



1 ~~date of revocation has not occurred;]~~

2           (5) the applicant is a business entity that is operated, managed, or otherwise controlled by a  
3 relative or family member and that person could be considered unfit, is ineligible for licensure, or whose  
4 current or previous license, permit, or other authorization issued by any local, state, or federal  
5 regulatory authority has been subject to disciplinary action, including suspension, revocation, denial,  
6 corrective action, cease and desist order, or assessment of a civil penalty, administrative fine, fee, or  
7 similar assessment; or ~~[the applicant is an immediate family member, such as a spouse, child, parent,~~  
8 ~~grandparent, niece, nephew, uncle, or aunt, of a previously licensed salvage vehicle dealer whose~~  
9 ~~license has been revoked, and the business location is the same as the location of the revoked salvage~~  
10 ~~vehicle dealer; or]~~

11           (6) the applicant or any of its owners, officers, or directors could be considered unfit to hold  
12 the license, is ineligible for licensure, or whose current or previous license, permit, or other  
13 authorization issued by any local, state, or federal regulatory authority has been subject to disciplinary  
14 action, including suspension, revocation, denial, corrective action, cease and desist order, or assessment  
15 of a civil penalty, administrative fine, fee, or similar assessment. ~~[the applicant, owner, officer or~~  
16 ~~director is delinquent in any court ordered obligation to pay child support.]~~

17           (b) In accordance with Occupations Code, §2302.108, the board or department shall deny an  
18 application for issuance of a new license under Occupations Code, Chapter 2302, filed by a person  
19 whose license is revoked and the first anniversary of the date of revocation has not occurred. ~~[If the~~  
20 ~~application is denied, the applicant may request an administrative hearing in the manner specified in~~  
21 ~~§221.91 of this title (relating to Notice of Department Decision).]~~

1           (c) The board or department may deem an application withdrawn and may administratively  
2 close an application for issuance of a license under Occupations Code, Chapter 2302, or this chapter if:  
3           (1) an applicant, license holder, or authorized representative does not provide all information  
4 or documentation required by the department;  
5           (2) the department issues a written notice of deficiency; and  
6           (3) full and complete information or documentation requested in the written notice of  
7 deficiency is not received by the department within 20 days of the date of the notice of deficiency or by  
8 an extended deadline approved, in writing, by the department.

9           (d) If the department pursues denial of an application for a license to be issued under the  
10 authority of Occupations Code, Chapter 2302, the applicant may request an administrative hearing in  
11 the manner specified in §221.91 of this title (relating to Notice of Department Decision).

#### SUBCHAPTER F. ADMINISTRATIVE SANCTIONS

##### Suspension, Revocation and Administrative Penalties

##### 43 TAC §221.112

##### **§221.112. Suspension, Revocation and Administrative Penalties.**

18 The board or department may suspend or revoke a license or impose an administrative penalty if the  
19 license holder:

- 20           (1) fails to meet or maintain the qualifications and requirements for a license;
- 21           (2) violates any law relating to the purchase, sale, exchange, storage, or distribution of

- 1 vehicles, motor vehicles, salvage motor vehicles, or [and] non-repairable motor vehicles;
- 2 (3) willfully [wilfully] defrauds a purchaser;
- 3 (4) fails to maintain purchase, sales, and inventory records as required by Occupations Code,  
4 Chapter 2302, or this chapter;
- 5 (5) refuses to permit, or fails to comply with a request by the department to examine, during  
6 normal business hours, the license holder's records as required by Occupations Code, Chapter 2302, or  
7 this chapter;
- 8 (6) engages in business without the required license or required endorsement;
- 9 (7) engages in business as a salvage vehicle dealer, salvage dealer agent, salvage pool  
10 operator, or salvage vehicle rebuilder, at a location for which a license has not been issued by the  
11 department;
- 12 (8) fails to notify the department of a change of the salvage vehicle dealer's legal business  
13 entity name, assumed name, salvage vehicle dealer's ownership, mailing address, or physical address  
14 [fails to notify the department of a change of address or] location within 10 days of such change, by  
15 submitting [requesting and obtaining from the department] an amendment to the [salvage vehicle  
16 dealer's] license;
- 17 (9) fails to close a salvage vehicle agent's license within 10 days after the salvage vehicle  
18 dealer terminates the agent or the agent discontinues its relationship with the salvage vehicle dealer  
19 [fails to notify the department of a change of the salvage vehicle dealer's name or salvage vehicle  
20 dealer's ownership within 10 days of such change by requesting and obtaining from the department an  
21 amendment to the salvage vehicle dealer's license];

1           (10) fails to notify the department within 30 days of any material change to the information  
2 submitted to the department through any application or attachment to any application, other than a  
3 change described in paragraphs (8) or (9) of this subsection [~~fails to notify the department of the~~  
4 ~~termination of a salvage vehicle agