meeting eBook
608-22-1781
8/4/2023 1:46 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

February 8, 2024

ACCEPTED
608-22-1781 45
8/4/2023 1:47:25 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

August 4, 2023

Damien Shores
Counsel for Texas Department of Motor Vehicles

VIA EFILE TEXAS

Kenneth Krohn
Counsel for Marquez Auto Sales, Inc.

VIA EFILE TEXAS

RE: Docket Number 608-22-1781.ENF; Texas Department of Motor Vehicles No. 22-0001153.ENF; TXDMV v. MARQUEZ AUTO SALES, INC.

Dear Parties:

Staff of the Texas Department of Motor Vehicles (DMV) timely filed exceptions in this matter. The exceptions address the Administrative Law Judge's (ALJ) recommended sanction. The arguments made in the exceptions should have been made in Staff's briefing and the ALJ considers them to be untimely raised for the first time in exceptions. The ALJ makes no changes to the Proposal for Decision in response to the exceptions filed. Accordingly, the ALJ recommends that the PFD be adopted as written. Because the State Office of Administrative Hearings has concluded its involvement in this matter, the case is being remanded to DMV. *See* Tex. Gov't Code § 2003.051(a).



Holly Vandrovec
Administrative Law Judge

cc: Service List

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Associated Case Party: MARQUEZ AUTO SALES, INC.

Name	BarNumber	Email	TimestampSubmitted	Status
KENNETH KROHN		krohnk@outlook.com	8/4/2023 1:46:23 PM	SENT

Associated Case Party: TXDMV

Name	BarNumber	Email	TimestampSubmitted	Status
DAMIEN SHORES		damien.shores@txdmv.gov	8/4/2023 1:46:23 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Damien Shores		damien.shores@txdmv.gov	8/4/2023 1:46:23 PM	SENT

Board Meeting Date: 2/8/2024
ACTION ITEM

To: Texas Department of Motor Vehicles Board
From: Laura Moriaty, General Counsel
Agenda Item: 6
Subject: Rule Review Proposal under Government Code §2001.039: Chapter 219, Oversize and Overweight Vehicles and Loads

RECOMMENDATION

Action Item. Approval to publish the proposed rule review in the *Texas Register* for public comment.

PURPOSE AND EXECUTIVE SUMMARY

The department proposes to review 43 Texas Administrative Code, Chapter 219, Oversize and Overweight Vehicles and Loads, with the exception of §219.16. The department will review §219.16 separately in the future. This review is being conducted under Texas Government Code, §2001.039.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

Texas Government Code, §2001.039 requires the department to review and consider for readoption or repeal each of its rules every four years. The department has not reviewed or readopted Chapter 219 since 2019.

The Texas Government Code requires the department to determine through the rule review whether the reasons for initially adopting these rules continue to exist and whether these rules should be repealed, readopted, or readopted with amendments. Necessary repeals and amendments identified during the review of these rules will be presented to the Board separately for proposal and publication in the *Texas Register* in accordance with the Administrative Procedure Act, Texas Government Code, Chapter 2001.

The department will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter A, General Provisions; Subchapter B, General Permits, §§219.10–219.15 and §219.17; Subchapter C, Permits for Over Axle and Over Gross Weight Tolerances; Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles; Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles; Subchapter F, Compliance; Subchapter G, Records and Inspections; and Subchapter H, Enforcement.

Chapter 219 covers the department's issuance of permits for the movement of oversize and overweight vehicles and loads on public roads within Texas to ensure the safety of the traveling public and to protect the integrity of the highways and the bridges.

TITLE 43. TRANSPORTATION

Proposed Rule Review

Part 10. Texas Department of Motor Vehicles

Chapter 219 – Oversize and Overweight Vehicles and Loads

Intention to Review

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter A, General Provisions; Subchapter B, General Permits, §§219.10–219.15 and §219.17; Subchapter C, Permits for Over Axle and Over Gross Weight Tolerances; Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles; Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles; Subchapter F, Compliance; Subchapter G, Records and Inspections; and Subchapter H, Enforcement. The department will review §219.16 separately in the future. This review is being conducted pursuant to Government Code, §2001.039.

The board of the Texas Department of Motor Vehicles will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. CST on X, XX, 2024. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

Proposed changes to sections of this chapter are published in the Proposed Rules section of this issue of the *Texas Register* and are open for a 30-day public comment period.

Board Meeting Date: 2/8/2024
ACTION ITEM

To: Texas Department of Motor Vehicles Board
From: Jimmy Archer, Motor Carrier Division Director
Agenda Item: 7
Subject: Chapter 219, Oversize and Overweight Vehicles and Loads
Amendments, Subchapters A, B, C, D, E, F, and G
New, §§219.5, 219.7 and 219.9
Repeal, §§219.84, 219.86, and 219.123
(Relating to Cleanup)

RECOMMENDATION

Action Item. Approval to publish the proposed amendments, new sections, and repeals in the *Texas Register* for public comment.

PURPOSE AND EXECUTIVE SUMMARY

The department is conducting a review of its rules under 43 Texas Administrative Code (TAC) Chapter 219 in compliance with Government Code, §2001.039. The proposed amendments, new sections, and repeals would clean up the language in Chapter 219.

FINANCIAL IMPACT

There will be no significant fiscal implications due to the proposed amendments, new sections, and repeals.

BACKGROUND AND DISCUSSION

The amendments to Chapter 219 would document the department's processes and requirements in rule, update the language to remove unnecessary or obsolete requirements, delete language that is contained in statute, delete repetitive language, clarify the language, update the language to be consistent with statutory changes and guidance from the Federal Highway Administration, and begin to organize the general provisions in Subchapter A of Chapter 219. The department also proposes to delete language for which the department does not have rulemaking authority.

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Chapter 219 – Oversize and Overweight Vehicles and Loads

PROPOSAL OF REVISIONS TO**SUBCHAPTER A. GENERAL PROVISIONS****43 TAC §219.1 AND §219.2****SUBCHAPTER B. GENERAL PERMITS****43 TAC §§219.11–219.15****SUBCHAPTER C. PERMITS FOR OVER AXLE AND OVER GROSS WEIGHT TOLERANCES****43 TAC §§219.30–219.32 AND §§219.34–219.36****SUBCHAPTER D. PERMITS FOR OVERSIZE AND OVERWEIGHT OIL WELL RELATED VEHICLES****43 TAC §§219.41–219.45****SUBCHAPTER E. PERMITS FOR OVERSIZE AND OVERWEIGHT UNLADEN LIFT EQUIPMENT MOTOR****VEHICLES****43 TAC §§219.60–219.64****SUBCHAPTER F. COMPLIANCE****43 TAC §219.81****SUBCHAPTER G. RECORDS AND INSPECTIONS****43 TAC §219.102****NEW SECTIONS****SUBCHAPTER A. GENERAL PROVISIONS****43 TAC §§219.5, 219.7 AND 219.9****REPEAL OF****SUBCHAPTER F. COMPLIANCE****43 TAC §219.84 and §219.86****SUBCHAPTER H. ENFORCEMENT**

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Chapter 219 – Oversize and Overweight Vehicles and Loads

43 TAC §219.123

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter A, General Provisions, §219.1 and §219.2; Subchapter B, General Permits, §§219.11–219.15; Subchapter C, Permits for Over Axle and Over Gross Weight Tolerances, §§219.30–219.32 and §§219.34–219.36; Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles, §§219.41–219.45; Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles, §§219.60–219.64; Subchapter F, Compliance, §219.81; and Subchapter G, Records and Inspections, §219.102. The department also proposes new Subchapter A, §§219.5, 219.7 and 219.9. In addition, the department proposes the repeal of §§219.84, 219.86, and 219.123.

The department proposes amendments to document the department's processes and requirements in rule, to update the language to remove unnecessary or obsolete requirements, to delete language that is contained in statute, to delete repetitive language, to clarify the language, to update the language to be consistent with statutory changes and guidance from the Federal Highway Administration (FHWA), and to begin to organize the general provisions in Subchapter A of Chapter 219. The department also proposes to delete language for which the department does not have rulemaking authority. In addition, the department proposes amendments that would renumber, re-letter, or remove subdivisions within the rules due to the deletion of one or more subdivisions within the rules.

EXPLANATION.

The department is conducting a review of its rules under Chapter 219 in compliance with Government Code, §2001.039. Notice of the department's plan to review is also published in this issue of the *Texas Register*. As a part of the review, the department is proposing necessary amendments and repeals, as detailed in the following paragraphs.

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Proposed Sections

Part 10. Texas Department of Motor Vehicles

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 Proposed amendments to §219.1 would clarify that Chapter 219 includes permits that authorize
2 travel on certain public roadways in addition to the state highway system. For example, Transportation
3 Code, §623.402 provides for the issuance of an overweight permit that authorizes the permittee to travel
4 on certain county roads, municipal streets, and the state highway system to the extent the Texas
5 Department of Transportation (TxDOT) approves such roads, streets, and state highways under
6 Transportation Code, §623.405. A proposed amendment to §219.1 would also clarify that Chapter 219
7 includes the policies and procedures for filing surety bonds, including surety bonds that are required
8 before an operator of certain vehicles that exceed certain axle weight limits is allowed to travel on
9 municipal streets, county roads, or the state highway system. A proposed amendment to §219.1 would
10 also correct an error by changing the word “insure” to “ensure.”

11 Proposed amendments to §219.2 would add a definition for the word “day” to define it as a
12 calendar day for clarity; change the word “daylight” to “daytime” and modify the definition by referring
13 to the definition in Transportation Code, §541.401 and deleting the current definition, which was derived
14 from §541.401; modify the definition for “hubometer” to replace the word “crane” with the term
15 “unladen lift equipment motor vehicle” because that is the term used in Transportation Code, Chapter
16 623, Subchapter J; add the word “label” to “HUD number” so the term is consistent with the term used in
17 §219.14 and Transportation Code, §623.093; amend the definition of “nighttime” to remove the portion
18 of the definition contained in Transportation Code, §541.401 because the definition of “nighttime” refers
19 to the definition in §541.401; amend the definition of “nondivisible load or vehicle” to be consistent with
20 FHWA’s interpretation of the term by adding language regarding properly secured components and
21 adding the example from §219.61(g) for a crane traveling with properly secured components and adding
22 an example of a dozer traveling with the blade detached; amend the definition for “nondivisible load or
23 vehicle” by adding a missing period at the end of the language regarding spent nuclear materials and re-

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 lettering the subdivisions accordingly; amend the definition for “permit plate” to reference the definition
2 for “oil well servicing, cleanout, or drilling machinery” as defined in Transportation Code, §502.001(29);
3 add a hyphen between the words “trailer” and “mounted” because these words are compound modifiers
4 for the term “trailer-mounted unit”; and add examples to the definition of “unladen lift equipment motor
5 vehicle.”

6 Proposed amendments to §219.2 would also modify the definition for surety bond because the
7 current definition for surety bond only references the payment to TxDOT for damage to a highway and is
8 therefore in conflict with Transportation Code, §622.134, which also requires payment to a county for
9 damage to a county road and to a municipality for damage to a municipal street caused by the operation
10 of the vehicle, and Transportation Code, §623.163, which also requires payment to a municipality for
11 damage to a municipal street caused by the operation of the vehicle. In addition, a proposed amendment
12 to the definition of surety bond in §219.2 would remove language that says the surety bond expires at the
13 end of the state fiscal year because current §219.3(b) and §219.11(n) already include this language.

14 In addition, proposed amendments to §219.2 would delete the following defined terms because
15 the department proposes amendments that would remove the defined terms from where they are
16 currently used in Chapter 219: board, one-trip registration, temporary vehicle registration, 72-hour
17 temporary vehicle registration, and 144-hour temporary vehicle registration.

18 Further, proposed amendments to §219.2 would delete the following terms, which do not appear
19 in Chapter 219: credit card, district, district engineer, machinery plate, motor carrier registration (MCR),
20 traffic control device, trunnion axle group, and variable load suspension axles. Lastly, proposed
21 amendments to §219.2 would delete the following terms, which are defined in Transportation Code,
22 Chapter 621, 622, or 623: department and director. Section 219.2 says that the definitions contained in
23 Transportation Code, Chapter 621, 622, and 623 apply to Chapter 219. The proposed amendments would

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 renumber the paragraphs within §219.2 to accommodate the proposed deletions and additions to the
2 rule.

3 Proposed new §219.5 would describe the department's current general application requirements
4 to obtain an oversize or overweight permit, including the requirements to provide the required
5 information, submit the required documents, pay the required fees, and submit the application in the
6 form and by the method prescribed by the department on its website. The department's website lists the
7 methods by which an applicant can apply for each type of permit. For example, the department's webpage
8 for 30/60/90-day permits under Transportation Code, Chapter 623, Subchapter D says the applicant can
9 apply via the Texas Permitting and Routing Optimization System (TxPROS) or submit the Time Permit
10 Application (Form MCD-302) by mail to the address listed on the application form. TxPROS is the
11 department's designated permitting system.

12 Proposed new §219.5 would also refer to the application requirements under Chapter 219;
13 Transportation Code, Chapters 621, 622, and 623; and other applicable law. For example, to qualify for
14 certain permits, Transportation Code, §§623.011(b)(1), 623.079, and 623.194 require the vehicle to be
15 registered under Transportation Code, Chapter 502 for the maximum gross weight applicable to the
16 vehicle under Transportation Code, §621.101, not to exceed 80,000 pounds. Proposed new §219.5 would
17 also describe the process for an applicant to obtain a customer identification number by setting up an
18 account in TxPROS, as well as the process to authorize the department to obtain a customer identification
19 number for the applicant via TxPROS.

20 Proposed new §219.7 would expressly authorize certain amendments to permits to be consistent
21 with current practice. Proposed new §219.7(a) provides general amendment guidelines, which would be
22 subject to the specific provisions in proposed new §219.7(b). The proposed new rule would allow
23 amendments necessary to correct errors made by department staff or the department's permitting

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 system, and as necessary to keep the contact information up to date. Proposed new §219.7 would
2 expressly authorize certain amendments to permits even though other sections in Chapter 219 limit the
3 types of amendments that are allowed to certain types of permits.

4 Proposed new §219.9 would clarify that the provisions in Chapter 219 do not authorize the
5 operation of a vehicle or vehicle combination on the following roadways in this state to the extent
6 FHWA determines the vehicle or vehicle combination exceeds the applicable weight or size for such
7 roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations prescribed
8 under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system, the federal-
9 aid urban system, and the federal-aid secondary system, including the national system of interstate and
10 defense highways. Although these federal laws and regulations don't directly apply to the vehicle
11 operator, Texas complies with such federal laws and regulations through Texas laws and rules regarding
12 maximum vehicle size and weight for the following reasons under the following authority: 1) 23 U.S.C.
13 §127, 23 U.S.C. §141, 49 U.S.C. §31112, and the regulations prescribed under 23 U.S.C. §127, 23 U.S.C.
14 §141, and 49 U.S.C. §31112, which enables Texas to avoid the risk of losing a portion of federal highway
15 funding; and 2) 49 U.S.C. §§31111 through 31114, which enables Texas to avoid a civil action by the U.S.
16 Attorney General for injunctive relief under 49 U.S.C. §31115.

17 Proposed new §219.9 would also require the department to post a notice on its website and to
18 possibly send notice to permittees through the applicable email addresses on file with the department
19 to the extent the department learns that FHWA generally determines a vehicle or vehicle combination
20 exceeds the applicable weight or size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through
21 31114, or federal regulations prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a
22 way that may conflict with a provision in this chapter. This provision is not based on FHWA finding that a
23 specific permittee has exceeded the applicable weight or size; it is based on FHWA's general

TITLE 43. TRANSPORTATION

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 interpretation of federal law. For example, a proposed amendment to the definition of “nondivisible
2 load or a vehicle” in §219.2 would make the definition consistent with FHWA’s current interpretation of
3 this term. If a vehicle already exceeds legal weight without including the weight of the properly secured
4 components, FHWA said the vehicle is considered to be nondivisible even if properly secured
5 components are being transported with the vehicle. To the extent the department learns that FHWA
6 changed its interpretation of the definition of a “nondivisible load or vehicle” under 23 C.F.R. §658.5 in a
7 way that conflicts with the proposed amended definition in §219.2, the department will post a notice on
8 its website regarding FHWA’s interpretation and may provide notice to permittees through the
9 applicable email addresses on file with the department.

10 A proposed amendment to §219.11(b) would remove the vehicle registration requirements
11 because the applicable vehicle registration requirements under Transportation Code, §623.079 do not
12 apply to the permits under the following sections in Subchapter B of Chapter 219: §219.13(e)(5) through
13 (7), §219.14, and §219.15. Also, it is not necessary to repeat the statutory requirements in rule. A
14 proposed amendment to §219.11(b) would also remove the word “commercial” from the term
15 “commercial motor carrier” to be consistent with the terminology in Transportation Code, Chapter 643
16 and Chapter 218 of this title (relating to Motor Carriers).

17 A proposed amendment to §219.11(d)(1), (d)(1)(D), and (d)(1)(E) would change the term “non-
18 TxDOT engineer” to “non-TxDOT licensed professional engineer” to be consistent with existing
19 terminology in §219.11(d), which refers to a “TxDOT approved licensed professional engineer.”

20 A proposed amendment to §219.11(d)(1)(F) and (d)(3)(H) would restructure the sentence to
21 clarify that the maximum permit weight on the axle groups would be reduced by 2.5 percent for each
22 foot less than 12 feet. Proposed amendments to §219.11(d)(2) and (3) would add hyphens to the
23 compound modifiers regarding the axle groups and make the terms consistent with the terms in the text

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Chapter 219 – Oversize and Overweight Vehicles and Loads

1 in §219.2. A proposed amendment to §219.11(e)(2)(A)(i) would change the word “weak” to “reduced
2 capacity” to describe certain bridges more accurately.

3 A proposed amendment to §219.11(f) would delete paragraph (1) because the language
4 regarding the payment of fees would be added to proposed new §219.5 in Subchapter A, which applies
5 to all permit applications under Chapter 219. A proposed amendment to §219.11(f) would also remove
6 the paragraph number and catch line for paragraph (2) because there would only be one paragraph in
7 subsection (f) due to the proposed deletion of paragraph (1). A proposed amendment to the following
8 sections would remove the cross-reference to §219.11(f) regarding the payment of fees due to the
9 proposed deletion of this language from §219.11(f), and renumber or re-letter accordingly as necessary:
10 §§219.13, 219.14, 219.15, 219.30, 219.31, 219.32, 219.34, 219.35, 219.36, 219.41, 219.45, and 219.61.

11 A proposed amendment to §219.11(k)(7) would delete subparagraph (E) because it conflicts with
12 Transportation Code, §547.382.

13 Proposed amendments to §219.11(l)(1) would change the word “daylight” to “daytime” and
14 would change the term “daylight hours” to “the daytime” because a proposed amendment to §219.2
15 would change the word “daylight” to “daytime.” For this reason, the department also proposes similar
16 amendments to the following sections: §§219.12, 219.13, 219.15, 219.41, and 219.61. A proposed
17 amendment to §219.13 would also delete reference to Transportation Code, §541.401 for the definition
18 of “daytime” because a proposed amendment to §219.2 would define “daytime” by referencing the
19 definition in Transportation Code, §541.401. Proposed amendments to §219.11(l)(1) would change the
20 word “night” to “nighttime” to provide clarity because “nighttime” is defined in §219.2. For this reason,
21 the department also proposes amendments to the following sections to change the word “night” to
22 “nighttime”: §§219.13, 219.34, 219.35, 219.36, and 219.44.

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1 A proposed amendment to §219.11(l)(2) would clarify the department's authority regarding the
2 maximum size limits for a permit issued under Transportation Code, Chapter 623, Subchapter D for holiday
3 movement. The Texas Transportation Commission, rather than the department, has rulemaking authority
4 under Transportation Code, §621.006 to impose restrictions on the weight and size of vehicles to be
5 operated on state highways on certain holidays. A proposed amendment to §219.11(l)(2) would clarify
6 that the department applies restrictions imposed by TxDOT. A proposed amendment to §219.11(l)(3)
7 would clarify that the curfew movement restrictions of a city or county do not apply unless the
8 department publishes the curfew movement restrictions. The department only publishes the curfew
9 movement restrictions if TxDOT approves the restrictions. Currently, the department publishes the curfew
10 movement restrictions on the department's website. A proposed amendment to §219.11(l)(3) would also
11 delete language regarding the curfew restrictions listed on the permit to make the language consistent
12 throughout Chapter 219 regarding published curfew restrictions.

13 A proposed amendment to §219.11(m)(1) would delete subparagraph (B) because the
14 department does not have statutory authority for the language in subparagraph (B). Also, a proposed
15 amendment to §219.11(m)(1) would delete a reference in subparagraph (A) to subparagraph (B) and re-
16 letter subparagraph (C) due to the deletion of subparagraph (B). In addition, a proposed amendment to
17 re-lettered §219.11(m)(1)(B) would clarify that the restrictions in §219.11(m)(1)(A) and the definition of a
18 "nondivisible load or vehicle" in §219.2 apply to a permit to haul a dozer and its detached blade. Further,
19 a proposed amendment to re-lettered §219.11(m)(1)(B) would replace the word "non-dismantable" with
20 "nondivisible" because "nondivisible load" is a defined term in §219.2, but "non-dismantable" is not
21 defined in Chapter 219.

22 A proposed amendment to §219.12(b)(3)(C) would clarify that TxDOT, rather than the
23 department, incurs a cost for analyses performed prior to issuing a superheavy permit under §219.12. A

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1 proposed amendment to §219.12(b)(6) would delete reference to an intermodal container because
2 Transportation Code, §623.070 says that Subchapter D of Transportation Code, Chapter 623 does not
3 apply to the transportation of an intermodal shipping container.

4 Proposed amendments to §219.12(b)(7) through (b)(9) would combine the paragraphs into
5 revised §219.12(b)(7) because the current and revised text cover a specific type of single-trip permit called
6 a superheavy permit. Revised §219.12(b)(7) would include the requirements in existing §219.12(b)(7)
7 through (b)(9) for the department to provide the applicant with a tentative route based on the physical
8 size of the overdimension load excluding weight, as well as the requirement for the applicant to
9 investigate the tentative route and acknowledge in writing to the department that the route is capable of
10 accommodating the overdimension load. The revised §219.12(b)(7) would also describe the current
11 process, including the requirement for the department to consult with TxDOT and the applicant as
12 necessary to attempt to determine a tentative route that the applicant can acknowledge is capable of
13 accommodating the overdimension load; the department's obligation to provide the tentative route to
14 the applicant's TxDOT-certified, licensed professional engineering firm once the applicant acknowledges
15 to the department that the tentative route is capable of accommodating the overdimension load; and the
16 requirement under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles
17 and Loads) for the applicant's TxDOT-certified, licensed professional engineering firm to provide TxDOT
18 with a report that TxDOT uses to approve the department's tentative route for the movement of a
19 superheavy load under Transportation Code, §623.071 as required by Transportation Code, §623.003.
20 TxDOT relies on outside engineering firms to provide the initial review and analysis for the superheavy
21 permit application prior to providing the department with approval for the tentative route, which the
22 department provides to the applicant for superheavy loads.

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1 The applicant for a superheavy permit must provide the TxDOT-certified, licensed professional
2 engineering firm with the information and documents the engineering firm needs to provide TxDOT with
3 a written report under §28.86 of this title (relating to Bridge Report). Revised §219.12(b)(7) would delete
4 text found in current §219.12(b)(7)(A) through (B) because the information and documents that the
5 TxDOT-certified, licensed professional engineering firm needs to create a written report could vary,
6 depending on the load and the processes of each firm. Before TxDOT will provide the department with
7 approval for the department's tentative route for the superheavy load, TxDOT must receive from the
8 applicant's TxDOT-certified, licensed professional engineering firm a written report that includes a
9 detailed structural analysis of the bridges on the proposed route demonstrating that the bridges and
10 culverts on the route are capable of sustaining the load. The department will not issue a superheavy
11 permit unless TxDOT provides the department with approval for the tentative route proposed by the
12 department and acknowledged by the applicant as capable of accommodating the overdimension load.

13 Revised §219.12(b)(7) would also clarify that the term "total weight" in existing rule text for the
14 overdimension load that is between 200,001 and 254,300 pounds is a reference to gross weight, which is
15 defined in §219.2. In addition, revised §219.12(b)(7) would delete text found in current §219.12(b)(7)(C)
16 through (D) because the department no longer needs the referenced form and because the vehicle
17 supervision fee is already addressed in §219.12(b)(3). Further, revised §219.12(b)(7) would modify the
18 existing text in §219.12(b)(7)(E) to require the applicant to provide the department with the TxDOT-
19 certified licensed, professional engineering firm's email address, instead of the firm's phone number and
20 fax number.

21 Proposed amendments to §219.12(d) would delete references to storage tanks, including the
22 entire subparagraph (3), to be consistent with the department's current practice. A proposed amendment
23 to §219.12(d) would also delete paragraph (1) because there are no statutory limits on the size of a house

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1 under a permit to move a house. In addition, proposed amendments to §219.12(d) would add hyphens
2 between the words “two” and “axle” because these words are compound modifiers for the word “group.”
3 Further, proposed amendments to §219.12(d) and (e) would delete the requirement for a permit
4 applicant to provide a loading diagram to the department because the applicant must enter weight
5 information into the department’s designated permitting system, rather than providing the loading
6 diagram. A proposed amendment to §219.12(d) would require the applicant to provide the department
7 with the requested information regarding weights. Due to proposed deletions of subdivisions within
8 §219.12(d), the remaining subdivisions would be renumbered accordingly. With the proposed deletion of
9 §219.12(e), subsection (f) would be re-lettered accordingly.

10 A proposed amendment to §219.13(a) would add a citation to Transportation Code, Chapter 622
11 because permits for transporting poles required for the maintenance of electric power transmission and
12 distribution lines (power line poles) are authorized under Transportation Code, Chapter 622, Subchapter
13 E. Section 219.13(e)(6) provides the requirements regarding a permit for power line poles.

14 A proposed amendment to §219.13(b)(1) would delete the permit fee amounts because the fees
15 are listed in Transportation Code, §623.076. A proposed amendment to §219.13(b)(4) would delete the
16 language that says time permits will not be issued to a vehicle or vehicle combination that is registered
17 with temporary vehicle registration. Transportation Code, §623.079 says a permit issued under
18 Subchapter D of Chapter 623 of the Transportation Code may only be issued if the vehicle is registered
19 under Transportation Code, Chapter 502 for the maximum gross weight applicable to the vehicle under
20 Transportation Code, §621.101 that is not heavier than 80,000 pounds overall gross weight. The vehicle
21 registration requirements under Transportation Code, §623.079 do not apply to the permits under
22 §219.13(e)(5) through (7). Also, for permits under §219.13 for which vehicle registration is required,
23 temporary vehicle registration under Transportation Code, Chapter 502 qualifies as vehicle registration

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1 under Transportation Code, §623.079. With the proposed deletion of §219.13(b)(1) and (4), the
2 subsequent subsections of §219.13(b) are proposed to be renumbered accordingly.

3 Proposed amendments to §219.13(e)(4) would delete references to an intermodal container
4 because Transportation Code, §623.070 says that Subchapter D of Transportation Code, Chapter 623 does
5 not apply to the transportation of an intermodal shipping container. A proposed amendment to
6 §219.13(e)(4) would also correct an error by replacing the word “principle” with “principal.”

7 A proposed amendment to §219.13(e)(5) would delete reference to §219.13(e)(1)(E) because a
8 proposed amendment to §219.13(e)(1) would delete subparagraph (A) and re-letter the subsequent
9 subparagraphs. A proposed amendment to §219.13(e)(5) would also delete reference to §219.13(e)(1)(G)
10 because paragraph (1) does not contain a subparagraph (G). In addition, a proposed amendment to
11 §219.13(e)(5) would delete subparagraph (E) because Transportation Code, Chapter 623 does not require
12 the vehicle to be registered under Transportation Code, Chapter 502. Also, to the extent the permitted
13 vehicle under §219.13(e)(5) falls within the definition of “manufactured housing” under Occupations
14 Code, §1201.003, the vehicle is not subject to vehicle registration under Transportation Code, Chapter
15 502 according to Transportation Code, §502.142. Further, a proposed amendment to §219.13(e)(5) would
16 delete subparagraph (G) because the escort requirements are contained in statute. Lastly, proposed
17 amendments to §219.13(e)(5) would re-letter subsequent subdivisions within the rule text due to
18 deletions.

19 A proposed amendment to §219.13(e)(6) would delete subparagraph (F) because Transportation
20 Code, Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter 502.
21 A proposed amendment to §219.13(e)(6) would re-letter subsequent subdivisions within the rule text due
22 to the deletion of subparagraph (F).

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1 A proposed amendment to §219.13(e)(7) would delete subparagraph (F) because Transportation
2 Code, Chapter 623 does not require the vehicle to be registered under Transportation Code, Chapter
3 502. A proposed amendment to §219.13(e)(8) would remove reference to the fee under subsection
4 (b) of §219.13 because a proposed amendment would delete the fee language in subsection (b).

5 A proposed amendment to §219.14(d) would delete the permit fee amount because the fee is
6 listed in Transportation Code, §623.096. A proposed amendment to §219.14(e)(9) would add the title for
7 §219.11 for clarity. A proposed amendment to §219.14(e)(5) would delete the paragraph because the
8 language duplicates language found in Transportation Code, §623.100, and does not list all national
9 holidays. A proposed amendment to §219.14(e)(7) would delete the clause “listed in this subsection”
10 because a proposed amendment to §219.14(e)(5) would delete the paragraph in which some of the
11 national holidays are listed. A proposed amendment to §219.14(e)(10) would delete the paragraph
12 because Transportation Code, §623.099 requires TxDOT, rather than the department, to annually publish
13 a map or list of all bridges or overpasses which, due to height or width, require an escort flag vehicle to
14 stop oncoming traffic while the manufactured home crosses the bridge or overpass. Proposed
15 amendments to §219.14(f) would delete language that is contained in statute. Proposed amendments to
16 §219.14 would re-letter and renumber the subdivisions within the section due to proposed deletions.

17 A proposed amendment to §219.15(a)(2) would delete reference to the fee required by
18 subsection (d) and replace the language with a reference to the fee required by statute because a
19 proposed amendment to subsection (d) would remove fee language that duplicates language found in
20 statute. A proposed amendment to §219.15(c) would delete reference to §219.11(b)(2) because the
21 vehicle registration requirements under Transportation Code, §623.079 do not apply to a permit under
22 §219.15 and the department proposes to delete the vehicle registration requirements under §219.11(b).
23 Proposed amendments to §219.15(f) would delete language that is contained in statute.

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1 A proposed amendment to §219.30(a) would remove an unnecessary sentence, which incorrectly
2 references the requirements in Subchapter C of Chapter 219. A proposed amendment to §219.30(b)
3 would replace the word “subchapter” with “section” because §219.30 is the only section in Subchapter C
4 of Chapter 219 that provides for the issuance of a permit under Transportation Code, §623.011. A
5 proposed amendment to §219.30(d)(3) would remove reference to the vehicle’s inspection sticker
6 because vehicle inspection stickers are no longer issued in Texas. The vehicle inspection requirements in
7 Texas are enforced through vehicle registration under Transportation Code, §502.047 and §548.256. A
8 proposed amendment to §219.13(d)(5) would delete language that is inconsistent with Transportation
9 Code, §623.013, which was amended by Senate Bill 1814, 87th Legislature, Regular Session (2021). A
10 proposed amendment to §219.30 would delete subsection (g) because most of the language is contained
11 in Transportation Code, §621.508, which provides an affirmative defense to prosecution of, or an action
12 under Transportation Code, Chapter 623, Subchapter F for the offense of operating a vehicle with a single
13 axle weight or tandem axle weight heavier than the axle weight authorized by law. The proposed
14 amendments would re-letter the remaining subsection to accommodate the removal of §219.30(g).

15 A proposed amendment to §219.32(k) would delete language that is contained in Transportation
16 Code, §623.0171 because it is not necessary to repeat statutory language in rule. A proposed amendment
17 to §219.32(k) would also restructure the language due to the deletion of the paragraph numbers.

18 A proposed amendment to §219.35(a) would update the citation to the subchapter under which
19 the fluid milk permit is located in Transportation Code, Chapter 623. The legislature redesignated the
20 statutes for the fluid milk permit from Subchapter U to Subchapter V.

21 A proposed amendment to §219.36(a) would delete reference to the bill under which
22 Transportation Code, §623.401, *et seq.* became law because Transportation Code, Chapter 623 currently

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1 only contains one Subchapter U. The legislature redesignated the statutes for the fluid milk permit from
2 Subchapter U to Subchapter V.

3 Proposed amendments to §219.42(d) would add a hyphen between the words “trailer” and
4 “mounted” because these words are compound modifiers for the term “trailer-mounted unit.” A
5 proposed amendment to §219.42(d)(3) would also remove outdated language regarding the calculation
6 of the fee for a single-trip permit for the movement of a trailer-mounted oil well servicing unit. Axles are
7 no longer temporarily disregarded for the purposes of calculating fees for this single-trip permit. In
8 addition, a proposed amendment to §219.42(d)(3) would remove the subparagraph letter for current
9 subparagraph (A) because there would only be one subparagraph if subparagraph (B) is deleted.

10 Proposed amendments to §219.43(e) would add a hyphen between the words “trailer” and
11 “mounted” because these words are compound modifiers for the term “trailer-mounted unit.” A
12 proposed amendment to §219.43(e)(4) would also remove outdated language regarding the calculation
13 of the fee for a quarterly hubometer permit for the movement of an oil well servicing unit. Axles are no
14 longer temporarily disregarded for the purposes of calculating the fees for this quarterly hubometer
15 permit.

16 A proposed amendment to §219.44(a)(1) would delete subparagraph (A) because Transportation
17 Code, §502.146(b)(3) requires the applicant for a permit plate for oil well servicing or drilling machinery
18 to submit proof that the applicant has a permit under Transportation Code, §623.142 before they can
19 obtain a permit plate under Transportation Code, §502.146(b)(3). A proposed amendment to
20 §219.44(a)(1) would also remove the subparagraph letter for current subparagraph (B) because there
21 would only be one subparagraph if subparagraph (A) is deleted.

22 A proposed amendment to §219.45(a) would replace the word “fracing” with “fracking,” which is
23 defined as “the injection of fluid into shale beds at high pressure in order to free up petroleum resources

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(such as oil or natural gas).” See *Fracking*, Merriam-Webster Online Dictionary (www.merriam-webster.com/dictionary/fracking) (last visited January 18, 2024). A proposed amendment to §219.45(c) would delete paragraph (2) because the vehicle registration requirements are specified in statute and are not required as part of the application process for a permit for a vehicle transporting liquid products related to oil well production. A proposed amendment to §219.45(c) would renumber the remaining paragraphs due to the deletion of paragraph (2). A proposed amendment to §219.45(c)(4)(C) would insert the word “plate” before the word “number” to clarify that the permittee must provide the department with the “license plate number” for the new trailer.

A proposed amendment to §219.60 would replace the word “cranes” with “unladen lift equipment motor vehicles” to be consistent with the terminology in Transportation Code, Chapter 623, Subchapters I and J. The department also proposes amendments to the following sections to replace terminology regarding a crane with terminology regarding an unladen lift equipment motor vehicle to be consistent with the terminology in Transportation Code, Chapter 623, Subchapter I and/or Subchapter J: §§219.61, 219.62, 219.63, and 219.64.

A proposed amendment to §219.61(a) would delete paragraph (4) regarding a trailer-mounted crane, and a proposed amendment to §219.62(d)(2)(B) would delete the mileage rate for a trailer-mounted crane because Transportation Code, §623.181 and §623.191 say the permits are for an “unladen lift equipment motor vehicle,” rather than for a trailer-mounted crane. A proposed amendment to §219.61 would delete the language from subsection (g) and move it to the definition of “nondivisible load or vehicle” in §219.2.

A proposed amendment to the title for §219.62 would replace the term “Single Trip” with “Single-Trip” to be consistent with the term used in the text of §219.62. A proposed amendment to §219.62(b) would add a space between the colon and title 43 as follows: Figure 1: 43 TAC §219.62(f). A proposed

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1 amendment to §219.62(d) would delete paragraph (3) to remove outdated language regarding the
2 calculation of the fee for a single-trip permit for the movement of an unladen lift equipment motor
3 vehicle. Axles are no longer temporarily disregarded for the purposes of calculating fees for this single-
4 trip permit. A proposed amendment to §219.62(d) would also renumber paragraph (4) due to the deletion
5 of paragraph (3).

6 Proposed amendments to §219.63(b) would delete the space between “1” and the colon, and
7 would add a space between the colon and title 43 as follows: Figure 1: 43 TAC §219.62(f). A proposed
8 amendment to §219.63(e) would delete paragraph (4) to remove outdated language regarding the
9 calculation of the fee for a hubometer permit for the movement of an unladen lift equipment motor
10 vehicle. Axles are no longer temporarily disregarded for the purposes of calculating fees for this
11 hubometer permit.

12 A proposed amendment to §219.81 would delete subsection (c) because the department does
13 not have rulemaking authority under Transportation Code, Chapters 621 through 623 to prohibit a person
14 from operating a vehicle on a highway or public road if the vehicle exceeds its gross weight registration.
15 The vehicle registration weight requirements are enforced by law enforcement officers under statutes,
16 such as Transportation Code, §§502.472, 621.002, 621.406, and 621.501.

17 The department proposes the repeal of §219.84 because the department replaced the remote
18 permit system with TxPROS and the department does not require applicants to sign a contract to use
19 TxPROS. The department proposes the repeal of §219.86 because it exceeds the scope of the
20 department’s rulemaking authority. Although Transportation Code, §623.146 and §623.196 contain
21 language that is similar to the language in §219.86 for certain permits, the language in §219.86 applies to
22 all permits. Not all permits under Chapter 219 are governed by Transportation Code, §623.146 and
23 §623.196.

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1 A proposed amendment to §219.102(b)(2) would delete language that says the display of an
2 image that includes permit information on a wireless communication device does not constitute effective
3 consent for a law enforcement officer or any other person to access the contents of the wireless
4 communication device except to view the permit information. The department does not have the
5 statutory authority for this language in §219.102(b)(2)(B). However, the person who chooses to display
6 an image of a permit on a wireless communication device can discuss the extent of their consent with the
7 law enforcement officer or any other person prior to displaying an image of a permit on a wireless
8 communication device. Another proposed amendment to §219.102(b)(2) would delete language that says
9 a telecommunications provider may not be held liable to the operator of the motor vehicle for the failure
10 of a wireless communication device to display permit information. The department does not have the
11 statutory authority for this language §219.102(b)(2)(D).

12 The department proposes the repeal of §219.123 because it repeats the language found in
13 Transportation Code, §623.271(e). It is not necessary to repeat statutory language in rule.

14 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
15 has determined that for each year of the first five years the new sections, amendments, and repeals will
16 be in effect, there will be no significant fiscal impact to state or local governments as a result of the
17 enforcement or administration of the proposal. Jimmy Archer, Director of the Motor Carrier Division
18 (MCD), has determined that there will be no significant impact on local employment or the local economy
19 as a result of the proposal.

20 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five
21 years the new, amended, and repealed sections are in effect, there are several public benefits anticipated.

22 Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include
23 updated rules that provide the public with the department's processes and requirements regarding

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1 permits, as well as the deletion of unnecessary language, unnecessary requirements, and language for
2 which the department does not have rulemaking authority.

3 Anticipated Costs To Comply With The Proposal. Mr. Archer anticipates that there will be no new
4 costs to comply with these rules. The cost to persons required to comply with the proposal are the costs
5 that currently exist under the provisions in Chapter 219 for which the department has rulemaking
6 authority, as well as the costs under Transportation Code, Chapters 621, 622, and 623.

7 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
8 Code, §2006.002, the department has determined that the proposed new sections, amendments, and
9 repeals will not have an adverse economic effect on small businesses, micro-businesses, and rural
10 communities because the proposal does not increase current costs under Chapter 219 for which the
11 department has rulemaking authority. Proposed new §219.5 documents the department's current
12 process for permit applications, including the requirement for the applicant to obtain a customer
13 identification number at no cost to the applicant. Therefore, the department is not required to prepare a
14 regulatory flexibility analysis under Government Code, §2006.002.

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

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

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1 to the department or an increase or decrease of fees paid to the department. The proposed new sections,
2 amendments, and repeals do not create a new regulation, or expand or limit an existing regulation;
3 however, the repeals and deletions would remove certain existing regulations, such as vehicle registration
4 requirements that exceed the scope of the department's rulemaking authority and unnecessary
5 requirements that do not apply to permit applications submitted through the department's designated
6 permitting system. Also, the proposed new sections document current processes. Lastly, the proposed
7 new sections, amendments, and repeals do not affect the number of individuals subject to each rule's
8 applicability and will not affect this state's economy.

9 REQUEST FOR PUBLIC COMMENT.

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

15 **STATUTORY AUTHORITY.** The department proposes new sections, amendments, and repeals under
16 Transportation Code, §621.008, which authorizes the board to adopt rules that are necessary to
17 implement and enforce Transportation Code, Chapter 621; Transportation Code, §622.002, which
18 authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code,
19 Chapter 622, including Transportation Code, §622.051, *et seq.* which authorize the department to issue a
20 permit for transporting poles required for the maintenance of electric power transmission and distribution
21 lines; Transportation Code, §623.002, which authorizes the board to adopt rules as necessary to
22 implement Transportation Code, Chapter 623; Transportation Code, §623.070, *et seq.* which authorize the
23 department to issue a permit to an applicant to move certain equipment or commodities and prescribe

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1 the application requirements for such permits; Transportation Code, §623.074(d), which authorizes the
2 department to adopt a rule to authorize an applicant to submit an application electronically;
3 Transportation Code, §623.095(c), which authorizes the department to adopt rules concerning the
4 requirements for a permit under §623.095(c) regarding an annual permit for a person authorized to be
5 issued permits under Transportation Code, §623.094 for the transportation of new manufactured homes
6 from a manufacturing facility to a temporary storage location not to exceed 20 miles from the point of
7 manufacture; Transportation Code, §1002.001, which authorizes the board to adopt rules that are
8 necessary and appropriate to implement the powers and the duties of the department; Government
9 Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and
10 requirements of all available formal and informal procedures; and the statutory authority referenced
11 throughout the preamble and in the rule text.

12 **CROSS REFERENCE TO STATUTE.** The proposed new sections, amendments, and repeals would implement
13 Transportation Code, Chapters 621, 622, and 623; and Government Code, Chapter 2001.

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Chapter 219, Oversize and Overweight Vehicles and Loads

1 TEXT.

2 SUBCHAPTER A. GENERAL PROVISIONS

3 219.1 Purpose and Scope

4 The department is responsible for regulating the movement of oversize and overweight vehicles
5 and loads on certain public roadways in this [the] state [highway system], in order to ensure [insure] the
6 safety of the traveling public, and to protect the integrity of the public roadways [highways] and the
7 bridges. This responsibility is accomplished through the issuance of permits for the movement of
8 oversize and overweight vehicles and loads. The sections under this chapter prescribe the policies and
9 procedures for the issuance of permits and the filing of surety bonds. All applications for permits and all
10 questions regarding the permits should be directed to the department, even though TxDOT is
11 responsible for certain issues regarding permits.

13 219.2 Definitions

14 (a) The definitions contained in Transportation Code, Chapters 621, 622, and 623 apply to this
15 chapter. In the event of a conflict with this chapter, the definitions contained in Transportation Code,
16 Chapters 621, 622, and 623 control.

17 (b) The following words and terms, when used in this chapter, will have the following meanings,
18 unless the context clearly indicates otherwise.

19 (1) Annual permit--A permit that authorizes movement of an oversize and/or
20 overweight load for one year commencing with the effective date.

21 (2) Applicant--Any person, firm, or corporation requesting a permit.

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(3) Axle--The common axis of rotation of one or more wheels whether power-driven or freely rotating, and whether in one or more segments.

(4) Axle group--An assemblage of two or more consecutive axles, with two or more wheels per axle, spaced at least 40 inches from center of axle to center of axle, equipped with a weight-equalizing suspension system that will not allow more than a 10% weight difference between any two axles in the group.

~~[(5) Board--The Board of the Texas Department of Motor Vehicles.]~~

(5) [(6)] Closeout--The procedure used by the department to terminate a permit, issued under Transportation Code, §623.142 or §623.192 that will not be renewed by the applicant.

(6) [(7)] Complete identification number--A unique and distinguishing number assigned to equipment or a commodity for purposes of identification.

(7) [(8)] Concrete pump truck--A self-propelled vehicle designed to pump the concrete product from a ready mix truck to the point of construction.

(8) [(9)] Crane--Any unladen lift equipment motor vehicle designed for the sole purpose of raising, shifting, or lowering heavy weights by means of a projecting, swinging mast with an engine for power on a chassis permanently constructed or assembled for such purpose.

~~[(10) Credit card--A credit card approved by the department.]~~

(9) Day--A calendar day.

(10) Daytime [(11) Daylight]--As defined in Transportation Code, §541.401. ~~[The period beginning one-half hour before sunrise and ending one-half hour after sunset.]~~

~~[(12) Department--The Texas Department of Motor Vehicles.]~~

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1 (11) ~~[(13)]~~ Digital signature--An electronic identifier intended by the person using it to
2 have the same force and effect as a manual signature. The digital signature shall be unique to the person
3 using it.

4 ~~[(14) Director--The Executive Director of the Texas Department of Motor Vehicles or a~~
5 ~~designee not below the level of division director.]~~

6 ~~[(15) District--One of the 25 geographical areas, managed by a district engineer of the~~
7 ~~Texas Department of Transportation, in which the Texas Department of Transportation conducts its~~
8 ~~primary work activities.]~~

9 ~~[(16) District engineer--The chief executive officer in charge of a district of the Texas~~
10 ~~Department of Transportation.]~~

11 (12) ~~[(17)]~~ Electronic identifier--A unique identifier which is distinctive to the person
12 using it, is independently verifiable, is under the sole control of the person using it, and is transmitted in
13 a manner that makes it infeasible to change the data in the communication or digital signature without
14 invalidating the digital signature.

15 (13) ~~[(18)]~~ Escort flag vehicle--A vehicle that precedes or follows an oversize or
16 overweight vehicle to facilitate the safe movement of the oversize or overweight vehicle over roads.

17 (14) ~~[(19)]~~ Four-axle group--Any four consecutive axles, having at least 40 inches from
18 center of axle to center of axle, whose extreme centers are not more than 192 inches apart and are
19 individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension
20 system.

21 (15) ~~[(20)]~~ Gauge--The transverse spacing distance between tires on an axle, expressed
22 in feet and measured to the nearest inch, from center-of-tire to center-of-tire on an axle equipped with

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only two tires, or measured to the nearest inch from the center of the dual wheels on one side of the axle to the center of the dual wheels on the opposite side of the axle.

(16) ~~[(21)]~~ Gross weight--The unladen weight of a vehicle or combination of vehicles plus the weight of the load being transported.

(17) ~~[(22)]~~ Height pole--A device made of a non-conductive material, used to measure the height of overhead obstructions.

(18) ~~[(23)]~~ Highway maintenance fee--A fee established by Transportation Code, §623.077, based on gross weight, and paid by the permittee when the permit is issued.

(19) ~~[(24)]~~ Highway use factor--A mileage reduction figure used in the calculation of a permit fee for a permit issued under Transportation Code, §623.142 and §623.192.

(20) ~~[(25)]~~ Hubometer--A mechanical device attached to an axle on a unit or an unladen lift equipment motor vehicle ~~[a crane]~~ for recording mileage traveled.

(21) ~~[(26)]~~ HUD label number--A unique number assigned to a manufactured home by the U.S. Department of Housing and Urban Development.

(22) ~~[(27)]~~ Indirect cost share--A prorated share of administering department activities, other than the direct cost of the activities, including the cost of providing statewide support services.

(23) ~~[(28)]~~ Load-restricted bridge--A bridge that is restricted by the Texas Department of Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the maximum amount allowed by Transportation Code, §621.101.

(24) ~~[(29)]~~ Load-restricted road--A road that is restricted by the Texas Department of Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the maximum amount allowed by Transportation Code, §621.101.

~~[(30) Machinery plate--A license plate issued under Transportation Code, §502.146.]~~

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1 (25) [(31)] Manufactured home--Manufactured housing, as defined in Occupations
2 Code, Chapter 1201, and industrialized housing and buildings, as defined in Occupations Code,
3 §1202.002, and temporary chassis systems, and returnable undercarriages used for the transportation
4 of manufactured housing and industrialized housing and buildings, and a transportable section which is
5 transported on a chassis system or returnable undercarriage that is constructed so that it cannot,
6 without dismantling or destruction, be transported within legal size limits for motor vehicles.

7 (26) [(32)] Motor carrier--A person that controls, operates, or directs the operation of
8 one or more vehicles that transport persons or cargo over a public highway in this state, as defined by
9 Transportation Code, §643.001.

10 [(33)] Motor carrier registration (MCR) ~~The registration issued by the department to~~
11 ~~motor carriers moving intrastate, under authority of Transportation Code, Chapter 643.~~

12 (27) [(34)] Nighttime—As defined in ~~[The period beginning one-half hour after sunset~~
13 ~~and ending one-half hour before sunrise, as defined by]~~ Transportation Code, §541.401.

14 (28) [(35)] Nondivisible load or vehicle--

15 (A) A nondivisible load or vehicle is defined as follows:

16 (i) Any load or vehicle exceeding applicable length or weight limits
17 which, if separated into smaller loads or vehicles, would:

18 (II) [(4)] compromise the intended use of the vehicle, i.e., make it
19 unable to perform the function for which it was intended;

20 (III) [(4)] destroy the value of the load or vehicle, i.e., make it
21 unusable for its intended purpose; or

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1 (III) ~~(iii)~~ require more than eight workhours to dismantle using
2 appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the
3 number of workhours required to dismantle the load.

4 (ii) ~~(B)~~ Emergency response vehicles, including those loaded with salt,
5 sand, chemicals or a combination thereof, with or without a plow or blade attached in front, and being
6 used for the purpose of spreading the material on highways that are or may become slick or icy.

7 (iii) ~~(C)~~ Casks designed for the transport of spent nuclear materials.

8 (iv) ~~(D)~~ Military vehicles transporting marked military equipment or
9 materiel.

10 (B) A vehicle or load that exceeds legal weight (without the properly secured
11 components) and for which an appropriate permit is obtained from the department under this chapter
12 may travel as a mobile vehicle or as a load, as applicable, with properly secured components in
13 accordance with the manufacturer's specifications to the extent the components are necessary for the
14 vehicle or load to perform its intended function or purpose, provided the axle weights, axle group
15 weights, and gross weight do not exceed the maximum applicable permit weights listed in this chapter.
16 For example, a crane permitted under Subchapter E of this chapter that exceeds legal weight without
17 the properly secured components may travel with properly secured components, such as outriggers,
18 booms, counterweights, jibs, blocks, balls, cribbing, outrigger pads, and outrigger mats, in accordance
19 with the manufacturer's specifications to the extent the components are necessary for the crane to
20 perform its intended function, provided the axle weights, axle group weights, and gross weight do not
21 exceed the maximum permit weights listed in Subchapter E of this chapter. An example of a load being
22 transported is a dozer with the blade detached that is permitted under §219.12 of this title (relating to
23 Single-Trip Permits Issued under Transportation Code, Chapter 623, Subchapter D) when both are being

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1 transported on a trailer or semitrailer if the dozer without the blade is overweight, provided the axle
2 weights, axle group weights, and gross weight do not exceed the maximum permit weights listed in
3 §219.12.

4 (29) [(36)] Oil field rig-up truck--An unladen vehicle with an overweight single steering
5 axle, equipped with a winch and set of gin poles used for lifting, erecting, and moving oil well equipment
6 and machinery.

7 (30) [(37)] Oil well servicing unit--An oil well clean-out unit, oil well drilling unit, or oil
8 well swabbing unit, which is mobile equipment, either self-propelled or trailer-mounted, constructed as
9 a machine used solely for cleaning-out, drilling, servicing, or swabbing oil wells, and consisting in general
10 of, but not limited to, a mast, an engine for power, a draw works, and a chassis permanently
11 constructed or assembled for this purpose.

12 [(38) One trip registration--Temporary vehicle registration issued under Transportation
13 Code, §502.095.]

14 (31) [(39)] Overdimension load--A vehicle, combination of vehicles, or vehicle and its
15 load that exceeds maximum legal width, height, length, overhang, or weight as set forth by
16 Transportation Code, Chapter 621, Subchapters B and C.

17 (32) [(40)] Overhang--The portion of a load extending beyond the front or rear of a
18 vehicle or combination of vehicles.

19 (33) [(41)] Overheight--A vehicle or load that exceeds the maximum height specified in
20 Transportation Code, §621.207.

21 (34) [(42)] Overlength--A vehicle, combination of vehicles, or a vehicle or vehicle
22 combination and its load that exceed(s) the maximum length specified in Transportation Code,
23 §§621.203, 621.204, 621.205, and 621.206.

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(35) [(43)] Oversize load--A vehicle, combination of vehicles, or a vehicle or vehicle combination and its load that exceed(s) maximum legal width, height, length, or overhang, as set forth by Transportation Code, Chapter 621, Subchapter C.

(36) [(44)] Overweight--A vehicle, combination of vehicles, or a vehicle or vehicle combination and its load that exceed(s) the maximum weight specified in Transportation Code, §621.101.

(37) [(45)] Overwidth--A vehicle or load that exceeds the maximum width specified in Transportation Code, §621.201.

(38) [(46)] Permit--Authority for the movement of an oversize and/or overweight vehicle, combination of vehicles, or a vehicle or vehicle combination and its load, issued by the department under Transportation Code, Chapter 623.

(39) [(47)] Permit officer--An employee of the department who is authorized to issue an oversize/overweight permit.

(40) [(48)] Permit plate--A license plate issued under Transportation Code, §502.146, to oil well servicing, cleanout, or drilling machinery as defined in Transportation Code, §502.001(29). ~~[a crane or an oil well servicing vehicle.]~~

(41) [(49)] Permitted vehicle--A vehicle, combination of vehicles, or vehicle and its load operating under the provisions of a permit.

(42) [(50)] Permittee--Any person, firm, or corporation that is issued an oversize/overweight permit by the department.

(43) [(51)] Pipe box--A container specifically constructed to safely transport and handle oil field drill pipe and drill collars.

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1 (44) ~~[(52)]~~ Portable building compatible cargo--Cargo, other than a portable building
2 unit, that is manufactured, assembled, or distributed by a portable building unit manufacturer and is
3 transported in combination with a portable building unit.

4 (45) ~~[(53)]~~ Portable building unit--The pre-fabricated structural and other components
5 incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial
6 number whether in fully assembled, partially assembled, or kit (unassembled) configuration when
7 loaded for transport.

8 (46) ~~[(54)]~~ Principal--The person, firm, or corporation that is insured by a surety bond
9 company.

10 (47) ~~[(55)]~~ Roll stability support safety system--An electronic system that monitors
11 vehicle dynamics and estimates the stability of a vehicle based on its mass and velocity, and actively
12 adjusts vehicle systems including the throttle and/or brake(s) to maintain stability when a rollover risk is
13 detected.

14 (48) ~~[(56)]~~ Shipper's certificate of weight--A form approved by the department in which
15 the shipper certifies to the maximum weight of the shipment being transported.

16 (49) ~~[(57)]~~ Single axle--An assembly of two or more wheels whose centers are in one
17 transverse vertical plane or may be included between two parallel transverse planes 40 inches apart
18 extending across the full width of the vehicle.

19 (50) ~~[(58)]~~ Single-trip permit--A permit issued for an overdimension load for a single
20 continuous movement over a specific route for an amount of time necessary to make the movement.

21 (51) ~~[(59)]~~ State highway--A highway or road under the jurisdiction of the Texas
22 Department of Transportation.

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1 (52) [(60)] State highway system--A network of roads and highways as defined by
2 Transportation Code, §221.001.

3 (53) [(61)] Surety bond--An agreement issued by a surety bond company to a principal
4 that pledges to compensate the obligee as required under Transportation Code, Chapters 622 and 623.
5 ~~[Texas Department of Transportation for any damage that might be sustained to the highways and~~
6 ~~bridges by virtue of the operation of the equipment for which a permit was issued. A surety bond is~~
7 ~~effective the day it is issued and expires at the end of the state fiscal year, which is August 31st. For~~
8 ~~example, if you obtain a surety bond on August 30th, it will expire the next day at midnight.]~~

9 (54) [(62)] Tare weight--The empty weight of any vehicle transporting an overdimension
10 load.

11 [(63) Temporary vehicle registration--A 72-hour temporary vehicle registration, 144-
12 hour temporary vehicle registration, or one-trip registration.]

13 (55) [(64)] Three-axle group--Any three consecutive axles, having at least 40 inches from
14 center of axle to center of axle, whose extreme centers are not more than 144 inches apart, and
15 are individually attached to or articulated from, or both, to the vehicle by a weight equalizing
16 suspension system.

17 (56) [(65)] Time permit--A permit issued for a specified period of time under §219.13 of
18 this title (relating to Time Permits).

19 (57) [(66)] Tire size--The inches of lateral tread width.

20 [(67) Traffic control device--All traffic signals, signs, and markings, including their
21 supports, used to regulate, warn, or control traffic.]

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1 (58) [(68)] Trailer-mounted [Trailer-mounted] unit--An oil well clean-out, drilling,
2 servicing, or swabbing unit mounted on a trailer, constructed as a machine used for cleaning out,
3 drilling, servicing, or swabbing oil wells, and consisting in general of, but not limited to, a mast, an
4 engine for power, a draw works, and a chassis permanently constructed or assembled for this purpose.

5 (59) [(69)] Truck--A motor vehicle designed, used, or maintained primarily for the
6 transportation of property.

7 (60) [(70)] Truck blind spot systems--Vehicle-based sensor devices that detect other
8 vehicles or objects located in the vehicle's adjacent lanes. Warnings can be visual, audible, vibrating, or
9 tactile.

10 (61) [(71)] Trunnion axle--Two individual axles mounted in the same transverse plane,
11 with four tires on each axle, that are connected to a pivoting wrist pin that allows each individual axle to
12 oscillate in a vertical plane to provide for constant and equal weight distribution on each individual axle
13 at all times during movement.

14 ~~[(72) Trunnion axle group--Two or more consecutive trunnion axles whose centers are at~~
15 ~~least 40 inches apart and which are individually attached to or articulated from, or both, to the vehicle~~
16 ~~by a weight equalizing suspension system.]~~

17 (62) [(73)] Two-axle group--Any two consecutive axles whose centers are at least 40
18 inches but not more than 96 inches apart and are individually attached to or articulated from, or both,
19 to the vehicle by a weight equalizing suspension system.

20 (63) [(74)] TxDOT--Texas Department of Transportation.

21 (64) [(75)] Unit--Oil well clean-out unit, oil well drilling unit, oil well servicing unit,
22 and/or oil well swabbing unit.

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1 (65) [(76)] Unladen lift equipment motor vehicle--A motor vehicle, such as a crane or a
2 concrete pump truck, designed for use as lift equipment used solely to raise, shift, or lower heavy
3 weights by means of a projecting, swinging mast with an engine for power on a chassis permanently
4 constructed or assembled for such purpose.

5 (66) [(77)] USDOT Number--The United States Department of Transportation number.

6 [(78) Variable load suspension axles--Axles, whose controls must be located outside of
7 and be inaccessible from the driver's compartment, that can be regulated, through the use of hydraulic
8 and air suspension systems, mechanical systems, or a combination of these systems, for the purpose of
9 adding or decreasing the amount of weight to be carried by each axle during the movement of the
10 vehicle.]

11 (67) [(79)] Vehicle identification number--A unique and distinguishing number assigned
12 to a vehicle by the manufacturer or by the department in accordance with Transportation Code,
13 §501.032 and §501.033.

14 (68) [(80)] Water Well Drilling Machinery--Machinery used exclusively for the purpose of
15 drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or
16 chassis.

17 (69) [(81)] Weight-equalizing suspension system--An arrangement of parts designed to
18 attach two or more consecutive axles to the frame of a vehicle in a manner that will equalize the load
19 between the axles.

20 (70) [(82)] Windshield sticker--Identifying insignia indicating that a permit has been
21 issued in accordance with Subchapter C of this chapter.

22 (71) [(83)] Year--A time period consisting of 12 consecutive months that commences
23 with the effective date stated in the permit.

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1 ~~[(84) 72-hour temporary vehicle registration--Temporary vehicle registration issued by~~
2 the department authorizing a vehicle to operate at maximum legal weight on a state highway for a
3 period not longer than 72 consecutive hours, as prescribed by Transportation Code, §502.094.]

4 ~~[(85) 144-hour temporary vehicle registration--Temporary vehicle registration issued by~~
5 the department authorizing a vehicle to operate at maximum legal weight on a state highway for a
6 period not longer than 144 consecutive hours, as prescribed by Transportation Code, §502.094.]

7
8 219.5 Application Requirements.

9 (a) An application for a permit under this chapter must be filed with the department and must
10 be:

11 (1) made in a form and filed by the method prescribed by the department on its
12 website;

13 (2) completed by the applicant or an authorized representative of the applicant; and

14 (3) accompanied by the required fee, which shall be payable as provided by §209.23 of
15 this title (relating to Methods of Payment).

16 (b) An authorized representative of the applicant who files an application with the department
17 on behalf of the applicant may be required to provide written proof of authority to act on behalf of the
18 applicant.

19 (c) The department will not approve an application for a permit unless the applicant:

20 (1) provides all information and documents required by the department; and

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1 (2) complies with all application requirements under this chapter; Transportation Code,
2 Chapters 621, 622, and 623; and other applicable law.

3 (d) An applicant must register for an account in the department's designated permitting system
4 prior to using the system to apply for or amend a permit. Once the applicant registers for an account in
5 the department's designated permitting system, the system will generate a customer identification
6 number for the applicant to use when applying for a permit. To register for an account, the applicant
7 must provide the following information via the department's designated permitting system, which is
8 accessible on the department's website:

9 (1) the applicant's company name, phone number, email address, permit delivery
10 method, physical address, and mailing address;

11 (2) first name, last name, and phone number for an emergency contact for the
12 applicant; and

13 (3) the requested login information, including a unique username and password.

14 (e) If the department authorizes an application for a permit to be submitted by mail and the
15 applicant does not have a customer identification number, the applicant must authorize the department
16 to set up an account for the applicant in the department's designated permitting system for the
17 purposes of obtaining a customer identification number for the applicant based on information the
18 department obtains from the applicant's permit application and information the department obtains
19 from the Federal Motor Carrier Safety Administration's system.

20
21 219.7 Amendments to Permits.

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1 (a) General amendment guidelines. Except as provided by subsection (b) of this section, any part
2 of a permit may be amended under the guidelines in this subsection, notwithstanding any other sections
3 in this chapter regarding limitations on amending a permit.

4 (1) Any amendment that is necessary to correct an error made by department staff or
5 the department's designated permitting system may be made provided the price of the permit or the
6 permit type does not change.

7 (2) An expired permit may only be amended if it expired on a day on which the
8 department was closed or the department's designated permitting system was not operational.

9 (b) Specific amendment authority and restrictions. Notwithstanding any other section in this
10 chapter regarding limitations on amending a permit, a permit issued under this chapter may be
11 amended as authorized by this subsection.

12 (1) The permittee's name can be amended on any permit type to correct a spelling
13 error.

14 (2) The permittee's contact information may be amended on any permit type.

15
16 219.9 Federal Highway Administration Interpretation of Federal Law.

17 Notwithstanding any provisions in this chapter, this chapter does not authorize the operation of
18 a vehicle or vehicle combination on the following roadways in this state to the extent the Federal
19 Highway Administration determines the vehicle or vehicle combination exceeds the applicable weight or
20 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations

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1 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114: the federal-aid primary system,
2 the federal-aid urban system, and the federal-aid secondary system, including the national system of
3 interstate and defense highways. To the extent the department learns that the Federal Highway
4 Administration generally determines a vehicle or vehicle combination exceeds the applicable weight or
5 size for such roadway under 23 U.S.C. §127, 49 U.S.C. §§31111 through 31114, or federal regulations
6 prescribed under 23 U.S.C. §127 or 49 U.S.C. §§31111 through 31114 in a way that may conflict with a
7 provision in this chapter, the department will post a notice on its website and may provide notice to
8 permittees through the applicable email addresses on file with the department.

SUBCHAPTER B. GENERAL PERMITS**§219.11 General Oversize/Overweight Permit Requirements and Procedures.**

(a) Purpose and scope. This section contains general requirements relating to
oversize/overweight permits, including single-trip permits. Specific requirements for each type of
specialty permit are provided for in this chapter.

(b) Motor carrier registration or surety bond. ~~[Prerequisites to obtaining an oversize/overweight
permit.] Unless exempted by law, prior [or this chapter, the following requirements must be met prior
to the issuance of an oversize/overweight permit.]~~

~~[(1) Commercial motor carrier registration or surety bond. Prior]~~ to obtaining an
oversize/overweight permit, an applicant permitted under the provisions of Transportation Code,
Chapter 623, Subchapter D, must be registered as a ~~[commercial]~~ motor carrier under Chapter 218 of

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1 this title (relating to Motor Carriers) or, if not required to obtain a motor carrier registration, file a surety
2 bond with the department as described in subsection (n) of this section.

3 ~~[(2) Vehicle registration. A vehicle registered with a permit plate will not be issued an~~
4 ~~oversize/overweight permit under this subchapter. A permitted vehicle operating under this subchapter~~
5 ~~must be registered with one of the following types of vehicle registration:]~~

6 ~~[(A) current Texas license plates that indicate the permitted vehicle is registered~~
7 ~~for maximum legal gross weight or the maximum weight the vehicle can transport;]~~

8 ~~[(B) Texas temporary vehicle registration;]~~

9 ~~[(C) current out of state license plates that are apportioned for travel in Texas;~~

10 ~~or]~~

11 ~~[(D) foreign commercial vehicles registered under Texas annual registration.]~~

12 (c) Permit application.

13 (1) An application for a permit shall be made in a form and by the method prescribed by
14 the department, and at a minimum shall include the following, unless stated otherwise in this
15 subchapter:

16 (A) name, customer identification number, and address of the applicant;

17 (B) name, telephone number, and email address of contact person;

18 (C) applicant's USDOT Number if applicant is required by law to have a USDOT

19 Number;

20 (D) complete load description, including maximum width, height, length,
21 overhang, and gross weight;

22 (E) complete description of vehicle, including truck year, make, license plate
23 number and state of issuance, and vehicle identification number, if required;

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1 (F) vehicle axle and tire information including number of axles, distance
2 between axles, axle weights, number of tires, and tire size for overweight permit applications; and

3 (G) any other information required by law.

4 (2) Applications transmitted electronically are considered signed if a digital signature is
5 transmitted with the application and intended by the applicant to authenticate the application.

6 (A) The department may only accept a digital signature used to authenticate an
7 application under procedures that comply with any applicable rules adopted by the Department of
8 Information Resources regarding department use or acceptance of a digital signature.

9 (B) The department may only accept a digital signature to authenticate an
10 application if the digital signature is:

11 (i) unique to the person using it;
12 (ii) capable of independent verification;
13 (iii) under the sole control of the person using it; and
14 (iv) transmitted in a manner that will make it infeasible to change the
15 data in the communication or digital signature without invalidating the digital signature.

16 (d) Maximum permit weight limits.

17 (1) General. An overweight permitted vehicle will not be routed over a load-restricted
18 bridge when exceeding the posted capacity of the bridge, unless a special exception is granted by
19 TxDOT, based on an analysis of the bridge performed by a TxDOT approved licensed professional
20 engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final
21 approval from TxDOT.

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(A) An axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group to achieve the maximum permit weight for the group.

(B) The maximum permit weight for an axle group with spacing of five or more feet between each axle will be based on an engineering study of the equipment conducted by TxDOT.

(C) A permitted vehicle will be allowed to have air suspension, hydraulic suspension, and mechanical suspension axles in a common weight equalizing suspension system for any axle group.

(D) The department may permit axle weights greater than those specified in this section, for a specific individual permit request, based on an engineering study of the route and hauling equipment performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final approval from TxDOT.

(E) A permitted vehicle or combination of vehicles may not exceed the manufacturer's rated tire carrying capacity, unless expressly authorized in the language on the permit based on an analysis performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final approval from TxDOT.

(F) If two or more consecutive axle groups have ~~Two or more consecutive axle groups having~~ an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each foot less than 12 feet.

(2) Maximum axle weight limits. Maximum permit weight for an axle or axle group is based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the lesser amount:

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- 1 (A) single axle--25,000 pounds;
- 2 (B) two-axle [~~two-axle~~] group--46,000 pounds;
- 3 (C) three-axle [~~three-axle~~] group--60,000 pounds;
- 4 (D) four-axle [~~four-axle~~] group--70,000 pounds;
- 5 (E) five-axle [~~five-axle~~] group--81,400 pounds;
- 6 (F) axle group with six or more axles--determined by TxDOT based on an
- 7 engineering study of the equipment, which will include the type of steering system used, the type of
- 8 axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size
- 9 on each axle; or
- 10 (G) trunnion axles--30,000 pounds per axle if the trunnion configuration has:
- 11 (i) two axles;
- 12 (ii) eight tires per axle;
- 13 (iii) axles a minimum of 10 feet in width; and
- 14 (iv) at least five feet of spacing between the axles, not to exceed six
- 15 feet.

16 (3) Weight limits for load restricted roads. Maximum permit weight for an axle or axle

17 group, when traveling on a load restricted road, will be based on 650 pounds per inch of tire width or

18 the following axle or axle group weights, whichever is the lesser amount:

- 19 (A) single axle--22,500 pounds;
- 20 (B) two-axle [~~two-axle~~] group--41,400 pounds;
- 21 (C) three-axle [~~three-axle~~] group--54,000 pounds;
- 22 (D) four-axle [~~four-axle~~] group--63,000 pounds;
- 23 (E) five-axle [~~five-axle~~] group--73,260 pounds;

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(F) axle group with six or more axles--determined by TxDOT based on an engineering study of the equipment, which will include the type of steering system used, the type of axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on each axle;

(G) trunnion axles--54,000 pounds; and

(H) if two or more consecutive axle groups have ~~[two or more consecutive axle groups having]~~ an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each foot less than 12 feet.

(e) Permit issuance.

(1) General. Upon receiving an application in the form prescribed by the department, the department will review the permit application for the appropriate information and will then determine the most practical route based on information provided by TxDOT.

(2) Routing.

(A) A permitted vehicle will be routed over the most practical route available taking into consideration:

(i) the size and weight of the overdimension load in relation to vertical clearances, width restrictions, steep grades, and reduced capacity ~~[weak]~~ or load restricted bridges;

(ii) the geometrics of the roadway in comparison to the overdimension load;

(iii) sections of highways restricted to specific load sizes and weights due to construction, maintenance, and hazardous conditions;

(iv) traffic conditions, including traffic volume;

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- 1 (v) route designations by municipalities in accordance with
2 Transportation Code, §623.072;
3 (vi) load restricted roads; and
4 (vii) other considerations for the safe transportation of the load.

5 (B) When a permit applicant desires a route other than the most practical, more
6 than one permit will be required for the trip unless an exception is granted by the department.

7 (3) Movement to and from point of origin or place of business. A permitted vehicle will
8 be allowed to:

9 (A) move empty oversize and overweight hauling equipment to and from the job
10 site; and

11 (B) move oversize and overweight hauling equipment with a load from the
12 permitted vehicle's point of origin to pick up a permitted load, and to the permitted vehicle's point of
13 origin or the permittee's place of business after dropping off a permitted load, as long as:

14 (i) the load does not exceed legal size and weight limits under
15 Transportation Code, Chapters 621 and 622; and

16 (ii) the transport complies with the permit, including the time period
17 stated on the permit.

18 (f) Refund [~~Payment~~] of permit fees. [~~refunds.~~]

19 [~~(1) Payment methods. All permit applications must be accompanied by the proper fee,~~
20 ~~which shall be payable as provided by §209.23 of this title (relating to Methods of Payment).~~]

21 [~~(2) Refunds.~~] A permit fee will not be refunded after the permit number has been
22 issued unless such refund is necessary to correct an error made by the permit officer.

23 (g) Amendments. A permit may be amended for the following reasons:

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1 (1) vehicle breakdown;
2 (2) changing the intermediate points in an approved permit route;
3 (3) extending the expiration date due to conditions which would cause the move to be
4 delayed;

5 (4) changing route origin or route destination prior to the start date as listed on the
6 permit;

7 (5) changing vehicle size limits prior to the permit start date as listed on the permit,
8 provided that changing the vehicle size limit does not necessitate a change in the approved route; and

9 (6) correcting any mistake that is made due to permit officer error.

10 (h) Requirements for overwidth loads.

11 (1) Unless stated otherwise on the permit, an overwidth load must travel in the outside
12 traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

13 (2) Overwidth loads are subject to the escort requirements of subsection (k) of this
14 section.

15 (3) A permitted vehicle exceeding 16 feet in width will not be routed on the main lanes
16 of a controlled access highway, unless an exception is granted by TxDOT, based on a route and traffic
17 study. The load may be permitted on the frontage roads when available, if the movement will not pose a
18 safety hazard to other highway users.

19 (4) An applicant requesting a permit to move a load exceeding 20 feet wide will be
20 furnished with a proposed route. The applicant must physically inspect the proposed route to determine
21 if the vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic
22 study conducted by TxDOT. A permit application and the appropriate fee are required for every route
23 inspection.

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1 (A) The applicant must notify the department in writing whether the vehicle and
2 load can or cannot safely negotiate the proposed route.

3 (B) If any section of the proposed route is unacceptable, the applicant shall
4 provide the department with an alternate route around the unacceptable section.

5 (C) Once a route is decided upon and a permit issued, the permit may not be
6 amended unless an exception is granted by the department.

7 (i) Requirements for overlength loads.

8 (1) Overlength loads are subject to the escort requirements stated in subsection (k) of
9 this section.

10 (2) A single vehicle, such as a motor crane, that has a permanently mounted boom is not
11 considered as having either front or rear overhang as a result of the boom because the boom is an
12 integral part of the vehicle.

13 (3) When a single vehicle with a permanently attached boom exceeds the maximum
14 legal length of 45 feet, a permit will not be issued if the boom projects more than 25 feet beyond the
15 front bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of
16 the vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

17 (4) Maximum permit length for a single vehicle is 75 feet.

18 (5) A load extending more than 20 feet beyond the front or rearmost portion of the load
19 carrying surface of the permitted vehicle must have a rear escort flag vehicle, unless an exception is
20 granted by TxDOT, based on a route and traffic study.

21 (6) A permit will not be issued for an oversize vehicle and load with:

22 (A) more than 25 feet front overhang; or

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1 (B) more than 30 feet rear overhang, unless an exception is granted by TxDOT,
2 based on a route and traffic study.

3 (7) An applicant requesting a permit to move an oversize vehicle and load exceeding 125
4 feet overall length will be furnished with a proposed route. The applicant must physically inspect the
5 proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception
6 is granted based on a route and traffic study conducted by TxDOT. A permit application and the
7 appropriate fee are required for every route inspection.

8 (A) The applicant must notify the department in writing whether the oversize
9 vehicle and load can or cannot safely negotiate the proposed route.

10 (B) If any section of the proposed route is unacceptable, the applicant shall
11 provide the department with an alternate route around the unacceptable section.

12 (C) Once a route is decided upon and a permit issued, the permit may not be
13 amended unless an exception is granted by the department.

14 (8) A permitted vehicle that is not overwidth or overheight, and does not exceed 150
15 feet overall length, may be moved in a convoy consisting of not more than four overlength permitted
16 vehicles. A permitted vehicle that is not overwidth or overheight that exceeds 150 feet, but does not
17 exceed 180 feet overall length, may be moved in a convoy consisting of not more than two overlength
18 permitted vehicles. Convoys are subject to the requirements of subsection (k) of this section. Each
19 permitted vehicle in the convoy must:

20 (A) be spaced at least 1,000 feet, but not more than 2,000 feet, from any other
21 permitted vehicle in the convoy; and

22 (B) have a rotating amber beacon or an amber pulsating light, not less than eight
23 inches in diameter, mounted at the rear top of the load being transported.

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1 (j) Requirements for overheight loads.

2 (1) Overheight loads are subject to the escort requirements stated in subsection (k) of
3 this section.

4 (2) An applicant requesting a permit to move an oversize vehicle and load with an
5 overall height of 19 feet or greater will be furnished with a proposed route. The applicant must
6 physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate
7 it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit
8 application and the appropriate fee are required for every route inspection.

9 (A) The applicant must notify the department in writing whether the oversize
10 vehicle and load can or cannot safely negotiate the proposed route.

11 (B) If any section of the proposed route is unacceptable, the applicant shall
12 provide the department with an alternate route around the unacceptable section.

13 (C) Once a route is decided upon and a permit issued, the permit may not be
14 amended unless an exception is granted by the department.

15 (k) Escort flag vehicle requirements. Escort flag vehicle requirements are provided to facilitate
16 the safe movement of permitted vehicles and to protect the traveling public during the movement of
17 permitted vehicles. A permittee must provide for escort flag vehicles and law enforcement assistance
18 when required by TxDOT. The requirements in this subsection do not apply to the movement of
19 manufactured housing, portable building units, or portable building compatible cargo, unless stated
20 otherwise in this chapter.

21 (1) General.

22 (A) Applicability. The operator of an escort flag vehicle shall, consistent with
23 applicable law, warn the traveling public when:

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1 (i) a permitted vehicle must travel over the center line of a narrow
2 bridge or roadway;

3 (ii) a permitted vehicle makes any turning movement that will require
4 the permitted vehicle to travel in the opposing traffic lanes;

5 (iii) a permitted vehicle reduces speed to cross under a low overhead
6 obstruction or over a bridge;

7 (iv) a permitted vehicle creates an abnormal and unusual traffic flow
8 pattern; or

9 (v) in the opinion of TxDOT, warning is required to ensure the safety of
10 the traveling public or safe movement of the permitted vehicle.

11 (B) Law enforcement assistance. Law enforcement assistance may be required
12 by TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city,
13 or at such times when law enforcement assistance would provide for the safe movement of the
14 permitted vehicle and the traveling public.

15 (C) Obstructions. It is the responsibility of the permittee to contact utility
16 companies, telephone companies, television cable companies, or other entities as they may require,
17 when it is necessary to raise or lower any overhead wire, traffic signal, street light, television cable, sign,
18 or other overhead obstruction. The permittee is responsible for providing the appropriate advance
19 notice as required by each entity.

20 (2) Escort requirements for overwidth loads. Unless an exception is granted based on a
21 route and traffic study conducted by TxDOT, an overwidth load must:

22 (A) have a front escort flag vehicle if the width of the load exceeds 14 feet, but
23 does not exceed 16 feet, when traveling on a two lane roadway;

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1 (B) have a rear escort flag vehicle if the width of the load exceeds 14 feet, but
2 does not exceed 16 feet, when traveling on a roadway of four or more lanes; and

3 (C) have a front and a rear escort flag vehicle for all roads, when the width of
4 the load exceeds 16 feet.

5 (3) Escort requirements for overlength loads. Unless an exception is granted by TxDOT,
6 based on a route and traffic study, overlength loads must have:

7 (A) a front escort flag vehicle when traveling on a two lane roadway if the
8 vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length;

9 (B) a rear escort flag vehicle when traveling on a multi-lane highway if the
10 vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length; and

11 (C) a front and rear escort flag vehicle at all times if the permitted vehicle
12 exceeds 125 feet overall length.

13 (4) Escort requirements for overheight loads. Unless an exception is granted by TxDOT,
14 based on a route and traffic study, overheight loads must have:

15 (A) a front escort flag vehicle equipped with a height pole to ensure the vehicle
16 and load can clear all overhead obstructions for any permitted vehicle that exceeds 17 feet in height;
17 and

18 (B) a front and rear escort flag vehicle for any permitted vehicle exceeding 18
19 feet in height.

20 (5) Escort requirements for permitted vehicles exceeding legal limits in more than one
21 dimension. When a load exceeds more than one dimension that requires an escort under this
22 subsection, front and rear escort flag vehicles will be required unless an exception is granted by TxDOT.

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1 (6) Escort requirements for convoys. Convoys must have a front escort flag vehicle and a
2 rear escort flag vehicle on all highways at all times.

3 (7) General equipment requirements. The following special equipment requirements
4 apply to permitted vehicles and escort flag vehicles that are not motorcycles.

5 (A) An escort flag vehicle must be a single unit with a gross vehicle weight
6 (GVW) of not less than 1,000 pounds nor more than 10,000 pounds.

7 (B) An escort flag vehicle must be equipped with two flashing amber lights; one
8 rotating amber beacon of not less than eight inches in diameter; or alternating or flashing blue and
9 amber lights, each of which must be visible from all directions while actively engaged in escort duties for
10 the permitted vehicle.

11 (C) An escort flag vehicle must display a sign, on either the roof of the vehicle, or
12 the front and rear of the vehicle, with the words "OVERSIZE LOAD" or "WIDE LOAD." The sign must be
13 visible from the front and rear of the vehicle while escorting the permitted load. The sign must meet the
14 following specifications:

15 (i) at least five feet, but not more than seven feet in length, and at least
16 12 inches, but not more than 18 inches in height;

17 (ii) the sign must have a yellow background with black lettering;

18 (iii) letters must be at least eight inches, but not more than 10 inches
19 high with a brush stroke at least 1.41 inches wide; and

20 (iv) the sign must be visible from the front or rear of the vehicle while
21 escorting the permitted vehicle, and the signs must not be used at any other time.

22 (D) An escort flag vehicle must maintain two-way communications with the
23 permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

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1 ~~[(E) Warning flags must be either red or orange fluorescent material, at least 12~~
2 ~~inches square, securely mounted on a staff or securely fastened by at least one corner to the widest~~
3 ~~extremities of an overwidth permitted vehicle, and at the rear of an overlength permitted vehicle or a~~
4 ~~permitted vehicle with a rear overhang in excess of four feet.]~~

5 (8) Equipment requirements for motorcycles.

6 (A) An official law enforcement motorcycle may be used as a primary escort flag
7 vehicle for a permitted vehicle traveling within the limits of an incorporated city, if the motorcycle is
8 operated by a highway patrol officer, sheriff, or duly authorized deputy, or municipal police officer.

9 (B) An escort flag vehicle must maintain two-way communications with the
10 permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

11 (I) Restrictions.

12 (1) Daytime ~~[Daylight]~~ and nighttime ~~[night]~~ movement restrictions.

13 (A) A permitted vehicle may be moved only during the daytime ~~[daylight hours]~~
14 unless:

15 (i) the permitted vehicle is overweight only;

16 (ii) the permitted vehicle is traveling on an interstate highway and does
17 not exceed 10 feet wide and 100 feet long, with front and rear overhang that complies with legal
18 standards; or

19 (iii) the permitted vehicle meets the criteria of clause (ii) of this
20 subparagraph and is overweight.

21 (B) An exception may be granted allowing nighttime ~~[night]~~ movement, based
22 on a route and traffic study conducted by TxDOT. Escort flag vehicles may be required when an
23 exception allowing nighttime ~~[night]~~ movement is granted.

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(2) Holiday restrictions. ~~[The maximum size limits for a permit issued under Transportation Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16 feet high, and 110 feet long, unless an exception is granted based on a route and traffic study conducted by TxDOT.]~~ The department may restrict holiday movement of specific loads based on TxDOT's [a] determination that the load could pose a hazard for the traveling public due to local road or traffic conditions.

(3) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department. ~~[of any city or county in which the vehicle is operated. However, only the curfew restrictions listed on the permit apply to the permit.]~~

(m) General provisions.

(1) Multiple commodities.

(A) When ~~[Except as provided in subparagraph (B) of this paragraph, when]~~ a permitted commodity creates a single overdimension, two or more commodities may be hauled as one permit load, provided legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created or made greater by the additional commodities. For example, a permit issued for the movement of a 12 foot wide storage tank may also include a 10 foot wide storage tank loaded behind the 12 foot wide tank provided that legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created.

~~[(B) When the transport of more than one commodity in a single load creates or makes greater an illegal dimension of length, width, or height the department may issue an oversize permit for such load subject to each of the following conditions.]~~

~~[(i) The permit applicant or the shipper of the commodities files with the department a written certification by the Texas Economic Development and Tourism Office, attesting~~

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1 ~~that issuing the permit will have a significant positive impact on the economy of Texas and that the~~
2 ~~proposed load of multiple commodities therefore cannot be reasonably dismantled. As used in this~~
3 ~~clause the term significant positive impact means the creation of not less than 100 new full-time jobs,~~
4 ~~the preservation of not less than 100 existing full-time jobs, that would otherwise be eliminated if the~~
5 ~~permit is not issued, or creates or retains not less than one percent of the employment base in the~~
6 ~~affected economic sector identified in the certification.]~~

7 [(ii) Transport of the commodities does not exceed legal axle and gross
8 load limits.]

9 [(iii) The permit is issued in the same manner and under the same
10 provisions as would be applicable to the transport of a single oversize commodity under this section;
11 provided, however, that the shipper and the permittee also must indemnify and hold harmless the
12 department, its board members, officers, and employees from any and all liability for damages or claims
13 of damages including court costs and attorney fees, if any, which may arise from the transport of an
14 oversized load under a permit issued pursuant to this subparagraph.]

15 [(iv) The shipper and the permittee must file with the department a
16 certificate of insurance on a form prescribed by the department, or otherwise acceptable to the
17 department, naming the department, its board members, officers, and employees as named or
18 additional insurers on its comprehensive general liability insurance policy for coverage in the amount of
19 \$5 million per occurrence, including court costs and attorney fees, if any, which may arise from the
20 transport of an oversized load under a permit issued pursuant to this subparagraph. The insurance
21 policy is to be procured from a company licensed to transact insurance business in the State of Texas.]

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1 ~~[(v) The shipper and the permittee must file with the department, in~~
2 ~~addition to all insurance provided in clause (iv) of this subparagraph, a certificate of insurance on a form~~
3 ~~prescribed by the department, or otherwise acceptable to the department, naming the department, its~~
4 ~~board members, officers, and employees as insurers under an auto liability insurance policy for the~~
5 ~~benefit of said insurers in an amount of \$5 million per accident. The insurance policy is to be procured~~
6 ~~from a company licensed to transact insurance business in the State of Texas. If the shipper or the~~
7 ~~permittee is self-insured with regard to automobile liability then that party must take all steps and~~
8 ~~perform all acts necessary under the law to indemnify the department, its board members, officers, and~~
9 ~~employees as if the party had contracted for insurance pursuant to, and in the amount set forth in, the~~
10 ~~preceding sentence and shall agree to so indemnify the department, its board members, officers, and~~
11 ~~employees in a manner acceptable to the department.]~~

12 ~~[(vi) Issuance of the permit is approved by written order of the board~~
13 ~~which written order may be, among other things, specific as to duration and routes.]~~

14 (B) [(C)] Subject to the restrictions in paragraph (1)(A) of this subsection and the
15 definition of a “nondivisible load or vehicle” in §219.2 of this title (relating to Definitions), an [A]
16 applicant requesting a permit to haul a dozer and its detached blade may be issued a permit, as a
17 nondivisible [non-dismantable] load, if removal of the blade will decrease the overall width of the load,
18 thereby reducing the hazard to the traveling public.

19 (2) Oversize hauling equipment. A vehicle that exceeds the legal size limits, as set forth
20 by Transportation Code, Chapter 621, Subchapter C, may only haul a load that exceeds legal size limits
21 unless otherwise noted in this subchapter, but such vehicle may haul an overweight load that does not
22 exceed legal size limits, except for the special exception granted in §219.13(c)(3) of this title (relating to
23 Time Permits).

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(n) Surety bonds under Transportation Code, §623.075.

(1) General requirements. The surety bond must comply with the following requirements:

(A) be in the amount of \$10,000;

(B) be filed on a form and in a manner prescribed by the department;

(C) be effective the day it is issued and expire at the end of the state fiscal year;

(D) include the primary mailing address and zip code of the principal;

(E) be signed by the principal; and

(F) have a single entity as principal with no other principal names listed.

(2) Non-resident agent. A non-resident agent with a valid Texas insurance license may issue a surety bond on behalf of an authorized insurance company when in compliance with Insurance Code, Chapter 4056.

(3) Certificate of continuation. A certificate of continuation will not be accepted.

(4) Electronic copy of surety bond. The department will accept an electronic copy of the surety bond in lieu of the original surety bond.

§219.12. Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D.

(a) General. The information in this section applies to single-trip permits issued under Transportation Code, Chapter 623, Subchapter D. The department will issue permits under this section in accordance with the requirements of §219.11 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

(b) Overweight loads.

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(1) The maximum weight limits for an overweight permit are specified in §219.11(d).

(2) The applicant shall pay, in addition to the single-trip permit fee of \$60, the applicable highway maintenance fee.

(3) The applicant must also pay the vehicle supervision fee (VSF) for a permit issued for an overweight vehicle and load exceeding 200,000 pounds gross weight.

(A) The VSF is \$35 if:

(i) the vehicle and load do not exceed 254,300 pounds gross weight;

(ii) there is at least 95 feet of overall axle spacing; and

(iii) the vehicle and load do not exceed maximum permit weight on any axle or axle group, as described in §219.11(d).

(B) The VSF is \$500 if:

(i) there is less than 95 feet of overall axle spacing;

(ii) the vehicle and load exceed maximum permit weight on any axle or axle group, as described in §219.11(d); or

(iii) the vehicle and load exceed 254,300 pounds gross weight. However, for a vehicle and load described in this subparagraph, the VSF is reduced from \$500 to \$100 if no bridges are crossed, and the VSF is reduced from \$500 to \$35 for an additional identical load that is to be moved over the same route within 30 days of the movement date of the original permit.

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1 (C) An applicant must pay the VSF at the time of permit application in order to
2 offset TxDOT's ~~[department]~~ costs for analyses performed in advance of issuing the permit. A request
3 for cancellation must be in writing and received by the department prior to collection of the structural
4 information associated with the permit application. If the application is canceled, the department will
5 return the vehicle supervision fee.

6 (4) An applicant applying for a permit to move a load that is required for the fulfillment
7 of a fixed price public works contract that was entered into prior to the effective date of this section,
8 and administered by federal, state, or local governmental entities, will not be required to pay the vehicle
9 supervision fee, provided the applicant presents proof of the contract to the department prior to permit
10 issuance.

11 (5) When the department has determined that a permit can be issued for an
12 overdimension load exceeding 200,000 pounds gross weight, all remaining fees are due at the time the
13 permit is issued.

14 (6) Unless the permit is issued for a load under subsection (c) of this section, this permit
15 may not be used for a container, including a trailer ~~[or an intermodal container]~~, loaded with divisible
16 cargo.

17 (7) The following provisions apply to an application for a superheavy permit to move an
18 overdimension load that is over 254,300 pounds gross weight, between 200,001 and 254,300 pounds
19 gross weight with less than 95 feet overall axle spacing, or over the maximum permitted weight on any
20 axle or axle group described in §219.11(d) of this title.

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1 (A) In consultation with TxDOT and the applicant as necessary, the department
2 will determine a tentative route based on the physical size of the overdimension load excluding the
3 weight. After the department provides the tentative route to the applicant, the applicant must
4 investigate the tentative route and acknowledge in writing to the department that the tentative route is
5 capable of accommodating the overdimension load. If the applicant tells the department that the
6 tentative route is not capable of accommodating the overdimension load, the department will consult
7 with TxDOT and the applicant as necessary to attempt to create a tentative route that the applicant can
8 acknowledge is capable of accommodating the overdimension load.

9 (B) The applicant must provide the department with the name and email
10 address of the applicant's TxDOT-certified, licensed professional engineering firm, which TxDOT certifies
11 under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles and Loads).
12 Once the applicant provides the department with the name and email address of the applicant's TxDOT-
13 certified, licensed professional engineering firm and acknowledges to the department that the tentative
14 route is capable of accommodating the overdimension load, the department will provide the tentative
15 route and the applicant's application information to the applicant's TxDOT-certified, licensed
16 professional engineering firm.

17 (C) The applicant must provide information and documents, as requested, to the
18 applicant's TxDOT-certified, licensed professional engineering firm to enable the engineering firm to
19 provide TxDOT with a written report under §28.86 of this title (relating to Bridge Report).

20 (D) Before the superheavy permit may be issued, the applicant's TxDOT-
21 certified, licensed professional engineering firm must provide TxDOT with a written report that includes
22 a detailed structural analysis of the bridges on the tentative route, demonstrating that the bridges and

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1 culverts on the tentative route are capable of sustaining the load. The department will not issue a
2 superheavy permit unless TxDOT provides the department with approval for the tentative route
3 proposed by the department and acknowledged by the applicant as capable of accommodating the
4 overdimension load.

5 [An applicant requesting a permit to move an overdimension load that is between
6 200,001 and 254,300 pounds total with less than 95 feet overall axle spacing, or is over the maximum
7 permitted weight on any axle or axle group, or is over 254,300 pounds gross weight, or the weight limits
8 described in §219.11(d), must submit the following items to the department to determine if the permit
9 can be issued:]

10 [(A) a detailed loading diagram which indicates the number of axles, the number
11 of tires on each axle, the tire size on each axle, the distance between each axle, the tare and gross
12 weight on each axle, the transverse spacing of each set of dual wheels, the distance between each set of
13 dual wheels, the load's center of gravity, the distance from the center of gravity to the center of the
14 front bolster, the distance from the center of gravity to the center of the rear bolster, the distance from
15 the center of the front bolster to the center of the fifth wheel of the truck, the distance from the center
16 of the rear bolster to the center of the closest axle, and any other measurements as may be needed to
17 verify that the weight of the overdimension load is adequately distributed among the various axle
18 groups in the amounts indicated by the loading diagram;]

19 [(B) a map indicating the exact beginning and ending points relative to a state
20 highway;]

21 [(C) a completed form prescribed by the department, attesting to the facts
22 regarding the applicant's agreement to transport the shipment;]

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1 ~~[(D) the vehicle supervision fee as specified in paragraph (3) of this subsection;~~
2 and]

3 ~~[(E) the name, phone number, and fax number of the applicant's licensed~~
4 ~~professional engineer who has been approved by the department.]~~

5 ~~[(8) The department will select a tentative route based on the physical size of the~~
6 ~~overdimension load excluding the weight. The tentative route must be investigated by the applicant,~~
7 ~~and the department must be advised, in writing, that the route is capable of accommodating the~~
8 ~~overdimension load.]~~

9 ~~[(9) Before the permit is issued, the applicant's TxDOT approved licensed professional~~
10 ~~engineer shall submit to the department and TxDOT a written certification that includes a detailed~~
11 ~~structural analysis of the bridges on the proposed route demonstrating that the bridges and culverts on~~
12 ~~the travel route are capable of sustaining the load. The certification must be approved by TxDOT and~~
13 ~~submitted to the department before the permit will be issued.]~~

14 (c) Drill pipe and drill collars hauled in a pipe box.

15 (1) A vehicle or combination of vehicles may be issued a permit under Transportation
16 Code, §623.071, to haul drill pipe and drill collars in a pipe box.

17 (2) The maximum width must not exceed 10 feet.

18 (3) The axle weight limits must not exceed the maximum weight limits as specified in
19 §219.11(d)(3).

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1 (4) The height and length must not exceed the legal limits specified in Transportation
2 Code, Chapter 621, Subchapter C.

3 (5) The permit will be issued for a single-trip only. For loads over 80,000 pounds, the
4 applicant must pay the single-trip permit fee, in addition to the highway maintenance fee specified in
5 Transportation Code, §623.077.

6 (6) The permit is valid only for travel on any farm-to-market and ranch-to-market road,
7 and such road will be specified on the permit; however, the permitted vehicle will not be allowed to
8 cross any load restricted bridge when exceeding the posted capacity of the bridge.

9 (7) Movement will be restricted to daytime ~~[daylight hours]~~ only.

10 (d) Houses ~~[and storage tanks]~~.

11 ~~[(1) Unless an exception is granted by TxDOT, the department will not issue a permit for~~
12 ~~a house or storage tank exceeding 20 feet in width.]~~

13 (1) ~~[(2)]~~ The issuance of a permit for a house ~~[or storage tank]~~ exceeding 20 feet in width
14 will be based on:

15 (A) the amount of inconvenience and hazard to the traveling public, based on
16 traffic volume;

17 (B) highway geometrics and time of movement; and

18 (C) the overall width, measured to the nearest inch, of the house, including the
19 eaves or porches.

20 ~~[(3) A storage tank must be empty.]~~

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1 (2) [(4)] The proposed route must include the beginning and ending points on a state
2 highway.

3 (3) [(5)] A permit may be issued for the movement of an overweight house provided:

4 (A) the applicant provides the department with the requested information
5 regarding weights; [the applicant completes and submits to the department a copy of a diagram for
6 moving overweight houses, as shown in Figure: 43 TAC §219.12(e) of this section;]

7 (B) each support beam, parallel to the centerline of the highway, is equipped
8 with an identical number of two-axle [two-axle] groups which may be placed directly in line and across
9 from the other corresponding two-axle [two-axle] group or may be placed in a staggered offset
10 arrangement to provide for proper weight distribution;

11 (C) that, when a support beam is equipped with two or more two-axle [two-axle]
12 groups, each two-axle [two-axle] group is connected to a common mechanical or hydraulic system to
13 ensure that each two-axle [two-axle] group shares equally in the weight distribution at all times during
14 the movement; and when the spacing between the two-axle [two-axle] groups, measured from the
15 center of the last axle of the front group to the center of the first axle of the following group, is eight
16 feet or more, the front two-axle [two-axle] group is equipped for self-steering in a manner that will
17 guide or direct the axle group in turning movements without tire scrubbing or pavement scuffing; and

18 (D) the department conducts a detailed analysis of each structure on the
19 proposed route and determines the load can be moved without damaging the roads and bridges.

20 [(6) The department may waive the requirement that a loading diagram be submitted
21 for the movement of an overweight house if the total weight of all axle groups located in the same

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~~transverse plane across the house does not exceed the maximum weight limits specified in~~

~~§219.11(d)(2).]~~

~~[(e) Diagram for moving overweight houses. The following Figure: 43 TAC §219.12(e) indicates~~

~~the type of diagram that is to be completed by the permit applicant for moving an overweight house. All~~

~~measurements must be stated to the nearest inch.]~~

~~[Attached Graphic]~~

(e) ~~[(f)]~~ Self-propelled off-road equipment. A permit may be issued for the movement of

oversize and overweight self-propelled off-road equipment under the following conditions.

(1) The weight per inch of tire width must not exceed 650 pounds.

(2) The rim diameter of each wheel must be a minimum of 25 inches.

(3) The maximum weight per axle must not exceed 45,000 pounds.

(4) The minimum spacing between axles, measured from center of axle to center of axle, must not be less than 12 feet.

(5) The equipment must be moved empty.

(6) The route will not include any controlled access highway, unless an exception is granted based on a route and traffic study conducted by TxDOT.

§219.13. Time Permits.

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(a) General information. Applications for time permits issued under Transportation Code, Chapter 622 and Chapter 623, and this section shall be made in accordance with §219.11(b) and (c) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures). Permits issued under this section are governed by the requirements of §219.11(e)(1) of this title.

(b) 30, 60, and 90 day permits. The following conditions apply to time permits issued for overwidth or overlength loads, or overlength vehicles, under this section.

~~[(1) Fees. The fee for a 30-day permit is \$120; the fee for a 60-day permit is \$180; and the fee for a 90-day permit is \$240. All fees are payable in accordance with §219.11(f) of this title. All fees are non-refundable.]~~

(1) ~~[(2)]~~ Validity of Permit. Time permits are valid for a period of 30, 60, or 90 calendar days, based on the request of the applicant, and will begin on the effective date stated on the permit.

(2) ~~[(3)]~~ Weight/height limits. The permitted vehicle may not exceed the weight or height limits set forth by Transportation Code, Chapter 621, Subchapters B and C.

~~[(4) Registration requirements for permitted vehicles. Time permits will not be issued to a vehicle or vehicle combination that is registered with temporary vehicle registration.]~~

(3) ~~[(5)]~~ Vehicle indicated on permit. The permit will indicate only the truck or truck-tractor transporting the load; however, any properly registered trailer or semi-trailer is covered by the permit.

(4) ~~[(6)]~~ Permit routes. The permit will allow travel on a statewide basis.

(5) ~~[(7)]~~ Restrictions.

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1 (A) The permitted vehicle must not cross a load restricted bridge or load
2 restricted road when exceeding the posted capacity of the road or bridge.

3 (B) The permitted vehicle may travel through highway construction or
4 maintenance areas if the dimensions do not exceed the construction restrictions as published by the
5 department.

6 (C) The permitted vehicle is subject to the restrictions specified in §219.11(l) of
7 this title, and the permittee is responsible for obtaining from the department information concerning
8 current restrictions.

9 (6) ~~[(8)]~~ Escort requirements. Permitted vehicles are subject to the escort requirements
10 specified in §219.11(k) of this title.

11 (7) ~~[(9)]~~ Transfer of time permits. Time permits issued under this subsection are non-
12 transferable between permittees or vehicles.

13 (8) ~~[(10)]~~ Amendments. With the exception of time permits issued under subsection
14 (e)(4) of this section, time permits issued under this subsection will not be amended except in the case
15 of permit officer error.

16 (c) Overwidth loads. An overwidth time permit may be issued for the movement of any load or
17 overwidth trailer, subject to subsection (a) of this section and the following conditions:

18 (1) Width requirements.

19 (A) A time permit will not be issued for a vehicle with a width exceeding 13 feet.

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1 (B) When multiple items are hauled at the same time, the items may not be
2 loaded in a manner that creates a width greater than the width of the widest item being hauled.

3 (2) Weight, height, and length requirements.

4 (A) The permitted vehicle shall not exceed legal weight, height, or length
5 according to Transportation Code, Chapter 621, Subchapters B and C.

6 (B) When multiple items are hauled at the same time, the items may not be
7 loaded in a manner that creates:

8 (i) a height greater than 14 feet;

9 (ii) an overlength load; or

10 (iii) a gross weight exceeding the legal gross or axle weight of the vehicle
11 hauling the load.

12 (3) Movement of overwidth trailers. When the permitted vehicle is an overwidth trailer,
13 it will be allowed to:

14 (A) move empty to and from the job site; and

15 (B) haul a load from the permitted vehicle's point of origin to pick up a permitted
16 load, and to the permitted vehicle's point of origin or the permittee's place of business after dropping off
17 a permitted load, as long as:

18 (i) the load does not exceed legal size and weight limits under

19 Transportation Code, Chapters 621 and 622; and

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1 (ii) the transport complies with the permit, including the time period
2 stated on the permit.

3 (4) Use in conjunction with other permits. An overwidth time permit may be used in
4 conjunction with an overlength time permit.

5 (d) Overlength loads. An overlength time permit may be issued for the transportation of
6 overlength loads or the movement of an overlength self-propelled vehicle, subject to subsection (a) of
7 this section and the following conditions:

8 (1) Length requirements.

9 (A) The maximum overall length for the permitted vehicle may not exceed 110
10 feet.

11 (B) The department may issue a permit under Transportation Code, §623.071(a)
12 for an overlength load or an overlength self-propelled vehicle that falls within the definition of a
13 nondivisible load or vehicle.

14 (2) Weight, height and width requirements.

15 (A) The permitted vehicle may not exceed legal weight, height, or width
16 according to Transportation Code, Chapter 621, Subchapters B and C.

17 (B) A permit will not be issued when the load has more than 25 feet front
18 overhang, or more than 30 feet rear overhang.

19 (3) Use in conjunction with other permits. An overlength time permit may be used in
20 conjunction with an overwidth time permit.

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(4) Emergency movement. A permitted vehicle transporting utility poles will be allowed emergency nighttime ~~[night]~~ movement for restoring electrical utility service, provided the permitted vehicle is accompanied by a rear escort flag vehicle.

(e) Annual permits.

(1) General information. All permits issued under this subsection are subject to the following conditions.

~~[(A) Fees for permits issued under this subsection are payable as described in §219.11(f) of this title.]~~

(A) ~~[(B)]~~ Permits issued under this subsection are not transferable.

(B) ~~[(C)]~~ Vehicles permitted under this subsection shall be operated according to the restrictions described in §219.11(l) of this title. The permittee is responsible for obtaining information concerning current restrictions from the department.

(C) ~~[(D)]~~ Vehicles permitted under this subsection may not travel over a load restricted bridge or load restricted road when exceeding the posted capacity of the road or bridge.

(D) ~~[(E)]~~ Vehicles permitted under this subsection may travel through any highway construction or maintenance area provided the dimensions do not exceed the construction restrictions as published by the department.

(E) ~~[(F)]~~ With the exception of permits issued under paragraph (5) of this subsection, vehicles permitted under this subsection shall be operated according to the escort requirements described in §219.11(k) of this title.

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1 (2) Implements of husbandry. An annual permit may be issued for an implement of
2 husbandry being moved by a dealer in those implements, and for harvesting equipment being moved as
3 part of an agricultural operation. Permits issued under this paragraph are subject to the conditions
4 described in paragraph (1) of this subsection.

5 (A) The fee for a permit issued under this paragraph is \$270, plus the highway
6 maintenance fee specified in Transportation Code, §623.077.

7 (B) The time period will be for one year and will start on the effective date stated
8 on the permit.

9 (C) The maximum width may not exceed 16 feet; maximum height may not
10 exceed 16 feet; maximum length may not exceed 110 feet; and maximum weight may not exceed the
11 limits stated in §219.11(d) of this title.

12 (D) Unless stated otherwise on the permit, the permitted vehicle must travel in
13 the outside traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

14 (E) The permitted vehicle must be registered in accordance with Transportation
15 Code, Chapter 502, for maximum weight for the vehicle or vehicle combination, as set forth by
16 Transportation Code, Chapter 621.

17 (3) Water well drilling machinery. The department may issue annual permits under
18 Transportation Code, §623.071, for water well drilling machinery and equipment that fall within the
19 definition of a nondivisible load or vehicle. Permits issued under this paragraph are subject to the
20 conditions described in paragraph (1) of this subsection.

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1 (A) The fee for a permit issued under this paragraph is \$270, plus the highway
2 maintenance fee specified in Transportation Code, §623.077 for an overweight load.

3 (B) A water well drilling machinery permit is valid for one year from the effective
4 date stated on the permit.

5 (C) The maximum dimensions may not exceed 16 feet wide, 14 feet 6 inches
6 high, 110 feet long, and maximum weight may not exceed the limits stated in §219.11(d) of this title.

7 (D) The permitted vehicle must be registered in accordance with Transportation
8 Code, Chapter 502, for the maximum weight of the vehicle, as set forth by Transportation Code, Chapter
9 621.

10 (E) A permit issued under this section authorizes a permitted vehicle to operate
11 only on the state highway system.

12 (4) Envelope vehicle permits.

13 (A) The department may issue an annual permit under Transportation Code,
14 §623.071(c), to a specific vehicle, for the movement of superheavy or oversize equipment that falls
15 within the definition of a nondivisible load. This permit may not be used for a container, including a
16 trailer ~~[or an intermodal container]~~, loaded with divisible cargo. Unless otherwise noted, permits issued
17 under this paragraph are subject to the conditions described in paragraph (1) of this subsection.

18 (i) Superheavy or oversize equipment operating under an annual
19 envelope vehicle permit may not exceed:

20 (I) 12 feet in width;

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- 1 (II) 14 feet in height;
- 2 (III) 110 feet in length; or
- 3 (IV) 120,000 pounds gross weight.
- 4 (ii) Superheavy or oversize equipment operating under an annual
- 5 envelope vehicle permit may not transport a load that has more than 25 feet front overhang, or more
- 6 than 30 feet rear overhang.
- 7 (iii) The fee for an annual envelope vehicle permit is \$4,000, and is non-
- 8 refundable.
- 9 (iv) The time period will be for one year and will start on the effective
- 10 date stated on the permit.
- 11 (v) This permit authorizes operation of the permitted vehicle only on the
- 12 state highway system.
- 13 (vi) The permitted vehicle must comply with §219.11(d)(2) and (3) of this
- 14 title.
- 15 (vii) The permitted vehicle or vehicle combination must be registered in
- 16 accordance with Transportation Code, Chapter 502, for maximum weight as set forth by Transportation
- 17 Code, Chapter 621.
- 18 (viii) A permit issued under this paragraph is non-transferable between
- 19 permittees.

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(ix) A permit issued under this paragraph may be transferred from one vehicle to another vehicle in the permittee's fleet provided:

(I) the permitted vehicle is destroyed or otherwise becomes permanently inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that the negotiable certificate of title or other qualifying documentation has been surrendered to the department; or

(II) the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof that the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

(x) A single-trip permit, as described in §219.12 of this title (relating to Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D), may be used in conjunction with an annual permit issued under this paragraph for the movement of vehicles or loads exceeding the height or width limits established in subparagraph (A) of this paragraph. The department will indicate the annual permit number on any single-trip permit to be used in conjunction with a permit issued under this paragraph, and permittees will be assessed a fee of \$60 for the single-trip permit.

(B) The department may issue an annual permit under Transportation Code, §623.071(d), to a specific motor carrier, for the movement of superheavy or oversize equipment that falls within the definition of a nondivisible load. This permit may not be used for a container, including a trailer ~~or an intermodal container~~, loaded with divisible cargo. Unless otherwise noted, permits issued under this paragraph are subject to the conditions described in paragraph (1) of this subsection and subparagraphs (A)(i)-(viii) of this paragraph. A permit issued under this paragraph may be transferred from one vehicle to another vehicle in the permittee's fleet provided:

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1 (i) that no more than one vehicle is operated at a time; and

2 (ii) the original certified permit is carried in the vehicle that is being

3 operated under the terms of the permit.

4 (C) An annual envelope permit issued under subparagraph (B) of this paragraph

5 will be sent to the permittee via registered mail, or at the permittee's request and expense overnight

6 delivery service. This permit may not be duplicated. This permit will be replaced only if:

7 (i) the permittee did not receive the original permit within seven

8 business days after its date of issuance;

9 (ii) a request for replacement is submitted to the department within 10

10 business days after the original permit's date of issuance; and

11 (iii) the request for replacement is accompanied by a notarized

12 statement signed by a principal [~~principle~~] or officer of the permittee acknowledging that the permittee

13 understands the permit may not be duplicated and that if the original permit is located, the permittee

14 must return either the original or replacement permit to the department.

15 (D) A request for replacement of a permit issued under subparagraph (B) of this

16 paragraph will be denied if the department can verify that the permittee received the original.

17 (E) Lost, misplaced, damaged, destroyed, or otherwise unusable permits will not

18 be replaced. A new permit will be required.

19 (5) Annual manufactured housing permit. The department may issue an annual permit

20 for the transportation of new manufactured homes from a manufacturing facility to a temporary storage

21 location, not to exceed 20 miles from the point of manufacture, in accordance with Transportation

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Code, §623.094. Permits issued under this paragraph are subject to the requirements of paragraph (1), subparagraphs (A), (B), (C), and (D)~~[(E), and (G)]~~ of this subsection.

(A) A permit shall contain the name of the company or person authorized to be issued permits by Transportation Code, Chapter 623, Subchapter E.

(B) The fee for a permit issued under this paragraph is \$1,500. Fees are non-refundable ~~[, and shall be paid in accordance with §219.11(f) of this title]~~.

(C) The time period will be for one year from the effective date stated on the permit.

(D) The permitted vehicle must travel in the outside traffic lane on multi-lane highways when the width of the load exceeds 12 feet.

~~[(E) The permitted vehicle must be registered in accordance with Transportation Code, Chapter 502.]~~

(E) ~~[(F)]~~ Authorized movement for a vehicle permitted under this section shall be valid during daytime ~~[daylight hours]~~ only ~~[as defined by Transportation Code, §541.401]~~.

~~[(G) The permitted vehicle must be operated in accordance with the escort requirements described in §219.14(f) of this title (relating to Manufactured Housing, and Industrialized Housing and Building Permits).]~~

(F) ~~[(H)]~~ Permits issued under this section are non-transferable between permittees.

(6) Power line poles. An annual permit will be issued under Transportation Code, Chapter 622, Subchapter E, for the movement of poles required for the maintenance of electric power transmission and distribution lines. Permits issued under this paragraph are subject to the conditions described in paragraph (1) of this subsection.

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- 1 (A) The fee for the permit is \$120.
- 2 (B) The time period will be for one year and will start on the effective date
- 3 stated on the permit.
- 4 (C) The maximum length of the permitted vehicle may not exceed 75 feet.
- 5 (D) The width, height and gross weight of the permitted vehicle may not exceed
- 6 the limits set forth by Transportation Code, Chapter 621.
- 7 (E) Vehicles permitted under this paragraph may not travel over a load
- 8 restricted bridge or load zoned road when exceeding posted limits.
- 9 ~~[(F) The permitted vehicle must be registered in accordance with Transportation~~
- 10 ~~Code, Chapter 502, for maximum weight as set forth by Transportation Code, Chapter 621.]~~
- 11 (F) ~~[(G)]~~ Movement will be between the hours of sunrise and sunset; however,
- 12 the limitation on hours of operation does not apply to a vehicle being operated to prevent interruption
- 13 or impairment of electric service, or to restore electric service that has been interrupted. When
- 14 operated at nighttime ~~[night]~~, a vehicle permitted under this subsection must be accompanied by a rear
- 15 escort flag vehicle.
- 16 (G) ~~[(H)]~~ The speed of the permitted vehicle may not exceed 50 miles per hour.
- 17 (H) ~~[(I)]~~ The permitted vehicle must display on the extreme end of the load:
- 18 (i) two red lamps visible at a distance of at least 500 feet from the rear;
- 19 (ii) two red reflectors that indicate the maximum width and are visible,
- 20 when light is insufficient or atmospheric conditions are unfavorable, at all distances from 100 to 600 feet
- 21 from the rear when directly in front of lawful lower beams of headlamps; and
- 22 (iii) two red lamps, one on each side, that indicate the maximum
- 23 overhang, and are visible at a distance of at least 500 feet from the side of the vehicle.

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(7) Cylindrically shaped bales of hay. An annual permit may be issued under Transportation Code, §623.017, for the movement of vehicles transporting cylindrically shaped bales of hay. Permits issued under this paragraph are subject to the conditions described in paragraph (1) of this subsection.

(A) The permit fee is \$10.

(B) The time period will be for one year, and will start on the effective date stated on the permit.

(C) The maximum width of the permitted vehicle may not exceed 12 feet.

(D) The length, height, and gross weight of the permitted vehicle may not exceed the limits set forth by Transportation Code, Chapter 621.

(E) Movement is restricted to daytime ~~[daylight hours]~~ only.

~~[(F) The permitted vehicle must be registered in accordance with Transportation Code, Chapter 502, for maximum weight, as set forth by Transportation Code, Chapter 621.]~~

(8) Overlength load or vehicles. An annual overlength permit may be issued for the transportation of a nondivisible overlength load or the movement of a nondivisible overlength vehicle or combination of vehicles under Transportation Code, §623.071(c-1). This permit is subject to the portions of subsections (a), (b), and (d) of this section that are not limited to the ~~[fee or]~~ duration for the 30, 60, and 90 day permits.

§219.14. Manufactured Housing, and Industrialized Housing and Building Permits.

(a) General Information.

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1 (1) A manufactured home that exceeds size limits for motor vehicles as defined by
2 Transportation Code, Chapter 621, Subchapters B and C, must obtain a permit from the department.

3 (2) Pursuant to Transportation Code, Chapter 623, Subchapter E, a permit may be issued
4 to persons registered as manufacturers, installers, or retailers with the Texas Department of Housing and
5 Community Affairs or motor carriers registered with the department under Transportation Code, Chapter
6 643.

7 (3) The department may issue a permit to the owner of a manufactured home provided
8 that:

9 (A) the same owner is named on the title of the manufactured home and towing
10 vehicle;

11 (B) or the owner presents a lease showing that the owner of the manufactured
12 home is the lessee of the towing vehicle.

13 (b) Permit application.

14 (1) To qualify for a permit under this section, a person must submit an application to the
15 department.

16 (2) All applications shall be made in a form and by the method prescribed by the
17 department, and at a minimum shall include the following:

18 (A) name, customer identification number, and address of the applicant;

19 (B) name, telephone number, and email address of contact person;

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1 (C) applicant's USDOT Number if applicant is required by law to have a USDOT
2 Number;

3 (D) complete description of the manufactured home, including the year, make
4 and one of the following:

5 (i) manufactured home's HUD label number;

6 (ii) Texas seal number; or

7 (iii) the complete identification number or serial number;

8 (E) the maximum width, height and length of the vehicle and manufactured
9 home; and

10 (F) any other information required by law, including the information listed in
11 Transportation Code §623.093(a).

12 (c) Amendments to permit. Amendments can only be made to change intermediate points
13 between the origination and destination points listed on the permit.

14 ~~[(d) Payment of permit fee. The cost of the permit is \$40, payable in accordance with §219.11(f)~~
15 ~~of this title.]~~

16 (d) ~~[(e)]~~ Permit provisions and conditions.

17 (1) The overall combined length of the manufactured home and the towing vehicle
18 includes the length of the hitch or towing device.

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1 (2) The height is measured from the roadbed to the highest elevation of the
2 manufactured home.

3 (3) The width of a manufactured home includes any roof or eaves extension or overhang
4 on either side.

5 (4) A permit will be issued for a single continuous movement not to exceed five days.

6 ~~[(5) Movement must be made during daylight hours only and may be made on any day~~
7 ~~except New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas~~
8 ~~Day.]~~

9 (5) ~~[(6)]~~ The department may limit the hours for travel on certain routes because of
10 heavy traffic conditions.

11 (6) ~~[(7)]~~ The department will publish any limitations on movements during the national
12 holidays ~~[listed in this subsection]~~, or any limitations during certain hours of heavy traffic conditions, and
13 will make such publications available to the public prior to the limitations becoming effective.

14 (7) ~~[(8)]~~ The permit will contain the route for the transportation of the manufactured
15 home from the point of origin to the point of destination.

16 (8) ~~[(9)]~~ The route for the transportation must be the most practical route as described
17 in §219.11(e) of this title (relating to General Oversize/Overweight Permit Requirements and
18 Procedures), except where construction is in progress and the permitted vehicle's dimensions exceed the
19 construction restrictions as published by the department, or where bridge or overpass width or height
20 would create a safety hazard.

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1 ~~[(10) The department will publish annually a map or list of all bridges or overpasses~~
2 ~~which, due to height or width, require an escort flag vehicle to stop oncoming traffic while the~~
3 ~~manufactured home crosses the bridge or overpass.]~~

4 (9) ~~[(11)]~~ A permittee may not transport a manufactured home with a void permit; a
5 new permit must be obtained.

6 ~~[(f) Escort requirements.]~~

7 ~~[(1) A manufactured home exceeding 12 feet in width must have a rotating amber~~
8 ~~beacon of not less than eight inches in diameter mounted somewhere on the roof at the rear of the~~
9 ~~manufactured home, or may have two five-inch flashing amber lights mounted approximately six feet~~
10 ~~from ground level at the rear corners of the manufactured home. The towing vehicle must have one~~
11 ~~rotating amber beacon of not less than eight inches in diameter mounted on top of the cab. These~~
12 ~~beacons or flashing lights must be operational and luminiferous during any permitted move over the~~
13 ~~highways, roads, and streets of this state.]~~

14 ~~[(2) A manufactured home with a width exceeding 16 feet but not exceeding 18 feet~~
15 ~~must have a front escort flag vehicle on two-lane roadways and a rear escort flag vehicle on roadways of~~
16 ~~four or more lanes.]~~

17 ~~[(3) A manufactured home exceeding 18 feet in width must have a front and a rear~~
18 ~~escort flag vehicle on all roadways at all times.]~~

19 ~~[(4) The escort flag vehicle must:]~~

20 ~~[(A) have one red 16-inch square flag mounted on each of the four corners of the~~
21 ~~vehicle;]~~

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1 ~~[(B) have a sign mounted on the front and rear of the vehicle displaying the~~
2 ~~words "WIDE LOAD" in black letters at least eight inches high with a brush stroke at least 1.41 inches~~
3 ~~wide against a yellow background;]~~

4 ~~[(C) have mounted on top of the vehicle and visible from both the front and~~
5 ~~rear;]~~

6 ~~[(i) two simultaneously flashing lights;]~~

7 ~~[(ii) one rotating amber beacon of not less than eight inches in diameter;~~
8 ~~or]~~

9 ~~[(iii) alternating or flashing blue and amber lights; and]~~

10 ~~[(D) maintain two-way communications with the permitted vehicle and other~~
11 ~~escort flag vehicles involved with the movement of the permitted vehicle.]~~

12 ~~[(5) Two transportable sections of a multi-section manufactured home, or two single~~
13 ~~section manufactured homes, when towed together in convoy, may be considered one home for~~
14 ~~purposes of the escort flag vehicle requirements, provided the distance between the two units does not~~
15 ~~exceed 1,000 feet.]~~

16 ~~[(6) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and~~
17 ~~§219.11(k)(7)(A) of this title.]~~

18
19 §219.15. Portable Building Unit Permits.

20 (a) General information.

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(1) A vehicle or vehicle combination transporting one or more portable building units and portable building compatible cargo that exceed legal length or width limits set forth by Transportation Code, Chapter 621, Subchapters B and C, may obtain a permit under Transportation Code, Chapter 623, Subchapter F.

(2) In addition to the fee required by statute ~~[subsection (d)]~~, the department shall collect an amount equal to any fee that would apply to the movement of cargo exceeding any applicable width limits, if such cargo were moved in a manner not governed by this section.

(b) Application for permit. Applications shall be made in accordance with §219.11(c) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

(c) Permit issuance. Permit issuance is subject to the requirements of §219.11~~[(b)(2)]~~(e) and (g) of this title.

(d) Non-refundable ~~[Payment of]~~ permit fee. ~~[The cost of the permit is \$15, with all fees payable in accordance with §219.11(f) of this title.]~~ All fees are non-refundable.

(e) Permit provisions and conditions.

(1) A portable building unit may only be issued a single-trip permit.

(2) Portable building units may be loaded end-to-end to create an overlength permit load, provided the overall length does not exceed 80 feet.

(3) Portable building units must not be loaded side-by-side to create an overwidth load, or loaded one on top of another to create an overheight load.

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(4) Portable building units must be loaded in a manner that will create the narrowest width for permit purposes and provide for greater safety to the traveling public.

(5) The permit will be issued for a single continuous movement from the origin to the destination for an amount of time necessary to make the move, not to exceed 10 consecutive days.

(6) Movement of the permitted vehicle must be made during daytime [~~daylight hours~~] only.

(7) A permittee may not transport portable building units or portable building compatible cargo with a void permit; a new permit must be obtained.

~~[(f) Escort requirements.]~~

~~[(1) A portable building unit or portable building compatible cargo with a width exceeding 16 feet but not exceeding 18 feet must have a front escort flag vehicle on two-lane roadways and a rear escort flag vehicle on roadways of four or more lanes.]~~

~~[(2) A portable building unit or portable building compatible cargo exceeding 18 feet in width must have a front and a rear escort flag vehicle on all roadways at all times.]~~

~~[(3) The escort flag vehicle must:]~~

~~[(A) have one red 16-inch square flag mounted on each of the four corners of the vehicle;]~~

~~[(B) have a sign mounted on the front and rear of the vehicle displaying the words "WIDE LOAD" in black letters at least eight inches high with a brush stroke at least 1.41 inches wide against a yellow background;]~~

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1 ~~[(C) have mounted on top of the vehicle and visible from both front and rear,~~
2 ~~two simultaneously flashing lights, one rotating amber beacon of not less than eight inches in diameter,~~
3 ~~or alternating or flashing blue and amber lights; and]~~

4 ~~[(D) maintain two-way communications with the permitted vehicle and other~~
5 ~~escort flag vehicles involved with the movement of the permitted vehicle.]~~

6 ~~[(4) An escort flag vehicle must comply with the requirements in §219.11(k)(1) and~~
7 ~~§219.11(k)(7)(A) of this title.]~~

8

9 **SUBCHAPTER C. PERMITS FOR OVER AXLE AND OVER GROSS WEIGHT TOLERANCES**

10 §219.30. Permits for Over Axle and Over Gross Weight Tolerances.

11 (a) Purpose. In accordance with Transportation Code, §623.011, the department is
12 authorized under certain conditions to issue an annual permit for the operation of a vehicle within
13 certain tolerances above legal axle and gross weight limits, as provided in Transportation Code,
14 Chapter 621. ~~[The sections under this subchapter set forth the requirements and procedures to be~~
15 ~~used in issuing an annual permit.]~~

16 (b) Scope. A permit may be issued to an applicant under this section ~~[subchapter]~~ to
17 operate a vehicle that exceeds the legal axle weight by a tolerance of 10% and the legal gross
18 weight by a tolerance of 5.0% on any county road and on any road in the state highway system
19 provided the vehicle:

20 (1) is not operated on the national system of interstate and defense highways at a
21 weight greater than authorized by federal law; and

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1 (2) is not operated on a bridge for which the maximum weight and load limit has
2 been established and posted under Transportation Code, §621.102 or §621.301, if the gross weight
3 of the vehicle and load or the axles and wheel loads are greater than the established and posted
4 limits, unless the bridge provides the only public vehicular access to or from the permittee's origin
5 or destination.

6 (c) Application for permit.

7 (1) To qualify for a permit under this section, a person must submit an application
8 to the department.

9 (2) The application shall be in a form prescribed by the department and at a
10 minimum will require the following:

11 (A) name, customer identification number, and address of the applicant;

12 (B) name, telephone number, and email address of contact person;

13 (C) vehicle information, including truck year, make, license plate number
14 and state of issuance, and vehicle identification number;

15 (D) an indication as to whether the commodities to be transported will be
16 agricultural or non-agricultural;

17 (E) a list of counties in which the vehicle will operate; and

18 (F) applicant's USDOT Number if applicant is required by law to have a USDOT
19 Number.

20 (3) The application shall be accompanied by:

21 (A) the total permit fee, which includes an administrative fee of \$5, the base
22 fee, and the applicable annual fee based on the number of counties designated for travel; and

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1 (B) an original bond or irrevocable letter of credit as required in

2 Transportation Code §623.012.

3 ~~[(4) Payment of fees. Fees for permits issued under this subchapter are payable as~~
4 ~~required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements~~
5 ~~and Procedures).]~~

6 (d) Issuance of permit and windshield sticker.

7 (1) A permit and a windshield sticker will be issued on the approval of the
8 application and each will be mailed to the applicant at the address contained in the application.

9 (2) The permit shall be carried in the vehicle for which the permit is issued at all
10 times.

11 (3) The windshield sticker shall be affixed to the inside of the windshield of the
12 vehicle in accordance with the diagram printed on the back of the sticker ~~[within six inches above~~
13 ~~the vehicle's inspection sticker]~~ in a manner that will not obstruct the vision of the driver. Any
14 attempt to remove the sticker from the windshield will render the sticker void, and will require a
15 new permit and sticker. The windshield sticker must be removed from the vehicle upon expiration
16 of the permit.

17 (4) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be
18 issued, provided that the permittee submits a request on a form approved by the department
19 which shall include a statement, signed by the permittee, affirming that the sticker was lost,
20 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle. The cost
21 for a replacement sticker is \$3.00.

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1 ~~[(5) Within 14 days of issuance of the permit, the department shall notify the~~
2 ~~county clerk of each county indicated on the application, and such notification shall contain or be~~
3 ~~accompanied by the following minimum information:]~~

4 ~~[(A) the name and address of the person for whom a permit is issued; and]~~

5 ~~[(B) the vehicle identification number, license plate number, and~~
6 ~~registration state of the vehicle, and the permit number.]]~~

7 (e) Issuance of a credit. Upon written application on a form prescribed by the department,
8 a prorated credit for the remaining time on the permit may be issued for a vehicle that is
9 destroyed or otherwise becomes permanently inoperable to an extent that it will no longer be
10 utilized. The date for computing a credit will be based on the date of receipt of the credit request.
11 The fee for a credit will be \$25, and will be issued on condition that the applicant provides to the
12 department:

13 (1) the original permit; or

14 (2) if the original permit no longer exists, written evidence of the destruction or
15 permanent incapacity from the insurance carrier of the vehicle.

16 (f) Use of credit. A credit issued under subsection (e) of this section may be used only
17 towards the payment of permit fees under this section.

18 ~~[(g) Exceptions. A vehicle carrying timber, wood chips, wood pulp, cotton, or other~~
19 ~~agricultural products in their natural state, may be allowed to exceed the maximum allowable axle~~
20 ~~weight by 12% without a permit; however, if such vehicle exceeds the maximum allowable gross~~
21 ~~weight by an amount of up to 5.0%, a permit issued in accordance with this section will be~~
22 ~~required.]]~~

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1 (g) ~~[(h)]~~ Lapse or termination of permit. A permit shall lapse or terminate and the
2 windshield sticker must be removed from the vehicle:

- 3 (1) when the lease of the vehicle expires;
- 4 (2) on the sale of the vehicle for which the permit was issued;
- 5 (3) on the sale, takeover, or dissolution of the firm, partnership, or corporation to
6 which a permit was issued; or
- 7 (4) if the permittee does not replace or replenish the letter of credit or bond as
8 required by Transportation Code, §623.012.

9

10 §219.31. Timber Permits.

11 (a) Purpose. This section prescribes the requirements and procedures regarding the annual
12 permit for the operation of a vehicle or combination of vehicles that will be used to transport
13 unrefined timber, wood chips, woody biomass, or equipment used to load timber on a vehicle
14 under the provisions of Transportation Code, Chapter 623, Subchapter Q.

15 (b) Application for permit.

16 (1) To qualify for a timber permit, a person must submit an application to the
17 department.

18 (2) The application shall be in a form prescribed by the department and at a
19 minimum, will require the following:

- 20 (A) name, customer identification number, and address of the applicant;
- 21 (B) name, telephone number, and email address of contact person;
- 22 (C) vehicle information, including vehicle year, make, license plate number
23 and state of issuance, and vehicle identification number;

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(D) a list of timber producing counties described in Transportation Code, §623.321(a), in which the vehicle or combination of vehicles will be operated; and

(E) applicant's USDOT Number if applicant is required by law to have a USDOT Number.

(3) The application shall be accompanied by:

(A) the total annual permit fee required by statute; and

(B) a blanket bond or irrevocable letter of credit as required by Transportation Code, §623.012, unless the applicant has a current blanket bond or irrevocable letter of credit on file with the department that complies with Transportation Code, §623.012.

~~[(4) Fees for permits issued under this section are payable as required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

(c) Issuance and placement of permit and windshield sticker; restrictions.

(1) A permit and a windshield sticker will be issued once the application is approved, and each will be mailed to the applicant at the address contained in the application.

(2) The windshield sticker shall be affixed to the inside of the windshield of the vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will render the sticker void and will require a new permit and sticker.

(3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be issued, provided that the permittee submits a request on a form approved by the department which shall include a statement, signed by the permittee, affirming that the sticker was lost, stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

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1 (d) Notification. The financially responsible party as defined in Transportation Code,
2 §623.323(a), shall electronically file the notification document described by §623.323(b) with the
3 department via the form on the department's website.

4 (e) Transfer of permit. An annual permit issued under this section is not transferable
5 between vehicles.

6 (f) Amendments. An annual permit issued under this section will not be amended except in
7 the case of department error.

8 (g) Termination of permit. An annual permit issued under this section will automatically
9 terminate, and the windshield sticker must be removed from the vehicle:

10 (1) on the expiration of the permit;

11 (2) when the lease of the vehicle expires;

12 (3) on the sale or other transfer of ownership of the vehicle for which the permit
13 was issued;

14 (4) on the dissolution or termination of the partnership, corporation, or other legal
15 entity to which the permit was issued; or

16 (5) if the permittee fails to timely replenish the bond or letter of credit as required
17 by Transportation Code, §623.012.

18 (h) Restrictions. Permits issued under this section are subject to the restrictions in
19 §219.11(l) of this title.

20
21 §219.32. Ready-Mixed Concrete Truck Permits.

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(a) Purpose. This section prescribes the requirements, restrictions, and procedures regarding the annual permit for a ready-mixed concrete truck, operating on three axles, under the provisions of Transportation Code, §623.0171 and Chapter 622, Subchapter B.

(b) Axles. To qualify for movement with a ready-mixed concrete truck permit, the truck may only operate on three axles, regardless of whether the truck actually has more than three axles.

(c) Application for permit.

(1) To qualify for a ready-mixed concrete truck permit, a person must submit an application to the department.

(2) The application shall be in a form prescribed by the department and at a minimum, will require the following:

(A) name, customer identification number, and address of the applicant;

(B) name, telephone number, and email address of contact person;

(C) vehicle information, including vehicle year, make, license plate number and state of issuance, and vehicle identification number;

(D) a list of counties in which the vehicle will be operated; and

(E) applicant's USDOT Number if applicant is required by law to have a USDOT Number.

(3) The application shall be accompanied by the total annual permit fee of \$1,000.

~~[(4) Fees for permits issued under this section are payable as required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

(d) Issuance and placement of permit and windshield sticker; restrictions.

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1 (1) A permit and a windshield sticker will be issued once the application is
2 approved, and each will be mailed to the applicant at the address contained in the application.

3 (2) The windshield sticker shall be affixed to the inside of the windshield of the
4 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will
5 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will
6 render the sticker void and will require a new permit and sticker.

7 (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be
8 issued, provided that the permittee submits a request on a form approved by the department. The
9 request shall include a statement, signed by the permittee, affirming that the sticker was lost,
10 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

11 (e) Transfer of permit. An annual permit issued under this section is not transferable
12 between vehicles.

13 (f) Amendments. An annual permit issued under this section will not be amended except in
14 the case of department error.

15 (g) Termination of permit. An annual permit issued under this section will automatically
16 terminate, and the windshield sticker must be removed from the vehicle:

17 (1) on the expiration of the permit;

18 (2) when the lease of the vehicle expires;

19 (3) on the sale or other transfer of ownership of the vehicle for which the permit
20 was issued; or

21 (4) on the dissolution or termination of the partnership, corporation, or other legal
22 entity to which the permit was issued.

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(h) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department.

(i) Construction or maintenance areas.

(1) Permits issued under this section authorize the operator of the permitted vehicle to travel through any state highway construction or maintenance area, provided the size and weight of the vehicle do not exceed the construction restrictions that are available on the department's website. If a permitted vehicle is delivering concrete to a state highway construction or maintenance jobsite within a construction or maintenance area, the following may provide the permittee a written exception to operate the permitted vehicle in the construction or maintenance area at a size or weight that exceeds the size and weight listed on the department's website: the Texas Department of Transportation or a Texas Department of Transportation contractor that is authorized by the Texas Department of Transportation to issue permit exceptions. The written exception must be carried in the permitted vehicle when the vehicle is on a state highway and must be provided to the department or law enforcement upon request.

(2) The permittee is responsible for contacting the appropriate local jurisdiction for construction or maintenance restrictions on non-state maintained roadways.

(j) Manufacturer's tire load rating. Permits issued under this section do not authorize the vehicle to exceed the manufacturer's tire load rating.

(k) Distribution of fees. Fifty percent of the [The] fees collected for permits under Transportation Code, §623.0171 shall be divided equally among all counties designated in the permit application. [distributed as follows:]

~~[(1) 50 percent shall be deposited to the credit of the state highway fund; and]~~

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1 ~~[(2) 50 percent shall be divided equally among all counties designated in the permit~~
2 ~~application under Transportation Code, §623.0171.]~~

3
4 §219.34. North Texas Intermodal Permit.

5 (a) Purpose. This section prescribes the requirements, restrictions, and procedures
6 regarding the annual permit for transporting an intermodal shipping container under the
7 provisions of Transportation Code, §623.0172.

8 (b) Application for permit.

9 (1) To qualify for a North Texas intermodal permit, a person must submit an
10 application to the department.

11 (2) The application shall be in a form prescribed by the department and at a
12 minimum, will require the following:

13 (A) name, customer identification number, and address of the applicant;

14 (B) name, telephone number, and email address of contact person;

15 (C) vehicle information, including vehicle year, make, license plate number
16 and state of issuance, and vehicle identification number; and

17 (D) applicant's USDOT Number if applicant is required by law to have a USDOT
18 Number.

19 (3) The application shall be accompanied by the total annual permit fee of \$1,000.

20 ~~[(4) Fees for permits issued under this section are payable as required by §219.11(f)~~
21 ~~of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

22 (c) Amendments. An annual permit issued under this section will not be amended except in
23 the case of department error.

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(d) Transfer of permit. A permit issued under this section may only be transferred once during the term of the permit from one vehicle to another vehicle in the permittee's fleet provided:

(1) the permitted vehicle is destroyed or otherwise becomes permanently inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that the negotiable title or other qualifying documentation, as determined by the department, has been surrendered to the department; or

(2) the title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof that the negotiable title or other qualifying documentation, as determined by the department, has been transferred from the permittee.

(e) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department.

(f) Construction or maintenance areas. The permitted vehicle may not travel through any state highway construction or maintenance area if prohibited by the construction restrictions published by the department.

(g) Nighttime [~~Night~~] movement. Nighttime [~~Night~~] movement is allowed under this permit, unless prohibited by the curfew movement restrictions published by the department.

(h) Manufacturer's tire load rating. Permits issued under this section do not authorize the vehicle to exceed the manufacturer's tire load rating.

(i) A truck-tractor and semitrailer combination is only eligible for a permit issued under this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle in the combination is equipped with a roll stability support safety system.

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(j) A truck-tractor and semitrailer combination is only eligible for a permit issued under this section if the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches. For the purposes of this subsection, "approximately 647 inches" means the distance can be up to 15 percent above 647 inches for a total distance of 744.05 inches.

§219.35. Fluid Milk Transport Permit.

(a) Purpose. This section prescribes the requirements, restrictions, and procedures regarding the annual permit for transporting fluid milk under the provisions of Transportation Code, Chapter 623, Subchapter V. ~~[U, as added by Chapter 750 (S.B. 1383), Acts of the 85th Legislature, Regular Session, 2017.]~~

(b) Application for permit.

(1) To qualify for a fluid milk transport permit, a person must submit an application to the department.

(2) The application shall be in a form prescribed by the department and at a minimum, will require the following:

(A) name, customer identification number, and address of the applicant;

(B) name, telephone number, and email address of contact person;

(C) vehicle information, including vehicle year, make, license plate number and state of issuance, and vehicle identification number;

(D) a list of counties in which the vehicle will be operated; and

(E) applicant's USDOT Number if applicant is required by law to have a USDOT Number.

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(3) The application shall be accompanied by the total annual permit fee of \$1,200.

~~[(4) Fees for permits issued under this section are payable as required by §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

(c) Issuance and placement of permit and windshield sticker; restrictions.

(1) A permit and a windshield sticker will be issued once the application is approved, and each will be mailed to the applicant at the address contained in the application.

(2) The windshield sticker shall be affixed to the inside of the windshield of the vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will render the sticker void and will require a new permit and sticker.

(3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be issued, provided that the permittee submits a request on a form approved by the department which shall include a statement, signed by the permittee, affirming that the sticker was lost, stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

(d) Amendments. An annual permit issued under this section will not be amended except in the case of department error.

(e) Transfer of permit. A permit issued under this section may only be transferred once during the term of the permit from one vehicle to another vehicle in the permittee's fleet provided:

(1) the permitted vehicle is destroyed or otherwise becomes permanently inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that the negotiable title or other qualifying documentation, as determined by the department, has been surrendered to the department; or

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(2) the title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof that the negotiable title or other qualifying documentation, as determined by the department, has been transferred from the permittee.

(f) Termination of permit. An annual permit issued under this section will automatically terminate, and the windshield sticker must be removed from the vehicle:

(1) on the expiration of the permit;

(2) when the lease of the vehicle expires;

(3) on the sale or other transfer of ownership of the vehicle for which the permit was issued; or

(4) on the dissolution or termination of the partnership, corporation, or other legal entity to which the permit was issued.

(g) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department.

(h) Construction or maintenance areas.

(1) The permitted vehicle may not travel through any state highway construction or maintenance area if prohibited by the construction restrictions published by the department.

(2) The permittee is responsible for contacting the appropriate local jurisdiction for construction or maintenance restrictions on non-state maintained roadways.

(i) Nighttime ~~[Night]~~ movement. Nighttime ~~[Night]~~ movement is allowed under this permit, unless prohibited by the curfew movement restrictions published by the department.

(j) Manufacturer's tire load rating. Permits issued under this section do not authorize the vehicle to exceed the manufacturer's tire load rating.

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(k) A truck-tractor and semitrailer combination is only eligible for a permit issued under this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle in the combination is equipped with a roll stability support safety system.

§219.36. Intermodal Shipping Container Port Permit.

(a) Purpose. This section prescribes the requirements, restrictions, and procedures regarding the annual permit for transporting an intermodal shipping container under the provisions of Transportation Code, Chapter 623, Subchapter U, ~~as added by Chapter 108 (S.B. 1524), Acts of the 85th Legislature, Regular Session, 2017.~~

(b) Application for permit.

(1) To qualify for an intermodal shipping container port permit, a person must submit an application to the department.

(2) The application shall be in a form prescribed by the department and at a minimum, will require the following:

(A) name, customer identification number, and address of the applicant;

(B) name, telephone number, and email address of contact person;

(C) vehicle information, including vehicle year, make, license plate number and state of issuance, and vehicle identification number;

(D) a list of counties in which the vehicle will be operated;

(E) a list of municipalities in which the vehicle will be operated; and

(F) applicant's USDOT Number if applicant is required by law to have a USDOT Number.

(3) The application shall be accompanied by the total annual permit fee of \$6,000.

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1 ~~[(4) Fees for permits issued under this section are payable as required by §219.11(f)~~
2 ~~of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

3 (c) Issuance and placement of permit and windshield sticker; restrictions.

4 (1) A permit and a windshield sticker will be issued once the application is
5 approved, and each will be mailed to the applicant at the address contained in the application.

6 (2) The windshield sticker shall be affixed to the inside of the windshield of the
7 vehicle in accordance with the diagram printed on the back of the sticker and in a manner that will
8 not obstruct the vision of the driver. Any attempt to remove the sticker from the windshield will
9 render the sticker void and will require a new permit and sticker.

10 (3) A replacement sticker for a lost, stolen, or mutilated windshield sticker may be
11 issued, provided that the permittee submits a request on a form approved by the department
12 which shall include a statement, signed by the permittee, affirming that the sticker was lost,
13 stolen, or mutilated. The replacement sticker shall only be valid for the permitted vehicle.

14 (d) Amendments. An annual permit issued under this section will not be amended except in
15 the case of department error.

16 (e) Transfer of permit. A permit issued under this section may only be transferred once
17 during the term of the permit from one vehicle to another vehicle in the permittee's fleet
18 provided:

19 (1) the permitted vehicle is destroyed or otherwise becomes permanently
20 inoperable, to an extent that it will no longer be utilized, and the permittee presents proof that
21 the negotiable title or other qualifying documentation, as determined by the department, has
22 been surrendered to the department; or

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(2) the title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof that the negotiable title or other qualifying documentation, as determined by the department, has been transferred from the permittee.

(f) Termination of permit. An annual permit issued under this section will automatically terminate, and the windshield sticker must be removed from the vehicle:

(1) on the expiration of the permit;

(2) when the lease of the vehicle expires;

(3) on the sale or other transfer of ownership of the vehicle for which the permit was issued; or

(4) on the dissolution or termination of the partnership, corporation, or other legal entity to which the permit was issued.

(g) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department.

(h) Construction or maintenance areas.

(1) The permitted vehicle may not travel through any state highway construction or maintenance area if prohibited by the construction restrictions published by the department.

(2) The permittee is responsible for contacting the appropriate local jurisdiction for construction or maintenance restrictions on non-state maintained roadways.

(i) Nighttime ~~[Night]~~ movement. Nighttime ~~[Night]~~ movement is allowed under this permit, unless prohibited by the curfew movement restrictions published by the department.

(j) Manufacturer's tire load rating. Permits issued under this section do not authorize the vehicle to exceed the manufacturer's tire load rating.

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(k) A truck-tractor and semitrailer combination is only eligible for a permit issued under this section if the truck-tractor is equipped with truck blind spot systems, and each vehicle in the combination is equipped with a roll stability support safety system.

(l) A truck-tractor and semitrailer combination is only eligible for a permit issued under Transportation Code, §623.402(a) if the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches. For the purposes of this subsection, "approximately 647 inches" means the distance can be up to 15 percent above 647 inches for a total distance of 744.05 inches.

(m) A truck-tractor and semitrailer combination is only eligible for a permit issued under Transportation Code, §623.402(b) if the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches. For the purposes of this subsection, "approximately 612 inches" means the distance can be up to 15 percent above 612 inches for a total distance of 703.8 inches.

SUBCHAPTER D. PERMITS FOR OVERSIZE AND OVERWEIGHT OIL WELL RELATED VEHICLES

§219.41. General Requirements.

(a) General information.

(1) Permits issued under this subchapter, with the exception of permits issued under §219.45 of this title (relating to Permits for Vehicles Transporting Liquid Products Related to Oil Well Production), are subject to the requirements of this section.

(2) Oil well related vehicles are eligible for:

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1 (A) single-trip mileage permits;

2 (B) quarterly hubometer permits; and

3 (C) annual permits.

4 (b) Permit application. All applications shall be made on a form and in a manner prescribed by
5 the department. An applicant shall provide all applicable information, including:

6 (1) name, customer identification number, and address of the applicant;

7 (2) name, telephone number, and email address of contact person;

8 (3) year, make, and vehicle identification number of the unit;

9 (4) width, height, and length of the unit;

10 (5) unit axle and tire information, including number of axles, distance between axles,
11 gauge per axle, axle weights, number of tires, and tire size;

12 (6) applicant's USDOT Number if applicant is required by law to have a USDOT Number;

13 and

14 (7) any other information required by law.

15 ~~[(c) Payment of permit fees. Fees for permits issued under this subchapter are payable as~~
16 ~~described in §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and~~
17 ~~Procedures).]~~

18 (c) ~~[(d)]~~ Restrictions.

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(1) A vehicle permitted under this subchapter is subject to the restrictions specified in §219.11(l)(2) and (3), and the permittee is responsible for obtaining information concerning current restrictions from the department.

(2) Vehicles permitted under this subchapter may not cross a load restricted bridge when exceeding the posted capacity of such. Vehicles permitted under this subchapter may travel on a load restricted road unless otherwise noted.

(3) A vehicle permitted under this subchapter may travel through highway construction or maintenance areas provided the dimensions do not exceed the construction restrictions as published by the department.

(4) A unit exceeding nine feet in width, 14 feet in height, or 65 feet in length is restricted to daytime ~~[daylight]~~ movement only.

(d) ~~[(e)]~~ Transferability. Unless otherwise noted, a permit issued under this subchapter may not be transferred between units or permittees.

(e) ~~[(f)]~~ Escort requirements. In addition to any other escort requirements specified in this subchapter, vehicles permitted under this subchapter are subject to the escort requirements specified in §219.11(k).

219.42 Single-Trip Mileage Permits

(a) General information.

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(1) Permits issued under this section are subject to the requirements of §219.41 of this title (relating to General Requirements).

(2) A single-trip mileage permit:

(A) is limited to a maximum of seven consecutive days;

(B) routes the vehicle from the point of origin to the point of destination and has the route listed on the permit; and

(C) allows the unit to be returned to the point of origin on the same permit, provided the return trip is made within the time period stated in the permit.

(3) A unit exceeding 175,000 pounds gross weight must:

(A) have front and rear escort flag vehicles to prevent traffic from traveling beside the unit as it crosses a bridge;

(B) cross all multi-lane bridges by centering the unit on a lane line;

(C) cross all two-lane bridges in the center of the bridge; and

(D) cross each bridge at a speed not greater than 20 miles per hour.

(4) A unit exceeding 12 feet in width must be centered in the outside traffic lane of any highway that has paved shoulders.

(b) Maximum permit weight limits.

(1) The maximum permit weight for any single axle must not exceed 30,000 pounds or 850 pounds per inch of tire width, whichever is less.

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1 (2) The maximum permit weight for any group of axles on a unit will be determined by
2 calculating the "W" weight for the group, using the formulas shown in Figure 2: 43 TAC §219.42(f), titled
3 "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding
4 "W" weight that is established in Figure 1: 43 TAC §219.42(f), titled "Maximum Permit Weight Table."

5 (3) The maximum permit weight per inch of tire width for axles that are steerable must
6 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
7 steerable must not exceed 850 pounds.

8 (4) A unit that does not have any group of axles that exceeds the limits established in
9 Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f),
10 "Maximum Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer
11 permit for travel on any route that does not include a load restricted bridge.

12 (5) A unit that has any group of axles that exceeds the limits established by Figure 1: 43
13 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum Permit
14 Weight Formulas" will be eligible, on an individual case-by-case basis, for a single-trip mileage permit
15 only; permit approval or denial will be based on a detailed route study and an analysis conducted by
16 TxDOT of each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable
17 of sustaining the movement.

18 (6) A road or bridge that has been analyzed and determined to be incapable of
19 sustaining the unit will be excluded from the permit route.

20 (c) Permit application and issuance.

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1 (1) An application for a single-trip mileage permit under this section must be made in
2 accordance with §219.41(b) of this title and shall also include the origin and destination points of the
3 unit.

4 (2) Upon receipt of the application, the department will review and verify unit size and
5 weight information, check route and mileage to be traveled, compute the permit fee, and advise the
6 applicant of the permit fee.

7 (3) Upon receipt of the permit fee, the department will advise the applicant of the
8 permit number, and will provide a copy of the permit to the applicant.

9 (d) Permit fees and refunds.

10 (1) Minimum fee. The minimum fee for a single-trip mileage permit is either the
11 calculated permit fee or \$31, whichever is the greater amount.

12 (2) Permit fee calculation. The fee for a single-trip mileage permit is calculated by
13 multiplying the number of miles traveled, the highway use factor, and the total rate per mile, and then
14 adding the indirect cost share to the product.

15 (A) Highway use factor. The highway use factor for a single trip mileage permit is
16 0.6.

17 (B) Total rate per mile. The total rate per mile is the combined mileage rates for
18 width, height, and weight for the unit. For a trailer-mounted ~~[trailer-mounted]~~ unit, the total rate per
19 mile is based on the overall width, overall height, and all axle weights, including the truck-tractor axles.

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(i) The mileage rate for width is \$.06 per mile for each foot (or fraction thereof) above legal width.

(ii) The mileage rate for height is \$.04 per mile for each foot (or fraction thereof) above legal height.

(iii) The mileage rate for a single axle or any axle within a group that exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle group and dividing the resultant figure by 1,000 pounds.

(iv) The mileage rate for a single axle or any axle within a group that exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle group and dividing the resultant figure by 1,000 pounds.

(3) Permit fees for trailer-mounted ~~[trailer-mounted]~~ units.

~~[(A)]~~ The permit fee for a trailer-mounted ~~[trailer-mounted]~~ unit is based on the overall width, overall height, and all axle weights, including the truck-tractor axles.

~~[(B) A unit with two or more axle groups that do not have a spacing of at least 12 feet between the closest axles of the opposing groups must have the permit fee calculated by the following method.]~~

~~[(i) The axle group with the lowest weight will have the axle closest to the next axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet between the two groups for fee calculation purposes.]~~

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~~[(ii) An axle group will not have more than one axle disregarded.]~~

~~[(iii) The permit fee for the axle group with the temporarily disregarded~~

~~axle must be based on the actual weight of the entire axle group minus the legal weight for the~~

~~remaining axles of the group.]~~

(4) Refunds. Fees for permits issued under this section are non-refundable.

(e) Amendments. A single-trip mileage permit may not be amended unless an exception is granted by the department.

(f) Weight table and formulas. The following table entitled "Maximum Permit Weight Table" is Figure 1: 43 TAC §219.42(f), and the list of formulas entitled, "Maximum Permit Weight Formulas," is Figure 2: 43 TAC §219.42(f).

[Attached Graphic](#)

[Attached Graphic](#)

219.43 Quarterly Hubometer Permits

(a) General information.

(1) Permits issued under this section are subject to the requirements of §219.41 of this title (relating to General Requirements).

(2) A quarterly hubometer permit:

(A) is effective for three consecutive months;

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1 (B) allows the unit to travel on all state-maintained highways; and

2 (C) allows the unit to travel on a state-wide basis.

3 (3) A unit permitted under this subsection must not exceed any of the following
4 dimensions:

5 (A) 12 feet in width;

6 (B) 14 feet, 6 inches in height; and

7 (C) 95 feet in length.

8 (4) With the exception of units that are overlength only, a unit operated with a permit
9 issued under this section must be equipped with a hubometer. The permittee must maintain the
10 hubometer in good working condition.

11 (5) A unit exceeding 175,000 pounds gross weight must:

12 (A) have front and rear escort flag vehicles to prevent traffic from traveling
13 beside the unit as it crosses a bridge;

14 (B) cross all multi-lane bridges by centering the unit on a lane line;

15 (C) cross all two-lane bridges in the center of the bridge; and

16 (D) cross each bridge at a speed not greater than 20 miles per hour.

17 (b) Maximum permit weight limits.

18 (1) The maximum permit weight for any single axle must not exceed 30,000 pounds or
19 850 pounds per inch of tire width, whichever is less.

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1 (2) The maximum permit weight for any group of axles on a unit will be determined by
2 calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.42(f), "Maximum
3 Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight
4 that is established in Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table."

5 (3) The maximum permit weight per inch of tire width for axles that are steerable must
6 not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not
7 steerable must not exceed 850 pounds.

8 (4) A unit that does not have any group of axles that exceeds the limits established in
9 Figure 1: 43 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f),
10 "Maximum Permit Weight Formulas" will be permitted with a single-trip mileage or quarterly hubometer
11 permit for travel on any route that does not include a load restricted bridge.

12 (5) A unit that has any group of axles that exceeds the limits established by Figure 1: 43
13 TAC §219.42(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.42(f), "Maximum Permit
14 Weight Formulas" will be eligible, on an individual case-by-case basis, for a single-trip mileage permit
15 only; permit approval or denial will be based on a detailed route study and an analysis conducted by
16 TxDOT of each bridge on the proposed travel route to determine if the road(s) and bridge(s) are capable
17 of sustaining the movement.

18 (6) A bridge that has been analyzed and determined to be incapable of sustaining the
19 unit will be excluded from the permit route.

20 (c) Initial permit application and issuance.

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1 (1) An application for an initial quarterly hubometer permit under this section must be
2 made in accordance with §219.41(b) of this title. In addition, the applicant must provide the current
3 hubometer mileage reading and an initial \$31 processing fee.

4 (2) Upon verification of the unit information and receipt of the permit fee, the
5 department will provide a copy of the permit to the applicant, as well as a renewal application.

6 (d) Permit renewals and closeouts.

7 (1) An application for a permit renewal or closeout must be made on a form and in the
8 manner prescribed by the department.

9 (2) Upon receipt of the renewal application, the department will verify unit information,
10 check mileage traveled on the last permit, calculate the new permit fee, and advise the applicant of the
11 permit fee.

12 (e) Permit fees.

13 (1) Minimum fee. The minimum fee for a quarterly hubometer permit is either the
14 calculated permit fee or \$31, whichever is the greater amount.

15 (2) Fees for overlength units. A unit that is overlength only must obtain a quarterly
16 hubometer permit with a fee of \$31, but is not required to have a hubometer.

17 (3) Quarterly hubometer permit fee calculation. The permit fee for a quarterly
18 hubometer permit is calculated by multiplying the hubometer mileage, the highway use factor, and the
19 total rate per mile, and then adding the indirect cost share to the product.

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1 (A) Hubometer mileage. Mileage for a quarterly hubometer permit is
2 determined by the unit's current hubometer mileage reading minus the unit's hubometer mileage
3 reading from the previous quarterly hubometer permit.

4 (B) Highway use factor. The highway use factor for a quarterly hubometer permit
5 is 0.3.

6 (C) Total rate per mile. The total rate per mile is the combined mileage rates for
7 width, height, and weight for the unit. The rate per mile for a trailer-mounted ~~[trailer-mounted]~~ unit is
8 based on the overall width, overall height, and all axle weights, including the truck-tractor axles.

9 (i) The mileage rate for width is \$.06 per mile for each foot (or fraction
10 thereof) above legal width.

11 (ii) The mileage rate for height is \$.04 per mile for each foot (or fraction
12 thereof) above legal height.

13 (iii) The mileage rate for a single axle or any axle within a group that
14 exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045
15 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
16 group and dividing the resultant figure by 1,000 pounds.

17 (iv) The mileage rate for a single axle or any axle within a group that
18 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055
19 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
20 group and dividing the resultant figure by 1,000 pounds.

21 (4) Permit fees for trailer-mounted ~~[trailer-mounted]~~ units.

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1 ~~[(A)]~~ The permit fee for a trailer-mounted ~~[trailer-mounted]~~ unit is based on the
2 overall width, overall height, and all axle weights, including the truck-tractor axles.

3 ~~[(B) A unit with two or more axle groups that does not have a spacing of at least~~
4 ~~12 feet between the closest axles of the opposing groups must have the permit fee calculated by the~~
5 ~~following method.]~~

6 ~~[(i) The axle group with the lowest weight will have the axle closest to~~
7 ~~the next axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet~~
8 ~~between the two groups for fee calculation purposes.]~~

9 ~~[(ii) An axle group will not have more than one axle disregarded.]~~

10 ~~[(iii) The permit fee for the axle group with the temporarily disregarded~~
11 ~~axle must be based on the actual weight of the entire axle group minus the legal weight for the~~
12 ~~remaining axles of the group.]~~

13 (f) Amendments. A quarterly hubometer permit may be amended only to change the following:

14 (1) if listed on the permit, the hubometer serial number; or

15 (2) the license plate number.

16
17 §219.44. Annual Permits.

18 (a) General information. Permits issued under this section are subject to the requirements of
19 §219.41 of this title (relating to General Requirements).

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(1) Annual self-propelled oil well servicing unit permits.

~~[(A) A unit that does not exceed legal size and weight limits and is registered with a permit plate must purchase an annual permit issued under this section.]~~

~~[(B)]~~ The fee for an annual self-propelled oil well servicing unit permit is \$52 per axle. The indirect cost share is included in this fee.

(2) Annual oil field rig-up truck permits.

(A) An oil field rig-up truck permitted under this section must not exceed:

(i) legal height or length limits, as provided in Transportation Code, Chapter 621, Subchapter C;

(ii) 850 pounds per inch of tire width on the front axle;

(iii) 25,000 pounds on the front axle; or

(iv) legal weight on all other axles.

(B) An oil field rig-up truck, operating under an annual permit, must be registered in accordance with Transportation Code, Chapter 502.

(C) The annual permit fee for an oil field rig-up truck is \$52. The indirect cost share is included in this fee.

(D) An annual permit for an oil field rig-up truck allows the unit to travel at nighttime ~~night~~, provided the unit does not exceed nine feet in width.

(3) A permit issued under this section may not be amended.

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1 (4) A permit issued under this section allows travel on a statewide basis and on all state
2 maintained highways.

3 (b) Permit application and issuance.

4 (1) An application for an annual permit under this section must be made in accordance
5 with §219.41(b) of this title.

6 (2) Upon receipt of the application and the appropriate fees, the department will
7 provide a copy of the permit to the applicant.

8
9 §219.45. Permits for Vehicles Transporting Liquid Products Related to Oil Well Production.

10 (a) General provisions. This section applies to the following vehicles which may secure an annual
11 permit issued under provisions of Transportation Code, Chapter 623, Subchapter G, to haul liquid loads
12 over all state-maintained highways.

13 (1) A vehicle combination consisting of a truck-tractor and semi-trailer specifically
14 designed with a tank and pump unit for transporting:

15 (A) liquid fracking [~~fracing~~] products, liquid oil well waste products, or unrefined
16 liquid petroleum products to an oil well; or

17 (B) unrefined liquid petroleum products or liquid oil well waste products from an
18 oil well not connected to a pipeline.

19 (2) A permit issued under this section is effective for one year beginning on the effective
20 date.

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(b) Application for permit.

(1) An application for an annual permit under this section must be made in accordance with §219.41(b) of this title (relating to General Requirements).

(2) The permit request must be received by the department not more than 14 days prior to the date that the permit is to begin.

(c) Permit qualifications and requirements.

(1) The semi-trailer must be of legal size and weight.

~~[(2) The semi-trailer must be registered for the maximum legal gross weight.]~~

(2) ~~[(3)]~~ Only one semi-trailer will be listed on a permit.

(3) ~~[(4)]~~ The permit may be transferred from an existing trailer being removed from service and placed on a new trailer being added to the permittee's fleet, if the permittee supplies the department with:

(A) the existing valid permit number;

(B) the make and model of the new trailer;

(C) the license plate number of the new trailer; and

(D) a transfer fee of \$31 per permit to cover administrative costs.

(d) Fees. ~~[All fees associated with permits issued under this section are payable as described in §219.11(f) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).]~~

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(1) The permit fee is based on the axles of the semi-trailer and the drive axles of the truck-tractor. The fee for the permit, which includes the indirect cost share, is determined as follows:

(A) \$52 per axle--to haul liquid oil well waste products or unrefined liquid petroleum products from oil wells not connected by a pipeline and return empty;

(B) \$52 per axle--to haul liquid products related to oil well production to an oil well and return empty; and

(C) \$104 per axle--to haul liquid products related to oil well production to an oil well and return with liquid oil well waste products or unrefined liquid petroleum products from an oil well not connected to a pipeline.

(2) Each permittee will be charged a \$20 issuance fee in addition to the permit fee.

(e) Permit movement conditions. The permit load must not cross any load-restricted bridge when exceeding the posted capacity of such.

SUBCHAPTER E. PERMITS FOR OVERSIZE AND OVERWEIGHT UNLADEN LIFT EQUIPMENT MOTOR VEHICLES

219.60 Purpose

The sections in this subchapter set forth the requirements and procedures applicable to permits issued for unladen lift equipment motor vehicles [cranes] under the provisions of Transportation Code, Chapter 623, Subchapters I and J.

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§219.61. General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles.

(a) General information.

(1) Unless otherwise noted, permits issued under this subchapter are subject to the requirements of this section.

(2) Unladen lift equipment motor vehicles ~~[Cranes]~~ are eligible for an annual permit under this subchapter.

(3) Unladen lift equipment motor vehicles ~~[Cranes]~~ are also eligible for the following permits under this subchapter at weights above those established by §219.11(d)(2) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures):

(A) single-trip mileage permits; and

(B) quarterly hubometer permits.

~~[(4) If a truck tractor is used to transport a trailer-mounted crane, the combination of vehicles is limited to the dimensions and weights listed in this subchapter.]~~

(b) Permit application. An application shall be made on a form and in a manner prescribed by the department. The applicant shall provide all applicable information, including:

(1) name, customer identification number, and address of the applicant;

(2) name, telephone number, and email address of contact person;

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1 (3) year, make and vehicle identification number of the unladen lift equipment motor
2 vehicle [crane];

3 (4) width, height, and length of the unladen lift equipment motor vehicle [crane];

4 (5) unladen lift equipment motor vehicle [crane] axle and tire information, including the
5 number of axles, distance between axles, gauge per axle, axle weights, number of tires, and tire size;

6 (6) applicant's USDOT Number if applicant is required by law to have a USDOT Number;
7 and

8 (7) any other information required by law.

9 ~~[(c) Payment of permit fees. Fees for permits issued under this subchapter are payable as~~
10 ~~described in §219.11(f) of this title.]~~

11 (c) ~~[(d)]~~ Restrictions.

12 (1) An unladen lift equipment motor vehicle [A-crane] permitted under this subchapter is
13 subject to the restrictions specified in §219.11(l)(2) and (3) of this title, and the permittee is responsible
14 for obtaining information concerning current restrictions from the department.

15 (2) An unladen lift equipment motor vehicle [A-crane] permitted under this subchapter
16 may travel through highway construction or maintenance areas provided the dimensions do not exceed
17 the construction restrictions as published by the department.

18 (3) An unladen lift equipment motor vehicle [A-crane] permitted under this subchapter
19 may only be operated during daytime [daylight], unless:

20 (A) the unladen lift equipment motor vehicle [crane] is overweight only; or

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(B) the unladen lift equipment motor vehicle ~~[crane]~~ complies with one of the following, regardless of whether the unladen lift equipment motor vehicle ~~[crane]~~ is overweight:

(i) the unladen lift equipment motor vehicle ~~[crane]~~ does not exceed nine feet in width, 14 feet in height, or 65 feet in length; or

(ii) the unladen lift equipment motor vehicle ~~[crane]~~ is accompanied by a front and rear escort flag vehicle and does not exceed:

(I) 10 feet, 6 inches in width;

(II) 14 feet in height; or

(III) 95 feet in length.

(d) [(e)] Transferability. Unless otherwise noted, a permit issued under this subchapter may not be transferred between unladen lift equipment motor vehicles ~~[cranes]~~ or between permittees.

(e) [(f)] Escort requirements. In addition to any other escort requirements specified in this subchapter, unladen lift equipment motor vehicles ~~[cranes]~~ permitted under this subchapter are subject to the escort requirements specified in §219.11(k) of this title.

~~[(g) Properly secured equipment. A crane permitted under this subchapter may travel with properly secured equipment, such as outriggers, booms, counterweights, jibs, blocks, balls, cribbing, outrigger pads, and outrigger mats, in accordance with the manufacturer's specifications to the extent the equipment is necessary for the crane to perform its intended function, provided the axle weights, axle group weights, and gross weight do not exceed the maximum permit weights listed in this subchapter.]~~

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1

2 §219.62. Single-Trip ~~[Single-Trip]~~ Mileage Permits.

3 (a) General information.

4 (1) Permits issued under this section are subject to the requirements of §219.61 of this
5 title (relating to General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment
6 Motor Vehicles).

7 (2) A single-trip mileage permit:

8 (A) is limited to a maximum of seven consecutive days;

9 (B) is routed from the point of origin to the point of destination and has the
10 route listed on the permit; and

11 (C) allows the unladen lift equipment motor vehicle ~~[crane]~~ to be returned to
12 the point of origin on the same permit, provided the return trip is made within the time period stated in
13 the permit.

14 (3) An unladen lift equipment motor vehicle ~~[A crane]~~ exceeding 175,000 pounds gross weight
15 must:

16 (A) have front and rear escort flag vehicles to prevent traffic from traveling
17 beside the unladen lift equipment motor vehicle ~~[crane]~~ as it crosses a bridge;

18 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
19 vehicle ~~[crane]~~ on a lane line;

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(C) cross all two-lane bridges in the center of the bridge; and

(D) cross each bridge at a speed not greater than 20 miles per hour.

(4) An unladen lift equipment motor vehicle [~~A crane~~] exceeding 12 feet in width must be centered in the outside traffic lane of any highway that has paved shoulders.

(5) Except as otherwise provided in this section, the permitted unladen lift equipment motor vehicle [~~crane~~] must not cross a load-restricted bridge when exceeding the posted capacity of the bridge.

(b) Maximum permit weight limits.

(1) The maximum permit weight for any single axle must not exceed 30,000 pounds or 850 pounds per inch of tire width, whichever is less.

(2) The maximum permit weight for any group of axles on an unladen lift equipment motor vehicle [~~a crane~~] is determined by calculating the "W" weight for the group, using the formulas shown in Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight that is established in Figure 1: 43 TAC §219.62(f), "Maximum Permit Weight Table."

(3) The maximum permit weight per inch of tire width for axles that are steerable must not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not steerable must not exceed 850 pounds.

(4) An applicant with an unladen lift equipment motor vehicle [~~a crane~~] that has any group of axles that exceeds the limits established by Figure 1: 43 TAC §219.62(f), "Maximum Permit

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Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," must comply with the following process and requirements:

(A) submit the following to the department to determine if a permit can be issued:

(i) a detailed diagram, on a form prescribed by the department, which illustrates the required information listed in §219.61(b)(5) of this title;

(ii) the exact beginning and ending points relative to a state highway; and

(iii) the name and contact information of the applicant's TxDOT-approved licensed professional engineer.

(B) The department will select and provide the applicant with a tentative route based on the size of the unladen lift equipment motor vehicle ~~[crane]~~, excluding the weight. The applicant must inspect the tentative route and advise the department, in writing, that the route is capable of accommodating the unladen lift equipment motor vehicle ~~[crane]~~.

(C) Before the department will issue a permit, the applicant's TxDOT-approved licensed professional engineer must submit to TxDOT a written certification that includes a detailed structural analysis of the bridges on the proposed route demonstrating that the bridges and culverts on the travel route are capable of sustaining the unladen lift equipment motor vehicle ~~[crane]~~. The certification must be approved by TxDOT and submitted to the department before the department will issue the permit.

(c) Permit application and issuance.

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(1) An application for a single-trip mileage permit under this section must be made in accordance with §219.61(b) of this title and must also include the origin and destination points of the unladen lift equipment motor vehicle ~~[crane]~~.

(2) Upon receipt of the application, the department will review and verify size and weight information, check the route and mileage to be traveled, compute the permit fee, and advise the applicant of the permit fee.

(3) Upon receipt of the permit fee, the department will advise the applicant of the permit number and will provide a copy of the permit to the applicant.

(d) Permit fees and refunds.

(1) Minimum fee. The minimum fee for a single-trip mileage permit is either the calculated permit fee or \$31, whichever is the greater amount.

(2) Permit fee calculation. The permit fee for a single-trip mileage permit is calculated by multiplying the number of miles traveled, the highway use factor, and the total rate per mile, and then adding the indirect cost share to the product.

(A) Highway use factor. The highway use factor for a single-trip mileage permit is 0.6.

(B) Total rate per mile. The total rate per mile is the combined mileage rates for width, height, and weight for the unladen lift equipment motor vehicle. ~~[crane. The rate per mile for a trailer-mounted crane is based on the overall width, overall height, and all axle weights, including the truck-tractor axles.]~~

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(i) The mileage rate for width is \$.06 per mile for each foot (or fraction thereof) above legal width.

(ii) The mileage rate for height is \$.04 per mile for each foot (or fraction thereof) above legal height.

(iii) The mileage rate for a single axle or any axle within a group that exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle group and dividing the resultant figure by 1,000 pounds.

(iv) The mileage rate for a single axle or any axle within a group that exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle group and dividing the resultant figure by 1,000 pounds.

~~[(3) Exceptions to fee computations. A crane with two or more axle groups that does not have a spacing of at least 12 feet between the closest axles of the opposing groups must have the permit fee calculated by the following method.]~~

~~[(A) The axle group with the lowest weight will have the axle closest to the next axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet between the two groups for fee calculation purposes.]~~

~~[(B) An axle group will not have more than one axle disregarded.]~~

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1 ~~[(C) The permit fee for the axle group with the temporarily disregarded axle~~
2 ~~must be based on the actual weight of the entire axle group minus the legal weight for the remaining~~
3 ~~axles of the group.]~~

4 (3) [(4)] Refunds. Fees for permits issued under this section are non-refundable.

5 (e) Amendments. A single-trip mileage permit issued under this section may not be amended
6 unless an exception is granted by the department.

7 (f) Weight table and formulas. The following table entitled "Maximum Permit Weight Table" is
8 Figure 1: 43 TAC §219.62(f), and the list of formulas entitled "Maximum Permit Weight Formulas," is
9 Figure 2: 43 TAC §219.62(f).

10 [Attached Graphic](#)

11 [Attached Graphic](#)

12
13 219.63 Quarterly Hubometer Permits

14 (a) General information.

15 (1) Permits issued under this section are subject to the requirements of §219.61 of this
16 title (relating to General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment
17 Motor Vehicles).

18 (2) A quarterly hubometer permit:

19 (A) is effective for three consecutive months;

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1 (B) allows the unladen lift equipment motor vehicle [~~crane~~] to travel on all state-
2 maintained highways; and

3 (C) allows the unladen lift equipment motor vehicle [~~crane~~] to travel on a state-
4 wide basis.

5 (3) An unladen lift equipment motor vehicle [~~A crane~~] permitted under this section must
6 not exceed any of the following dimensions:

7 (A) 12 feet in width;

8 (B) 14 feet, 6 inches in height; or

9 (C) 95 feet in length.

10 (4) With the exception of unladen lift equipment motor vehicles [~~cranes~~] that are
11 overlength only, unladen lift equipment motor vehicles [~~cranes~~] operated with a quarterly hubometer
12 permit must be equipped with a hubometer. The permittee must maintain the hubometer in good
13 working condition.

14 (5) An unladen lift equipment motor vehicle [~~A crane~~] exceeding 175,000 pounds gross
15 weight must:

16 (A) have front and rear escort flag vehicles to prevent traffic from traveling
17 beside the unladen lift equipment motor vehicle [~~crane~~] as it crosses a bridge;

18 (B) cross all multi-lane bridges by centering the unladen lift equipment motor
19 vehicle [~~crane~~] on a lane line;

20 (C) cross all two-lane bridges in the center of the bridge; and

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(D) cross each bridge at a speed not greater than 20 miles per hour.

(6) The permitted unladen lift equipment motor vehicle ~~[crane]~~ must not cross a load-restricted bridge when exceeding the posted capacity of the bridge.

(7) The permit may be amended only to change the following:

(A) if listed on the permit, the hubometer serial number; or

(B) the license plate number.

(b) Maximum permit weight limits.

(1) The maximum permit weight for any single axle must not exceed 30,000 pounds or 850 pounds per inch of tire width, whichever is less.

(2) The maximum permit weight for any group of axles on an unladen lift equipment motor vehicle ~~[a crane]~~ will be determined by calculating the "W" weight for the group, using the formulas in Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," and comparing the calculated "W" weight with the corresponding "W" weight that is established in Figure 1[-]: 43 TAC §219.62(f), "Maximum Permit Weight Table."

(3) The maximum permit weight per inch of tire width for axles that are steerable must not exceed 950 pounds, and the maximum permit weight per inch of tire width for axles that are not steerable must not exceed 850 pounds.

(4) An unladen lift equipment motor vehicle ~~[A crane]~~ that has any group of axles that exceeds the limits established by Figure 1[-]: 43 TAC §219.62(f), "Maximum Permit Weight Table," and Figure 2: 43 TAC §219.62(f), "Maximum Permit Weight Formulas," is not eligible for a permit under this

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section; however, it is eligible for a permit under §219.62 of this title (relating to Single-Trip Mileage Permits).

(c) Initial permit application and issuance.

(1) An application for an initial quarterly hubometer permit must be made in accordance with §219.61(b) of this title. In addition, the applicant must provide the current hubometer mileage reading and an initial \$31 processing fee.

(2) Upon verification of the unladen lift equipment motor vehicle [~~crane~~] information and receipt of the permit fee, the department will provide a copy of the permit to the applicant, and will also provide a renewal application form to the applicant.

(d) Permit renewals and closeouts.

(1) An application for a permit renewal or closeout must be made on a form and in a manner prescribed by the department.

(2) Upon receipt of the renewal application, the department will verify the unladen lift equipment motor vehicle [~~crane~~] information, check mileage traveled on the last permit, calculate the new permit fee, and advise the applicant of the permit fee.

(e) Permit fees.

(1) Minimum fee. The minimum fee for a quarterly hubometer permit is either the calculated permit fee or \$31, whichever is the greater amount.

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(2) Fees for overlength unladen lift equipment motor vehicles [~~cranes~~]. An unladen lift equipment motor vehicle [~~A crane~~] that is overlength only is not required to have a hubometer. The fee for this permit is \$31.

(3) Quarterly hubometer permit fee calculation. The permit fee for a quarterly hubometer permit is calculated by multiplying the hubometer mileage, the highway use factor, and the total rate per mile, and then adding the indirect cost share to the product.

(A) Hubometer mileage. Mileage for a quarterly hubometer permit is determined by the unladen lift equipment motor vehicle's [~~crane's~~] current hubometer mileage reading minus the unladen lift equipment motor vehicle's [~~crane's~~] hubometer mileage reading from the previous quarterly hubometer permit.

(B) Highway use factor. The highway use factor for a quarterly hubometer permit is 0.3.

(C) Total rate per mile. The total rate per mile is the combined mileage rates for width, height, and weight for the unladen lift equipment motor vehicle [~~crane~~].

(i) The mileage rate for width is \$.06 per mile for each foot (or fraction thereof) above legal width.

(ii) The mileage rate for height is \$.04 per mile for each foot (or fraction thereof) above legal height.

(iii) The mileage rate for a single axle or any axle within a group that exceeds 20,000 pounds, but is less than or equal to 25,000 pounds, is calculated by multiplying \$.045

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1 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
2 group and dividing the resultant figure by 1,000 pounds.

3 (iv) The mileage rate for a single axle or any axle within a group that
4 exceeds 25,000 pounds, but is less than or equal to 30,000 pounds, is calculated by multiplying \$.055
5 times the amount by which the axle or axle group weight exceeds the legal weight for the axle or axle
6 group and dividing the resultant figure by 1,000 pounds.

7 ~~[(4) Special fee provisions. A crane with two or more axle groups that do not have a~~
8 ~~spacing of at least 12 feet between the closest axles of the opposing groups must have the permit fee~~
9 ~~calculated by the following method.]~~

10 ~~[(A) The axle group with the lowest weight will have the axle closest to the next~~
11 ~~axle group temporarily disregarded from its group in order to create a spacing of at least 12 feet~~
12 ~~between the two groups for fee calculation purposes.]~~

13 ~~[(B) An axle group will not have more than one axle disregarded.]~~

14 ~~[(C) The permit fee for the axle group with the temporarily disregarded axle~~
15 ~~must be based on the actual weight of the entire axle group minus the legal weight for the remaining~~
16 ~~axles of the group.]~~

17
18 219.64 Annual Permits

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(a) General information. Permits issued under this section are subject to the requirements of §219.61 of this title (relating to General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles).

(1) An unladen lift equipment motor vehicle ~~[A crane]~~ permitted under this section must not exceed:

(A) the weight limits established in §219.11(d)(1), (2), and (3) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures);

(B) a gross weight of 120,000 pounds;

(C) legal length and height limits as specified in Transportation Code, Chapter 621, Subchapter C; and

(D) 10 feet in width.

(2) A permit issued under this section may not be amended.

(3) An unladen lift equipment motor vehicle ~~[A crane]~~ permitted under this section must not cross a load-restricted bridge or a load-restricted road when exceeding the posted capacity of such.

(b) Permit application and issuance.

(1) Initial permit application. An application for an annual permit under this section must be made in accordance with §219.61(b) of this title.

(2) Permit issuance. Upon receipt of the application and the appropriate permit fee, the department will verify the application information and provide the permit to the applicant.

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SUBCHAPTER F. COMPLIANCE**§219.81. Applicability.**

(a) A person operating or loading a vehicle for which a permit under this chapter is required shall comply with all applicable terms, conditions, and requirements of the permit, and with this chapter and Transportation Code, Chapters 621, 622, or 623 as applicable.

(b) A person loading a vehicle or operating on a public road or highway a vehicle for which a permit under this chapter is not required shall comply with the weight and size provisions of Transportation Code, Chapters 621, 622, or 623.

~~[(c) Gross weight registration. A person may not operate on a highway or public road a vehicle that exceeds its gross weight registration.]~~

~~[\$219.84. Compliance with Remote Permit System.]~~

~~[A person who by contract is authorized by the department to access the electronic filing applications system shall comply with all of the requirements of the contract and any conditions placed on the permits.]~~

~~[\$219.86. Permit Compliance.]~~

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~~[A permit issued under this chapter becomes invalid immediately on the violation of a rule or a condition or requirement placed on the permit. Movement over a highway or public road of the vehicle for which the permit was issued after the permit becomes invalid under this section is a violation of this chapter and subject to enforcement action under this chapter and Transportation Code, Chapter 621, 622, or 623.]~~

SUBCHAPTER G. RECORDS AND INSPECTIONS

219.102 Records

(a) General records to be maintained. Each person who is subject to this chapter shall maintain the following records if information in such a record is necessary to verify the person's operation:

(1) operational logs, insurance certificates, and documents to verify the person's operations;

(2) complete and accurate records of services performed; and

(3) all certificate of title documents, shipper's certificate of weight, including information used to support the shipper's certificate of weight, weight tickets, permits for oversize or overweight vehicles and loads, dispatch records, load tickets, waybill or any other document that verify the operations of the vehicle to determine the actual weight, insurance coverage, size or capacity of the vehicle, and the size or weight of the commodity being transported.

(b) Evidence of permits.

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1 (1) Except as stated otherwise in §219.13(e)(4)(B)(ii) of this title (relating to Time
2 Permits), the original permit, a print copy of the permit, or an electronic copy of the permit must be
3 kept in the permitted vehicle until the permit terminates or expires.

4 (2) Except as stated otherwise in §219.13(e)(4)(B)(ii), an operator of a vehicle operating
5 under a permit issued under Transportation Code, Subtitle E, shall, on request, provide the original
6 permit, a print copy of the permit, or an electronic copy of the permit to a department inspector or to a
7 peace officer, as defined by Code of Criminal Procedure, Article 2.12.

8 (A) If the department provides a permit electronically, the vehicle operator may
9 provide a legible and accurate image of the permit displayed on a wireless communication device.

10 ~~[(B) The display of an image that includes permit information on a wireless~~
11 ~~communication device under this paragraph does not constitute effective consent for a law~~
12 ~~enforcement officer, or any other person, to access the contents of the wireless communication device~~
13 ~~except to view the permit information.]~~

14 (B) ~~[(C)]~~ The authorization of the use of a wireless communication device to
15 display permit information under this paragraph does not prevent the State Office of Administrative
16 Hearings or a court of competent jurisdiction from requiring a person to provide a paper copy of the
17 person's evidence of permit in a hearing or trial or in connection with discovery proceedings.

18 ~~[(D) A telecommunications provider, as defined by Utilities Code, §51.002, may~~
19 ~~not be held liable to the operator of the motor vehicle for the failure of a wireless communication~~
20 ~~device to display permit information under this paragraph.]~~

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(c) Preservation and destruction of records. Records required under this section shall be maintained for not less than two years, except that drivers' time cards and logs shall be maintained for not less than six months.

SUBCHAPTER H. ENFORCEMENT

~~[\$219.123. Implications for Nonpayment of Penalties; Grounds for Action.]~~

~~[The department may not issue an oversize or overweight permit to the person who has not paid an administrative penalty that is due or for the vehicle that is the subject of the enforcement order until the amount of the delinquent administrative penalty has been paid to the department.]~~

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

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Exhibit B

Board Meeting Date: 2/8/2024
ACTION ITEM

To: Texas Department of Motor Vehicles Board
From: David Richards, Associate General Counsel
Agenda Item: 8
Subject: Appointment of Members to the Household Goods Rules Advisory Committee (HGRAC)

RECOMMENDATION

Action Item. That the Texas Department of Motor Vehicles Board (board) appoint the individuals from the list of potential members presented to the board by the executive director as members of the Household Goods Rules Advisory Committee (HGRAC).

PURPOSE AND EXECUTIVE SUMMARY

To implement Texas Transportation Code §643.155, which requires the department establish a rules advisory committee consisting of the public, the department, and representatives of motor carriers transporting household goods using small, medium, and large equipment, the Board has established the HGRAC. This agenda item gives the Board an opportunity to appoint HGRAC members.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

At the October 2023 board meeting, the Board adopted rules to create HGRAC as a separate advisory committee to fulfill the requirement of Texas Transportation Code §643.155 that the Board create a rules advisory committee specifically to advise on issues relating to motor carriers transporting household goods. Under Texas Transportation Code §643.155(a), the HGRAC must be composed of “representatives of motor carriers transporting household goods using small, medium, and large equipment, the public, and the department.” Under Texas Government Code §2110.002(b), the HGRAC must include balanced representation from motor carriers that transport household goods and consumers of services provided by motor carriers that transport household goods. Finally, 43 Texas Administrative Code §206.93(d) provides that the members of the HGRAC should represent diverse geographical regions of the state to the extent practicable.

In accordance with 43 Texas Administrative Code §206.93(b), the board appoints advisory committee members by selecting potential members from a list provided to the board by the executive director. The appointment of the potential new HGRAC members identified by the executive director would add two members who represent motor carriers that transport household goods and two members who are not affiliated with the industry:

- Two motor carrier and mover representatives;
- One representative from the Federal Motor Carrier Safety Administration; and

- One member of law enforcement.

These proposed four new members would represent three separate geographic regions of the state: regions 4, 8, and 11.



No.	Potential Members	GeoRegion	County	Employer	License Affiliation
1	Tucker Briscoe	11	Williamson	Willis Permian Movers/Texas Moving - Vice President	Household Goods Mover
2	Christopher Moucka	08	Collin	IMS Relocation - General Manager	Household Goods Mover
3	Alexis Crockett	04	Dallas	City of Garland - Police Officer	Law Enforcement
4	Joanne Cisneros	11	Williamson	Federal Motor Carrier Safety Administration - Division Administrator	Federal Regulatory

No.	Members	GeoRegion	County	Employer	License Affiliation
1	Rodney Baumgartner	11	Llano	US Department of Transportation, Federal Motor Carrier Safety Administration - State Programs Manager	Federal Regulatory
2	Christopher Vinson	04	Ellis	Midlothian Police Department - Police Officer	Law Enforcement
3	Bill Andis	04	Dallas	Texas Moving Co., Inc. - Executive Vice President	Motor Carrier/Mover Representative
4	Dana Moore	11	Williamson	Texas Trucking Association - Vice President of Policy & Government Relations	Motor Carrier/Mover Representative
5	Dorothy Brooks	11	Travis	Texas Trucking Association/Southwest Movers Association (SMA) - Director of Operations	Motor Carrier/Mover Representative
6	Traci McCullah	06	Harris	Westar Moving & Storage, Inc. - Vice President	Moving & Storage
7	Christian Hertzberg	11	Travis	TxDMV - Enforcement Attorney	TxDMV Staff
8	Chelsea Ellis	11	Travis	Better Business Bureau serving the Heart of Texas - VP of Customer Development	Public

**Texas Department of Motor Vehicles**

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Board Meeting Date: 2/8/2024**BRIEFING ITEM**

To: Texas Department of Motor Vehicles Board
From: Brad Payne, Director of Purchasing
Agenda Item: 9.A
Subject: Notification of Pending Vehicle Title Forms Procurement with Estimated Value Exceeding \$5,000,000

RECOMMENDATION

Briefing Only.

PURPOSE AND EXECUTIVE SUMMARY

Texas Government Code §2261.255 requires that the procurement director of the department submit information to the board on the solicitation process for any contract that has a value exceeding \$5 million. This agenda item will provide the board with information about the pending vehicle title forms procurement, which has an estimated value exceeding \$5 million.

FINANCIAL IMPACT

The historical costs for past purchases of vehicle title forms indicate the value of any contract that may result from this procurement could be approximately \$700,000 per year from appropriated funds, with a total contract term of eight years.

BACKGROUND AND DISCUSSION

The department has a pending procurement to award a multi-year contract for vehicle title forms, which may have a lifetime value exceeding \$5 million over the term of the contract, if any extension or renewal options are exercised. Therefore, the director of purchasing has reviewed the pending solicitation including all documents attached thereto and verified “that the solicitation and purchasing methods and contractor selection process [therein] comply with state law and agency policy,” as required by Government Code §2261.255. At this time, staff do not anticipate any potential issues arising during the procurement process or any contract that may result therefrom.



To: Texas Department of Motor Vehicles Board
From: Salem Chuah, Internal Audit Division Director and Jason Gonzalez, Principal Internal Auditor
Agenda Item: 9.B
Subject: Internal Audit Division Status Update

RECOMMENDATION

Briefing Only.

PURPOSE AND EXECUTIVE SUMMARY

This status update provides information on current Internal Audit Division (IAD) engagements including the completed audit on Regional Service Centers.

FINANCIAL IMPACT

N/A

BACKGROUND AND DISCUSSION

Internal Engagements

IAD is going through the planning process for the Investigation Processes Audit and the Inventory/Asset Management Audit. The preliminary objective is to evaluate the intake process for complaints, the method for how investigations are prioritized, and the actions taken on investigation results. IAD is also going through the planning process for the Inventory/Asset Management Audit. The preliminary objective is to evaluate the Department's processes on accounting for, safeguarding, and reporting inventory and assets throughout the State. The objectives and scope for the two audits will be narrowed during the planning process prior to starting fieldwork. We anticipate completing the two engagements by the end of summer.

IAD completed the audit of selected Regional Service Centers (RSCs). The objectives of the audit were to determine whether RSCs process transactions uniformly, to determine whether RSCs adequately serve its customers, and to assess the culture at the RSCs. There were three results and eight recommendations:

- **Result #1:** While the Department established review processes for bonded titles, there are opportunities to automate and improve controls to ensure verification steps are performed.
- **Result #2:** The Department's Regional Service Center employees are assigned correct permission levels to the Registration and Title System based on areas of responsibility, but the Department should set schedules to periodically review those permission levels and ensure employees complete required trainings.
- **Result #3:** The Department conducts customer satisfaction surveys from the Regional Service Centers through various methods, but improvements can be made to the collection method and evaluation of customers' feedback.

There were also two observations. The first was that surveyed customers provided high satisfaction ratings for the RSCs and the second was that RSC employees' scoring of the current culture closely aligns with their preferred culture.

The eight recommendations are related to training to ensure RSC processes are completed uniformly, implementing Registration and Title System (RTS) features to decrease manual workflow and strengthen controls, reviewing user access on a periodic basis, recording customer service phone calls to perform quality assurance reviews, and making survey improvements to ensure data quality.

External Engagements

The State Auditor's Office requested an update on outstanding recommendations from its audit released in March 2023 on the Motor Vehicle Crime Prevention Authority's grant processes and the Department's temporary tags. As of January 2024, the Department has implemented two of the six recommendations.

Internal Audit Division Status

Internal Engagements

	Planning	<ul style="list-style-type: none">Investigations Processes AuditInventory/Asset Management Audit
	Fieldwork	N/A
	Reporting	N/A
	Completed	<ul style="list-style-type: none">Regional Service Centers Audit

External Engagements

	In-Progress	<ul style="list-style-type: none">N/A
	Completed	<ul style="list-style-type: none">State Auditor's Office - Recommendations Follow-up



Texas Department *of* Motor Vehicles

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Regional Service Centers Audit Report 23-05

Internal Audit Division
December 2023

Regional Service Centers Audit, 23-05

Executive Summary

The Vehicle Titles and Registration Division (VTR) of the Texas Department of Motor Vehicles (TxDMV or Department) operates 16 Regional Service Centers (RSCs). RSCs provide direct customer service for topics related to vehicle titles, temporary permits, and International Registration Plan credentials. RSCs play an integral role within the Department as its employees provide services to over one million customers annually. The objectives of the audit were to determine whether RSCs process transactions uniformly, to determine whether RSCs adequately serve its customers, and to access the culture at the RSCs.

WHAT WE FOUND

The audit found that RSC processes are at a Level 3 – Established: The function achieves its purpose in an organized way, following established processes, but those processes may not be consistently followed or well communicated. The Internal Audit Division (IAD) issued three results related to the audit objectives.

- **Result #1:** While the Department established review processes for bonded titles, there are opportunities to automate and improve controls to ensure verification steps are performed.
- **Result #2:** The Department's Regional Service Center employees are assigned correct permission levels to the Registration and Title System based on areas of responsibility, but the Department should set schedules to periodically review those permission levels and ensure employees complete required trainings.
- **Result #3:** The Department conducts customer satisfaction surveys from the Regional Service Centers through various methods, but improvements can be made to the collection method and evaluation of customers' feedback.

WHAT WE RECOMMEND

IAD made eight recommendations in this audit related to the following areas:



Training to ensure RSC processes are completed uniformly.



Recording customer service phone calls to perform quality assurance reviews.



Implementing Registration and Title System features to decrease manual work flow and strengthen controls.



Making QR code survey improvements to ensure data quality.



Reviewing user access on a periodic basis.

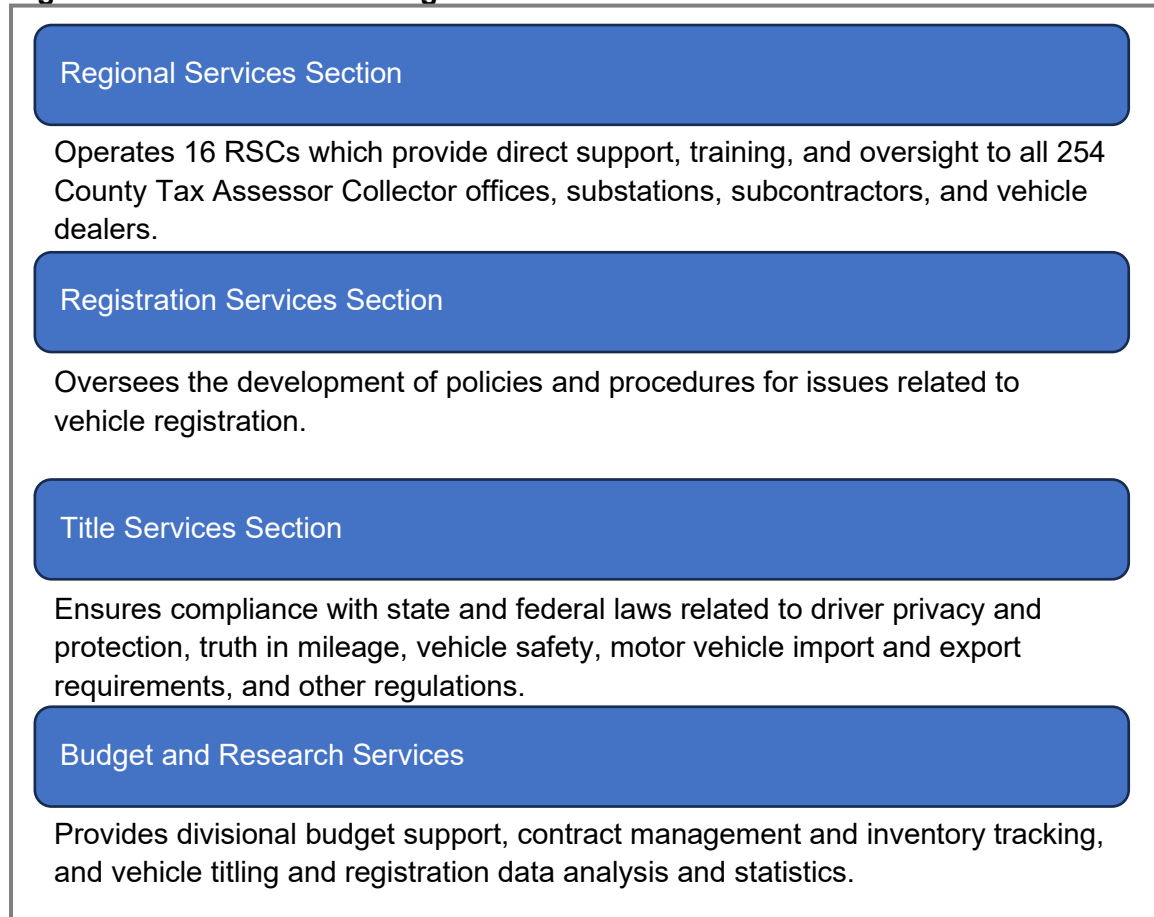
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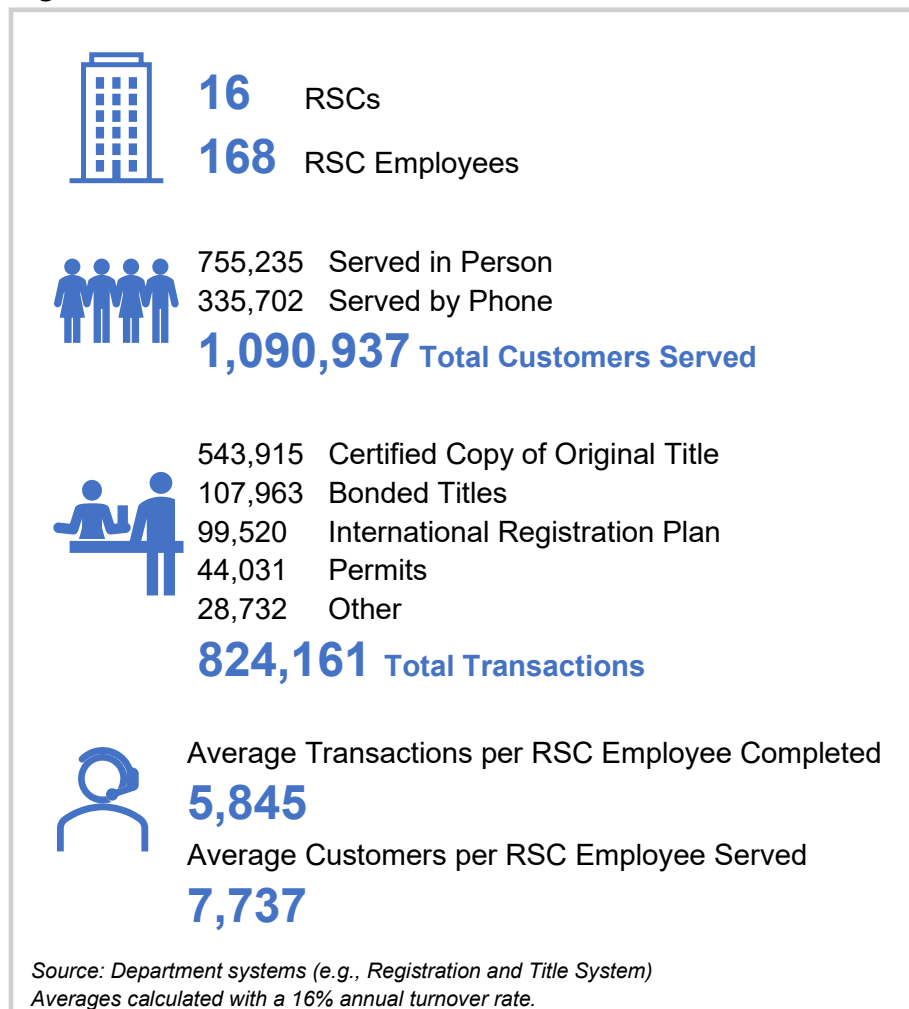
Background

The Vehicle Titles and Registration Division (VTR) is responsible for overseeing vehicle titling, vehicle registration, and license plates issuance. It oversees 16 Regional Service Centers (RSCs) and provides policy and procedural support to the 254 county tax assessor-collectors, who process registration and title applications throughout Texas. VTR also updates and maintains the state motor vehicle database. VTR is comprised of four sections: Regional Service Centers, Registration Services, Title Services and Budget and Research Services.

Figure 1: Vehicle Title and Registration Sections



In fiscal year (FY) 2023, RSCs serviced approximately one million customers and handled approximately 800,000 transactions (see **Figure 2**). The 16 RSCs are located in the following cities: Abilene, Amarillo, Austin, Beaumont, Corpus Christi, Dallas (Carrollton), El Paso, Fort Worth, Houston, Longview, Lubbock, Odessa, Pharr, San Antonio, Waco, and Wichita Falls.

Figure 2: FY2023 Customers and Transactions

In addition to serving customers in person and by phone, VTR management also stated that RSC employees respond to emails (approximately 200,000 outbound emails in FY2023), mail correspondence with multiple stakeholder groups, process surrendered junk titles, make International Registration Plan (IRP) updates, engage in training, and perform other research and administrative duties.

The audit scope focused on four RSCs of varying size and location: Abilene, Dallas, El Paso, and Houston. The top three transactions handled at the RSCs include:

- **Certified Copy of Original Title:** An owner or lienholder may obtain a certified copy of original title (CCO) if the original title has been lost, stolen or destroyed. The owner or lienholder, disclosed on the title, may obtain a certified copy of the title directly from the Department by applying and paying the applicable fee.
- **Bonded Title:** A Texas resident may obtain a bonded title file if the resident does not have satisfactory evidence of vehicle ownership by submitting an application (statement of fact) to an RSC explaining how and from whom the vehicle was obtained. After application approval, the vehicle owner must obtain a surety bond from a licensed surety

bond company and visit their local Tax Assessor Collector office for final application review and tax payment to receive the bonded title.

- **Texas International Registration Plan (IRP):** The Department has a program for licensing commercial vehicles engaged in interstate operations. Apportioned registration, also known as the IRP, lets an applicant obtain registration credentials in one jurisdiction, giving the applicant freedom of interstate travel without the inconvenience and expense of purchasing trip permits.

Strengths

- Houston RSC started the process of obtaining additional parking spaces for employees to ease customer parking limitations.
- Both the Houston and Dallas RSCs established a triage and information desk to assist customers to limit the customer's waiting time.
- The employees at the Abilene RSC encouraged all customers to provide customer feedback and directed customers to the customer feedback touchscreen tablet.
- The employees at the El Paso RSC took time to explain the bonded title process to customers and provided customers with clipboards to complete bonded title applications.
- All RSCs provided extra assistance to customers with language barriers.

Audit Engagement Team

The audit was performed by Jason E. Gonzalez (Principal Internal Auditor), Angel Flores (Principal Internal Auditor), Sonja Murillo (Senior Internal Auditor), Frances Barker (Internal Auditor), Hugo Quiñones (Internal Audit Intern), and Salem Chuah (Internal Audit Director).

Audit Results

Audit Results #1: While the Department established review processes for bonded titles, there are opportunities to automate and improve controls to ensure verification steps are performed.

Bonded Title Applications. The Department reviews an applicant's bonded title application and performs verification in various systems to ensure eligibility for a bonded title. In 15 (17 percent) of 90 bonded title applications (application form), the Department did not ensure that applications were completed in its entirety. For example, applications were missing complete vehicle information, did not have all application questions answered, or did not have the Department's "PAID" stamp affixed to the application form.

Bonded Title Verifications. Auditors observed that in 30 (41 percent) of 73 bonded title applications, driver licenses were not verified in the Driver License Image Retrieval (DLIR) System when applicable. Additionally, 45 (49 percent) of 92 bonded title applications excluded the applicable system and platform (system) verifications (see **Figure 3**). The system verifications are not performed uniformly among RSC employees at the four RSCs.

Figure 3: Bonded Title Application and Verification Systems

A section of the bonded title application form:

TxDMV Department Use Only			
TxDmv Representative	Date	MVDI checked? <input type="checkbox"/> Yes <input type="checkbox"/> No	Texas record found? <input type="checkbox"/> Yes <input type="checkbox"/> No
If no Texas record, ISO Claim Search (VIN decoding) checked? <input type="checkbox"/> Yes <input type="checkbox"/> No		If no Texas record, STOLEN checked? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If no Texas record, was VTR-68-A provided? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is there a lien less than 10 years old? <input type="checkbox"/> Yes <input type="checkbox"/> No	
NMVTIS checked? <input type="checkbox"/> Yes <input type="checkbox"/> No	NMVTIS brands found? <input type="checkbox"/> None <input type="checkbox"/> Salvage <input type="checkbox"/> Junk <input type="checkbox"/> Flood Damage <input type="checkbox"/> Replica <input type="checkbox"/> Rebuilt Salvage <input type="checkbox"/> Reconstructed		
TxDmv \$15 receipt for administrative processing fee provided? <input type="checkbox"/> Yes <input type="checkbox"/> No		VTR-130-ND with surety responsibility statements? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Vehicle Value Established by: <input type="checkbox"/> SPV <input type="checkbox"/> Guide <input type="checkbox"/> Appraisal <input type="checkbox"/> 25+ years old		Vehicle Value \$	Bond Amount (vehicle value x 1.5) \$

VTR-130-SOF Rev 03/20 Form available online at www.TxDmv.gov Page 2 of 2



Verification Systems

Driver License Image Retrieval System

Motor Vehicle Database Inquiry

OLDi Lookup System

National Motor Vehicle Title Information System

Stolen Check

Applicants must complete page 1 of the bonded title application form to continue the process of obtaining a bonded title. After obtaining the completed bonded title application form, RSC employees review the application and conduct verification checks to ensure bonded title eligibility. Based on the Department's Regional Services Section (RSS) Manual, checks include verifying Texas driver licenses through DLIR, reviewing system records for disqualifying brands such as salvaged vehicles, and lien information. When verification steps have been completed, the RSC employee should affix a "PAID" stamp to the application form so that the applicant can take this completed form to continue the bonded title process.

While the review processes are defined for evaluating bonded title applications with the "Department Use Only" section in the application form guiding RSC employees on the

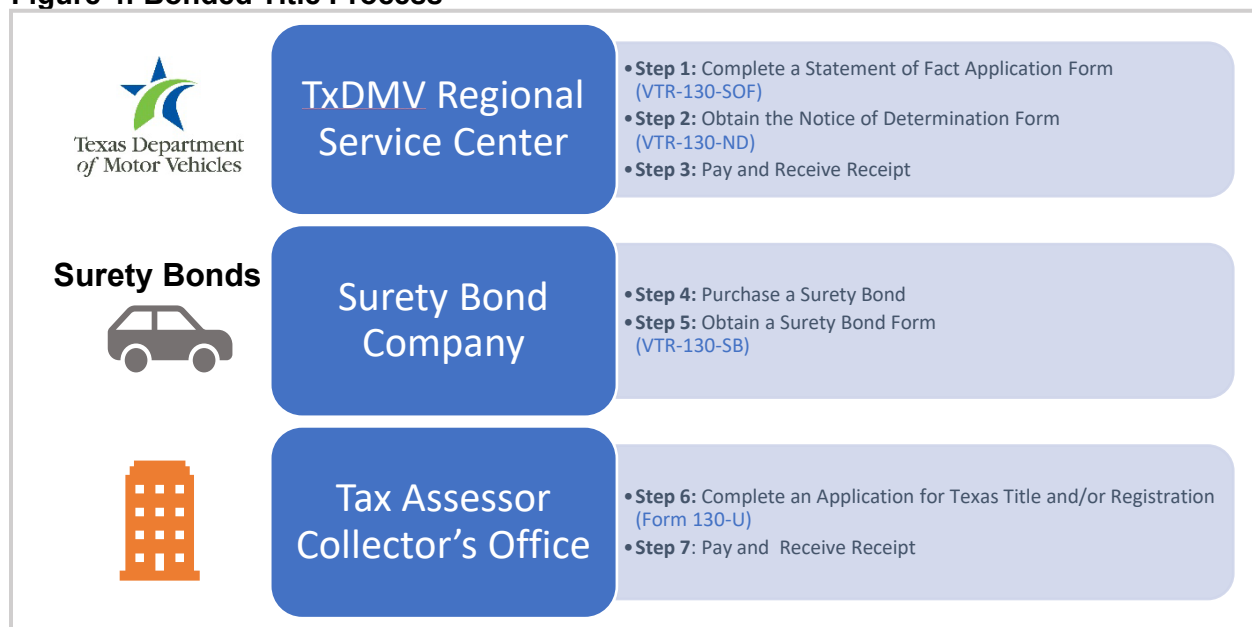
verification steps that should be performed, the Department has not developed a monitoring process to ensure uniformity in ensuring the completion of the application form.

The Regional Services Section manual requires RSC employees to research the vehicle's history through multiple systems including ISO ClaimSearch. However, the bonded title application states that an ISO ClaimSearch is only required if a Texas record is not found in the MVDI system. This discrepancy could cause confusion among RSC employees and be the source of inconsistency when verifying vehicle history.

Also, the verification checks through various systems are accessed outside of the Registration and Title System (RTS) and are not integrated within RTS itself. As a result, there is no log that tracks the verification procedures or certainty that applicable systems have been checked for each bonded title application. This increases the risk of allowing vehicles that are not eligible for a bonded title to receive one.

Bonded Title Process. A bonded title establishes vehicle ownership for vehicles purchased without a title. To obtain a bonded title, applicants must go to an RSC, a surety bond company, and a Tax Assessor Collector's office (TAC) (see **Figure 4**).

Figure 4: Bonded Title Process



The first step of the bonded title process is an applicant completing an application form at an RSC where RSC employees perform various verification checks as mentioned. The applicant receives a notice of determination form and obtains a surety bond with a surety bond form. Then, the applicant goes to their local TAC for the final processing stage. The TAC relies on the paper forms and authorizations received from the applicant to continue processing the bonded title transaction. Specifically, the TAC ensures that the "PAID" stamp is affixed to the application form and validates the name and signature of the RSC employee in the "Department Use Only" section as this demonstrates the applicants' vehicle is eligible for a bonded title. This current control can be further strengthened to ensure that applicants have been, in fact, vetted by the RSCs.

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) established a framework for five integrated components of internal control. COSO defines internal control as a process designed to provide reasonable assurance regarding the achievement of objectives. Control activities are performed at all levels of the entity, at various stages within business processes, and over the technology environment. Controls can include transaction authorizations, which affirm that a transaction is valid (i.e., it represents an actual event or is within an entity's policy).

The Department's current control of review and approval of a bonded title application is documented on the application form and returned to the applicant. This process does not ensure that transactions brought to the TAC can be traced back to, or verified back to, the original transaction and verifications performed at the RSCs. TACs do not need to lookup receipt numbers in RTS to continue the bonded title transaction.

Transaction control activities could be enhanced to provide TACs with greater assurance that applications have been reviewed and verified for eligibility by an RSC. For example, bonded title approvals from the RSCs could be better tracked in RTS. In this method, the applicant would take the receipt (instead of the application form) along with the surety bond form to the TAC. Alternatively, the Department could also implement an electronic application form and process for bonded titles. In both cases, a receipt (hardcopy or electronic) can be taken by the applicant to the TAC and the TAC could then look up the transaction number from the receipt to continue the bonded title process. This process would take out the reliance on paper documentation from applicants, create a trail of the transaction that can be traced to the verification performed at the RSCs, and ensure the integrity of documentation, verification, and approvals.

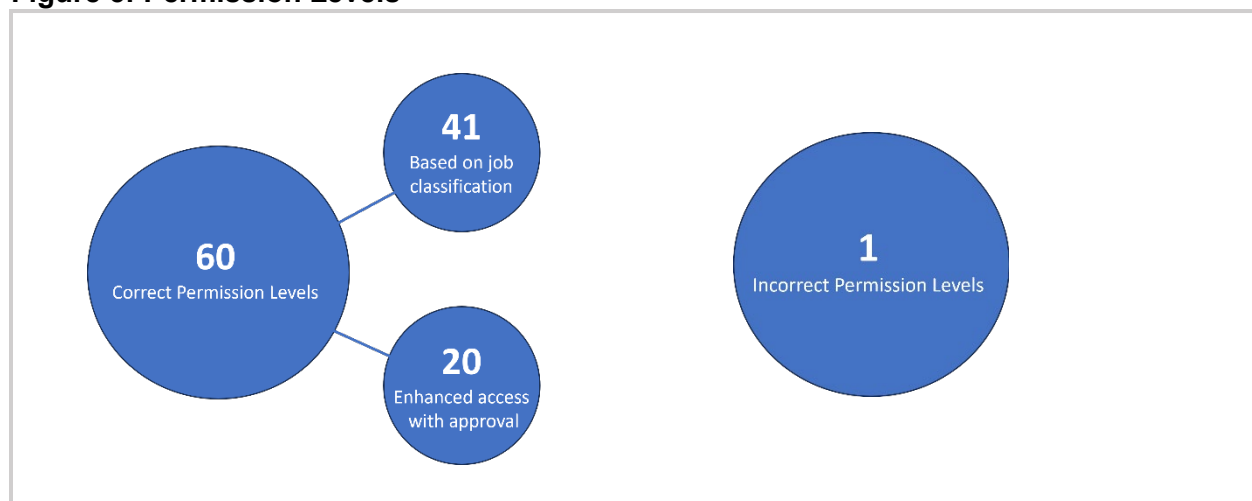
Recommendations

1. The Department should conduct refresher trainings for Regional Service Center (RSC) employees on bonded title processes and tailored trainings for RSCs on a periodic basis to ensure uniformity in practices across RSCs.
2. As part of the Department's modernization efforts of the Registration and Title System, the Department should consider implementing automatic validation mechanisms and/or system integrations (e.g., Driver License Image Retrieval, Motor Vehicle Database Inquiry, National Motor Vehicle Title Information System, etc.) to decrease the manual identify validation processes currently in place for bonded title applications. The Department should also ensure that there are audit logs of these verification checks.
3. As part of the Department's modernization efforts of the Registration and Title System, the Department should implement processes to reduce the risk of fraud by ensuring that Tax Assessor Collector offices (TACs) have a verification function to ensure that applicants have gone through the processes at the Department's Regional Service Centers.
4. As part of the Department's modernization efforts of the Registration and Title System, the Department should consider creating an electronic form of the bonded title application. This would result in flexibility for Department staff and increase accessibility with customers.

Audit Results #2: The Department's Regional Service Center employees are assigned correct permission levels to the Registration and Title System based on areas of responsibility, but the Department should set schedules to periodically review those permission levels and ensure employees complete required trainings.

RTS Permission Levels. The Department uses RTS to record title and registration transactions and provides access and sets permission levels to RSC employees based on job classification and areas of responsibility. The Department generally assigned correct permission levels or had proper enhanced permission levels based on VTR management approval (see **Figure 5**). Only 1 (2 percent) of 62 RSC employees had enhanced permission levels that did not receive prior approval.

Figure 5: Permission Levels



The Department's RSS Manual defines security permissions for RSC employees based on the employee's job classification and areas of responsibility. Also, the Department's Information Security Manual requires system owners to review access lists based on documented risk management decisions and to approve, justify, document, and account for exceptions to security controls.

While the Department has defined security permissions and established system owner responsibilities, VTR RSC management does not conduct analysis on security permissions already granted to existing employees.

RTS Access. Auditors obtained RTS access report for employees in the four RSCs within the audit scope and found 84 users. This user count is higher than the 62 RSC employee count because certain users, like the Assistant Section Directors, are assigned to each RSC. While the Department's removal of Active Directory access prevents access to RTS, 6 (7%) of 84 users could not be identified as current employees and should be removed from RTS. According to ITSD, resource limitations have impacted their ability to routinely review system access.

According to the National Institute of Standards and Technology (NIST) organizations should review and update access controls. Further, the concept of least privilege refers to granting

users only those accesses required to perform their duties. Overseeing and reviewing the level of access for each user limits potential unauthorized activities.

Training. Most RSC employees took the required training based on their classification. There were 7 (11 percent) of 62 employees that were missing some training courses listed as required in the RSS Manual. The Department transitioned to a new learning management system for courses related to RTS in summer 2021 and tracks non-RTS training in the Department's LMS365 training platform. Training courses are important to ensure alignment in practices for all employees.



Recommendations

5. The Department should ensure that only active employees are included in the Registration and Title System and grant users only the access privileges required for their job responsibilities.
6. The Department should ensure that employees are taking all required training prior to accessing the Registration and Title System.

Audit Results #3: The Department conducts customer satisfaction surveys from the Regional Service Centers through various methods, but improvements can be made to the collection method and evaluation of customers' feedback.

RSC employees primarily serve customers in-person at one of the 16 RSCs or over the phone. As part of continuous improvement, RSCs collect feedback on customers' experience in a post-call survey or an in-person survey through a tablet or QR code at the RSC. Customers provide their feedback by selecting from five ratings ranging from "1-very dissatisfied" to "5-very satisfied." As seen in **Figure 6** below, the customer satisfaction surveys ask customers three or four questions.

Figure 6: Post-Call and In-Person Survey Questions

 Post-Call Phone Survey	 In-Person QR Code or Tablet Survey
Please rate your overall satisfaction with the Texas Department of Motor Vehicles.	Please rate your experience today.
Please rate your satisfaction with the timeliness of the services you received.	Please rate your satisfaction with the timeliness of the services you received.
Please rate the accuracy of the information you received.	Please rate the accuracy of the information you received.
Please rate your experience with your Customer Service Representative.	

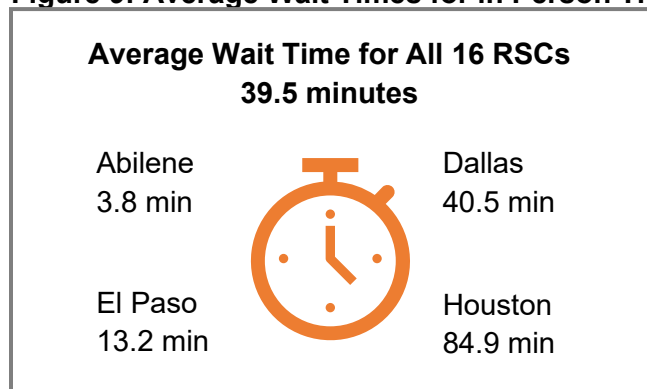
In fiscal year 2023, RSCs collectively served 335,702 customers by phone and 755,235 customers in person. The overall survey participation rate is 0.35% and 11%, respectively (see **Figures 7** and **8**). The average wait time for in person transactions is 39.5 minutes (see **Figure 9**).

Figure 7: FY2023 Customers Served by Phone with Survey Participation Rate and Satisfaction Rating

Location	Customers Served	Surveys Taken	Participation Rate (%)	Satisfaction Rating	Satisfaction Rating (converted to a %)
Abilene	7,669	25	0.33%	4.3	86%
Dallas	34,168	69	0.20%	3.8	76%
El Paso	24,840	36	0.14%	4.3	86%
Houston	32,877	130	0.40%	3.8	76%
All Others	236,148	919	0.39%	4.5	90%
Total	335,702	1,179	0.35%	3.9	78%

Figure 8: FY2023 Customers Served in Person with Survey Participation Rate and Satisfaction Rating

Location	Customers Served	Surveys Taken	Participation Rate (%)	Satisfaction Rating (converted to score)	Satisfaction Rating (%)
Abilene	11,037	1,464	13%	4.9	97%
Dallas	115,376	8,303	7%	3.7	73%
El Paso	58,037	29,285	50%	4.5	89%
Houston	123,438	1,425	1%	2.3	46%
All Others	447,347	45,182	10%	4.6	91%
Total	755,235	85,659	11%	4.4	88%

Figure 9: Average Wait Times for in Person Transactions

Post-Call Surveys. After an RSC employee provides services to a customer over the phone, the customer has the option to take a four-question survey after the call. While the post-call surveys allow customers to provide feedback for the services they received, the phone calls are not recorded, preventing management from evaluating RSC employees' performance and providing quality assurance on the information provided to customers.

Other Department divisions such as the Motor Carrier Division (MCD) and the Consumer Relations Division (CRD) record the phone calls by their employees as a measure to ensure objectives are being met. By recording the phone calls, MCD and CRD management can conduct quality assurance reviews by listening to calls based on positive or negative post-call survey scores and provide employees with feedback to improve the customer experience.

Management stated during the implementation of post-call surveys that adding the feature to record phone calls was not included in the budget. However, there are now plans to record the calls in the future.

In-Person Survey Through Tablets or QR Code. Tablets used to collect customer survey responses were implemented in each RSC during 2019. Surveys accessible through a QR code were then added to each RSC in March 2023. Management stated that QR codes were implemented to capture more customer responses. While this is an improvement from the tablet survey method, surveys can be taken multiple times through the QR code by the same individual. Further, the results of the survey from the QR code do not identify the RSC employee who provided the service, preventing recognition or training opportunities for employees.

According to the COSO framework, the ability to generate quality information begins with the data sourced. The quality of information depends on various factors, such as whether the information is sufficient, timely, valid, and verifiable. For instance, with the RSC survey being accessible through a tablet or QR code, the validity and verifiability of the survey responses could be questioned, since the survey can be taken multiple times by the same person and by those who are not a party to the services being rendered.

Recommendations

7. The Department should record customer phone calls from Regional Service Center employees. It should also perform quality assurance reviews on the calls by setting up a risk-based methodology to review and evaluate the performance of its employees.
8. The Department should ensure that surveys accessible through a QR code can only be taken once by each device. Also, as part of the Department's modernization efforts of the Registration and Title System, the Department should consider adding a QR code for customer surveys on transaction receipts. The QR code on receipts should expire after a pre-defined period, be taken only once, and have metadata that the customer does not fill out which ties to a Customer Service Representative, transaction type, time of transaction, etc.

Observation #1: Surveyed Customers Provided High Satisfaction Ratings for the Regional Service Centers

Auditors conducted a customer satisfaction survey while visiting each of the RSCs (see **Appendix 3** and **5**). A total of 136 total customers completed the survey, though customers may not have answered every survey question. The survey consisted of ten questions with four questions asking customers to provide a rating between “1-very dissatisfied” to “5-very satisfied.” It is important to note that the results were obtained at a point in time and may not be representative of all customers.

Overall satisfaction. The RSCs had overall satisfaction ratings ranging from 4.0 to 5.0 (**Figure 10**). The Abilene RSC was rated a 5.0 for each of the four rating questions for an overall perfect score. As seen in **Figure 9** earlier in the report, Abilene had an average wait time of 3.8 minutes, which is much shorter when compared with Dallas at 40.5 minutes, Houston at 84.9 minutes, and El Paso at 13.2 minutes. This could be a driving factor behind Abilene’s high rating.

Timeliness of service. The Dallas and Houston RSCs both received a rating of 3.9 for timeliness of service (**Figure 11**) with the Abilene and El Paso RSCs receiving scores of 5.0 and 4.5, respectively. Timeliness could have been rated lower for the Dallas and Houston RSCs because these two locations serve the most customers in person when compared with all other RSCs.

Experience with Customer Service Representative. Customers collectively scored their experience with the Customer Service Representatives (CSRs) at the RSCs with ratings from 4.4 to 5.0 (**Figure 12**). Customers have stated that the CSRs explained processes well and that the CSRs were knowledgeable and kind.

Satisfaction of Facility. The RSCs received ratings ranging from 3.7 to 5.0 for the facility which includes location, parking, waiting space, and restrooms (**Figure 13**). The Houston RSC had the lowest rating of 3.7 while Abilene had the highest rating of 5.0. The parking at the Houston RSC is limited, which could be one of the factors contributing to the lower rating.

Figures 10 to 13: Customer Ratings of Regional Service Centers

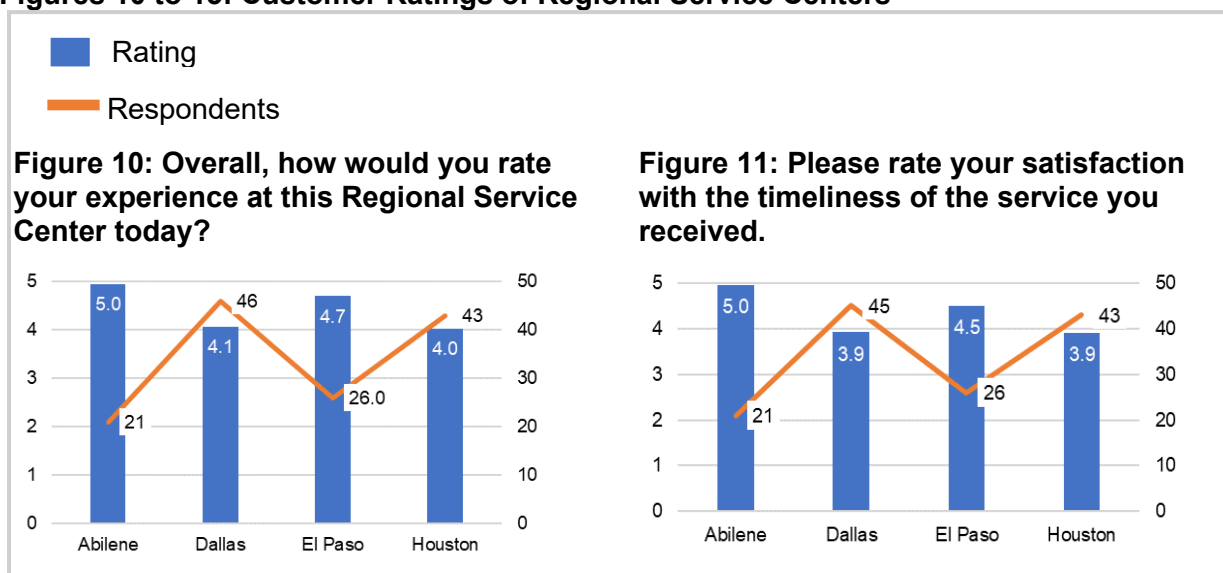


Figure 12: Please rate your experience with your Customer Service Representative.

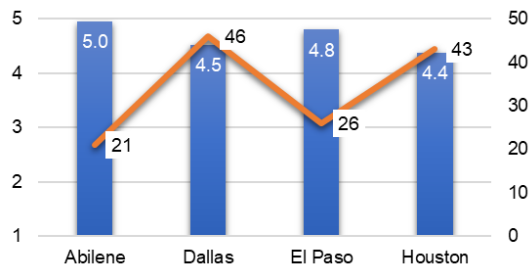
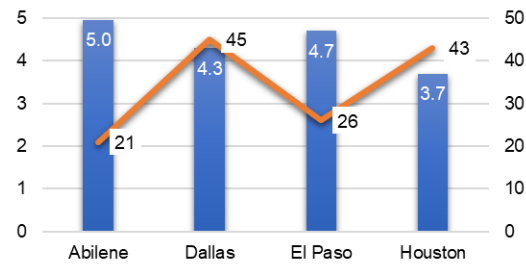


Figure 13: Please rate your satisfaction at our facility (location, parking, waiting space, restrooms, etc.)?



Also, auditors asked customers what zip code they were coming from and calculated the average and the median. As shown in **Figure 14**, the average mileage traveled was the greatest for Abilene RSC customers at 77.0 miles compared with the Dallas RSC customers who traveled on average the least amount at 24.4 miles. When looking at the median, El Paso customers traveled the least at 11.2 miles and Abilene RSC customers traveled from the greatest distance at 45.7 miles.

Figure 14: Average and Median Miles Traveled by Surveyed Customers

Location	Total Respondents	Average # of miles from the RSC	Median # of miles from the RSC
Abilene	21	77.0	45.7
Dallas	44	24.4	24.1
El Paso	25	32.8	11.2
Houston	42	25.6	20.5
Overall	132	35.2	22.3

Observation #2: Regional Service Center Employees' Scoring of the Current Culture Closely Aligns with their Preferred Culture

Organizational culture can be defined as the group or collection of beliefs, assumptions, values, norms, and actions, shared by all members of an organization. Diagnosing organizational culture is considered to be the first step to initiating culture change within an organization.

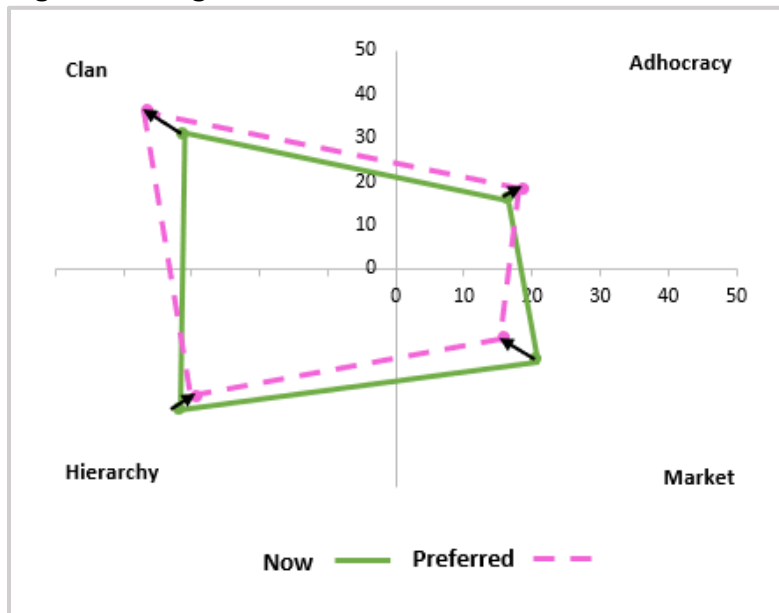
The Organizational Culture Assessment Instrument (OCAI) was developed by two professors from the University of Michigan and has been used by various organizations. It is used as a tool for helping organizations identify and understand its culture. With this understanding, organizations can implement changes that ultimately enhance organizational performance.

OCAI is a questionnaire that has respondents score six dimensions of culture. Each dimension consists of four statements, one for each culture type. Respondents divide a score of 100 among the four statements for each of the six dimensions, first for how they view the organization and then again for how they prefer the organization to be (see **Appendix 4** for full OCAI questionnaire). The four culture types are:

- **Clan:** A collaborative workplace where people are friendly and share a lot of themselves. There is high commitment, consensus, and emphasis on teamwork.
- **Adhocracy:** A creative, dynamic, and entrepreneurial workplace. The organization is nimble and can adapt quickly to changes.
- **Hierarchy:** A controlled, formalized, and structured workplace. There are clear chains of command for decision-making and procedures that govern activities.
- **Market:** A competitive and results-oriented workplace. The organization focuses on the external environment and strives for production and reaching goals.

Questionnaire methodology. Auditors emailed the OCAI questionnaire to all 64 RSC employees as of August 30, 2023 in Abilene, Dallas, El Paso, and Houston and received 21 (33 percent) valid responses. While over 21 responses were received, many were invalid because the responses were not completed in their entirety or had scores that did not equal 100 which would skew results. With the limited response rate, only one collective profile was created for all four RSCs instead of individual results for each RSC. As such, results should be taken with consideration of these circumstances.

RSC questionnaire results. Overall, the results of the questionnaire showed that RSC employees' perception of the current culture versus their preferred culture are very similar as shown in **Figures 15** and **16** below. This indicates that overall employee's needs are being met and with a few slight adjustments to the current culture, the organization can achieve an environment that cultivates trust, creativity, provides support and acknowledges hard work all while meeting goals and providing great customer service.

Figure 15: Organizational Culture Assessment Instrument Questionnaire Results (Chart)**Figure 16: Organizational Culture Assessment Instrument Questionnaire Results (Points)**

Category	Now	Preferred	Difference
Clan	30.9	36.5	5.6
Adhocracy	16.7	18.7	2.0
Market	20.9	15.4	-5.5
Hierarchy	31.5	29.4	-2.1

What employees want more of. As shown in **Figure 15**, RSC employees would prefer the clan culture to be 5.6 points **higher** than where it currently stands. Management can place an emphasis on promoting teamwork and participation in the workplace. Creating a support system and recognizing team players could help increase morale and trust levels. Management can also provide employees with more opportunities to self-manage.

RSC employees also want more of the adhocracy culture as the preferred score is 2 points **higher** than the current score. Management can encourage employees to take risks and celebrate creative alternatives and innovation. This will guide the organization to become more forward thinking and create innovative programs paving the way for a clearer vision for the future.

What employees want less of. RSC employees want the market culture to be 5.5 points **lower** than where it currently stands. This is an indicator that management could slightly shift their emphasis on driving for strictly numbers. Management could motivate its employees to meet key goals and adapt to the human element of the organization as well as market needs.

Lastly, RSC employees want the hierarchy culture to be demonstrated less, as the preferred rating for this culture type is 2.1 points **less** than the current rating. This could indicate that employees would like management to get rid of outdated rules and procedures and unnecessary reports and paperwork. There could perhaps be more delegation and less of formal sign offs to reduce constraints and the feeling of restriction by employees.

Appendix 1: Objectives, Scope, Methodology, and Rating Information

Objectives

The objectives of this audit were to determine whether Regional Service Centers (RSCs) process transactions uniformly, to determine whether RSCs process transactions uniformly, and to assess the culture at selected RSCs.

Scope and Methodology

The scope of the audit included bonded title transactions from September 2022 to December 2023 and the Abilene, Dallas, El Paso, and Abilene RSCs.

Methodology in this audit included the following for the RSCs within audit scope:

- Interviewed Vehicle Titles and Registration (VTR) division senior management.
- Interviewed RSC management and customer service representatives.
- Developed a bonded title application flowchart.
- Selected a sample of 90 bonded title transactions in the Department's FileNet data management system to ensure title transactions were accurately completed.
- Observed 92 bonded title applications to ensure processes were followed.
- Obtained Department's active employee list and reconciled that listing to the access reports from the Department's Registration and Title System.
- Surveyed Department customers.
- Interviewed the Department's Motor Carrier Division and Customer Relations Division to understand phone survey processes.
- Administered the Organizational Culture Assessment Instrument (OCAI) questionnaire to RSC employees.
- Reviewed the 2022 Survey of Employee Engagement (SEE) Results for all RSCs.
- Reviewed the VTR Regional Managers Manual.
- Reviewed the VTR Regional Services Section Manual.
- Reviewed the VTR Motor Vehicle Title Manual.
- Reviewed the National Institute of Standards and Technology Policies on Access Controls.
- Reviewed the Department's Information Security Manual.
- Reviewed Department's Human Resources Manual.
- Reviewed the Organizational Culture Assessment Instrument (OCAI) research methods and cultural assessment survey tools.

This audit was included in the FY2023 Second Six Month Internal Audit Plan. IAD conducted this performance audit in accordance with Generally Accepted Government Auditing Standards and in conformance with the Internal Standards for the Professional Practice of Internal Auditing. Those standards require that IAD plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on our audit objectives. IAD believe that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

Report Distribution

In accordance with the Texas Internal Auditing Act, this report is distributed to the Board of the Texas Department of Motor Vehicles, Governor's Office of Budget, Planning, and Policy, Legislative Budget Board, and the State Auditor's Office.

Ratings Information

Maturity Assessment Rating Definition

IAD derived the maturity assessment ratings and definitions from the Control Objectives of Information and Related Technologies (COBIT) 5 IT Governance Framework and Maturity Model, the Enterprise Risk Management (ERM) Maturity Model, and the ISACA Maturity Model. The model was adapted for assurance audit purposes and does not provide a guarantee against reporting misstatement and reliability, non-compliance, or operational impacts. The ratings and definitions are provided in Table 1.

Table 1. Maturity Assessment/Process Capability Rating Definitions

Rating	Name	Definition
1	Minimal	The function may have policies and procedures established for some activities but relies on intuition and handles issues on an ad-hoc basis.
2	Informal and Reactive	The function achieves its purpose with basic processes and activities that are not very organized or followed.
3	Established	The function achieves its purpose in an organized way, following established processes, but those processes may not be consistently followed or well communicated.
4	Predictable	The function fully achieves its purpose, is well-defined, and its performance is quantitatively measured. The function is fully integrated within the Department, the function has full resources to achieve business objectives, and policies and procedures are regularly improved.
5	Optimized	The function fully achieves its purpose, is well-defined, and its performance is quantitatively measured. There is continuous improvement that is pursued, and technology is heavily leveraged to automate workflow and improve quality and effectiveness of processes.

Appendix 2: Management Response and Action Plan

The Vehicle Titles and Registration division provided the following response:

Recommendation	Responsible Department and Section/Unit	Department Response	Completion Date
1. The Department should conduct refresher trainings for Regional Service Center (RSC) employees on bonded title processes and tailored trainings for RSCs on a periodic basis to ensure uniformity in practices across RSCs.	Vehicle Titles and Registration Division, RSS Training Committee, RSS Manual Committee QA/Training Team, and RSC managers	The department agrees with the recommendation and intends to update the Bonded Title training process and establish a schedule to conduct annual refresher and tailored training for all RSC staff to ensure uniformity in practices across RSCs. Additionally, the department will review and update the current Bonded Title process in the Regional Services Section (RSS) Manual to ensure all steps in the manual are necessary and provide the intended outcome. RSS will also ensure any obsolete steps are removed.	July 1, 2024
2. As part of the Department's modernization efforts of the Registration and Title System, the Department should consider implementing automatic validation mechanisms and/or system integrations (e.g., Driver License Image Retrieval, Motor Vehicle Database Inquiry, National Motor Vehicle Title Information System, etc.) to decrease the manual identify validation processes currently in place for bonded title applications. The Department should also ensure that there are audit logs of these verification checks.	Vehicle Titles and Registration Division, RTS Modernization and Ecosystem Replacement project ESC VTR member	<p>The department agrees with the recommendation and will create an IT request ticket to review this process during the upcoming Registration & Title System (RTS) Replacement and Ecosystem Modernization project. The department will create a ticket, indicating it as an audit-identified recommendation, to log and request evaluation and consideration within the project scope.</p> <p>It should be noted that 100% reductions in this manual effort will require collaboration and system integration of vital and highly secure systems from other agencies such as the Department of Public Safety's DLIR system. This type of system integration may not be possible due to the sensitive nature of the data in these systems.</p>	March 1, 2024
3. As part of the Department's modernization efforts of the Registration and Title System, the Department should implement processes to reduce the risk of fraud by ensuring that Tax Assessor Collector offices (TACs) have a verification	Vehicle Titles and Registration Division, RTS Modernization and Ecosystem Replacement	The department agrees with the recommendation and will create an IT request ticket to review this process during the upcoming RTS Replacement and Ecosystem Modernization project. The department will create a ticket, indicating it as an audit-identified recommendation, to log and request evaluation and consideration within the project scope.	July 1, 2024

Recommendation	Responsible Department and Section/Unit	Department Response	Completion Date
function to ensure that applicants have gone through the processes at the Department's Regional Service Centers.	project ESC VTR member		
4. As part of the Department's modernization efforts of the Registration and Title System, the Department should consider creating an electronic form of the bonded title application. This would result in flexibility for Department staff and increase accessibility with customers.	Vehicle Titles and Registration Division, RTS Modernization and Ecosystem Replacement project ESC VTR member	The department agrees with the recommendation and will create an IT request ticket to review this process during the upcoming RTS Replacement and Ecosystem Modernization project. The department will create a ticket, indicating it as an audit-identified recommendation, to log and request evaluation and consideration within the project scope.	March 1, 2024
5. The Department should ensure that only active employees are included in the Registration and Title System and grant users only the access privileges required for their job responsibilities.	Vehicle Titles and Registration Division, RSC managers and RSS Director / Assistant Directors	The department agrees with the recommendation and will collaborate with the Information Technology Services Division (ITSD) and/or other system administrators to establish a process for a periodic review of access privileges, ensuring all updates or access terminations were completed during staff exit/transfer processes.	July 1, 2024
6. The Department should ensure that employees are taking all required training prior to accessing the Registration and Title System.	Vehicle Titles and Registration Division, RSC managers and RSS Director / Assistant Directors	The department agrees with the recommendation; however, it should be noted that technology limitations such as disabled access to legacy systems and errors in the current system, created complications. Considering this, the department will collaborate with ITSD to locate legacy data and also review and enhance its internal tracking and verification process.	January 1, 2025

Recommendation	Responsible Department and Section/Unit	Department Response	Completion Date
7. The Department should record customer phone calls from Regional Service Center employees. It should also perform quality assurance reviews on the calls by setting up a risk-based methodology to review and evaluate the performance of its employees.	Vehicle Titles and Registration Division, Call Center Replacement ESC VTR member	The department agrees with the recommendation and is currently working on the implementation of this functionality as part of the Call Center Replacement project that is currently underway.	January 1, 2025
8. The Department should ensure that surveys accessible through a QR code can only be taken once by each device. Also, as part of the Department's modernization efforts of the Registration and Title System, the Department should consider adding a QR code for customer surveys on transaction receipts. The QR code on receipts should expire after a pre-defined period, be taken only once, and have metadata that the customer does not fill out which ties to a Customer Service Representative, transaction type, time of transaction, etc.	Vehicle Titles and Registration Division, RTS Modernization and Ecosystem Replacement project ESC VTR member and RSS Director	The department agrees with the recommendation of a QR code-type mechanism for surveys and will engage the current queuing system vendor to identify if any portions of the recommendation can be accommodated currently and, if possible, implement these items. Additionally, the department will create an IT request ticket to review this process during the upcoming RTS Replacement and Ecosystem Modernization project. The department will create a ticket, indicating it as an audit-identified recommendation, to log and request evaluation and consideration within the project scope.	July 1, 2024

Appendix 3: Customer Satisfaction Survey Questions

Auditors administered the following survey at the Regional Service Centers.

Customer Satisfaction Survey

The Internal Audit Division at the Texas Department of Motor Vehicles is conducting an audit of selected Regional Service Centers. Feel free to add commentary for the questions, if desired.

THANK YOU for your time in completing this 10-question survey!

1. Were you here at the Regional Service Center to complete a transaction for yourself?

- a. Yes
- b. No – please tell us who you were here on behalf of:

2. What zip code are you coming to us from today?

3. What did you want to get accomplished at our Regional Service Center today? (please circle one)

- a. Certified Copy of Original Title
- b. Bonded Title
- c. International Registration Plan
- d. Other (please write in):

4. Were you able to accomplish your goal today?

- a. Yes
- b. No

5. Overall, how would you rate your experience at this Regional Service Center today?

- 1 - Very dissatisfied
- 2 - Dissatisfied
- 3 - Neither dissatisfied nor satisfied
- 4 - Satisfied
- 5 - Very satisfied

6. Please rate your satisfaction with the timeliness of the service you received.

- 1 - Very dissatisfied
- 2 - Dissatisfied
- 3 - Neither dissatisfied nor satisfied
- 4 - Satisfied
- 5 - Very satisfied

7. Please rate your experience with your Customer Service Representative.

- 1 - Very dissatisfied
- 2 - Dissatisfied
- 3 - Neither dissatisfied nor satisfied
- 4 - Satisfied
- 5 - Very satisfied

8. Please rate your satisfaction at our facility (location, parking, waiting space, restrooms, etc.)?

- 1 - Very dissatisfied
- 2 - Dissatisfied
- 3 - Neither dissatisfied nor satisfied
- 4 - Satisfied
- 5 - Very satisfied

9. What did we do well today? Please write below.

10. What can we do to improve your experience? Please write below.

Appendix 4: Organizational Culture Assessment Instrument Questionnaire

The Organizational Culture Assessment Instrument questionnaire asks respondents to score six dimensions of culture. Each dimension consists of four statements, one for each culture type (clan, adhocracy, hierarchy, and market). Respondents divide a score of 100 among the four statements for each of the six dimensions, first for how they view the organization and then again for how they prefer the organization to be.

Dimension 1: Dominant Characteristics	Now	Preferred
A) The organization is a very personal place. It is like an extended family. People seem to share a lot of themselves.		
B) The organization is a very dynamic place. People are willing to stick their necks out and take risks.		
C) The organization is very results oriented. A major concern getting the job done. People are very competitive and achievement oriented.		
D) The organization is a very controlled and structured place. Formal procedures generally govern what people do.		

Dimension 2: Organizational Leadership	Now	Preferred
A) The leadership in the organization is generally considered to exemplify mentoring, facilitating, or nurturing.		
B) The leadership in the organization is generally considered to exemplify entrepreneurship, innovating, or risk taking.		
C) The leadership in the organization is generally considered to exemplify a no-nonsense, aggressive, results-oriented focus.		
D) The leadership in the organization is generally considered to exemplify coordinating, organizing, or smooth-running efficiency.		

Dimension 3: Management of Employees	Now	Preferred
A) The management style in the organization is characterized by teamwork, consensus, and participation.		
B) The management style in the organization is characterized by individual risk-taking, innovation, freedom, and uniqueness.		
C) The management style in the organization is characterized by hard-driving competitiveness, high demands, and achievement.		
D) The management style in the organization is characterized by security of employment, conformity, predictability, and stability in relationships.		

Dimension 4: Organizational Glue	Now	Preferred
A) The glue that holds the organization together is loyalty and mutual trust. Commitment to this organization runs high.		
B) The glue that holds the organization together is commitment to innovation and development. There is an emphasis on being on the cutting edge.		
C) The glue that holds the organization together is the emphasis on achievement and goal accomplishment. Aggressiveness and winning are common themes.		
D) The glue that holds the organization together is formal rules and policies. Maintaining a smooth-running organization is important.		

Dimension 5: Strategic Emphases	Now	Preferred
A) The organization emphasizes human development. High trust, openness and participation persist.		
B) The organization emphasizes acquiring new resources and creating new challenges. Trying new things and prospecting for opportunities is valued.		
C) The organization emphasizes competitive actions and achievement. Hitting stretch markets and winning in the marketplace are dominant.		
D) The organization emphasizes permanence and stability. Efficiency, control, and smooth operations are important.		

Dimension 6: Criteria of Success	Now	Preferred
A) The organization defines success on the bases of the development of human resources, teamwork, employee commitment, and concern for people.		
B) The organization defines success on the basis of having the most unique or newest products. It is a product leader and innovator.		
C) The organization defines success on the basis of winning in the marketplace and outpacing the competition. Competitive market leadership is key.		
D) The organization defines success on the basis of efficiency. Dependable delivery, smooth scheduling and low-cost production are critical.		

Appendix 5: Additional Information

Table 1: Fiscal Year 2023 Statistics by Regional Service Centers

Location	Customers Served in Person	Customers Served by Phone	Total Transactions
Houston	123,438	7,669	118,271
Dallas (Carrollton)	115,376	11,680	103,555
Fort Worth	79,105	20,042	68,171
San Antonio	77,090	13,855	63,471
Austin	58,489	12,029	41,349
El Paso	58,037	34,168	26,983
Pharr	55,389	24,840	35,724
Longview	30,638	23,323	21,902
Odessa	28,609	32,877	28,726
Beaumont	25,831	16,556	17,671
Waco	25,534	28,578	21,142
Amarillo	20,528	6,008	12,528
Corpus Christi	17,939	29,276	19,476
Lubbock	17,933	35,342	14,065
Abilene	11,037	22,469	10,825
Wichita Falls	10,262	16,990	220,302
Total	755,235	335,702	824,161

Table 2: Were you here at the Regional Service Center to complete a transaction for yourself? (Customer Response to Survey)

Location	Yes	No
Abilene	17	4
Dallas	39	7
El Paso	17	9
Houston	33	10

Table 3: What did you want to get accomplished at our Regional Service Center today? (Customer Response to Survey)

Location	Certified Copy of Original Title	Bonded Title	International Registration Plan	Other
Dallas	28	7	5	6
Houston	31	11	3	4
Abilene	15	4	2	
El Paso	8	4	7	7

Table 4: Were you able to accomplish your goal today? (Customer Response to Survey)

Location	Yes	No
Abilene	16	5
Dallas	36	10
El Paso	14	12
Houston	38	5

Table 5: What did we do well today? (Customer Response to Survey)

Location	Customer Service	Wait Time	Overall Experience	Other
Abilene	15	4	3	1
Dallas	20	8	5	1
Houston	21	9	3	1
El Paso	21	9	3	1

Note that if a customer feedback count be counted more than once if they provided feedback that relate to more than one category.

Examples of customer feedback related to Table 4 include:

- **Customer Service:** “Good customer service,” “Well done to all the clerks and management.” “[Customer Service Representatives] got things done.”
- **Wait Time:** “Nice and quick,” “Speedy,” and “Was quicker than other times.”
- **Overall Experience:** “Everything was good.”
- **Other:** “Appointment[s] are awesome,” “Parking, restrooms, easy to get a ticket..”

Table 6: What can we do to improve your experience? (Customer Response to Survey)

Location	Wait Time	Customer Service	Other
Abilene			4
Dallas	10	4	5
Houston	11	6	16
El Paso	2	4	6

Note that if a customer feedback count be counted more than once if they provided feedback that relate to more than one category.

Examples of customer feedback related to Table 5 include:

- **Customer Service:** “More polite clerks...” and “be consistent.”
- **Wait Time:** “Shorter wait time,” “faster lines,” and “improve the waiting line,”
- **Other:** “Have more locations,” “parking,” and “add debit/credit [card options]”



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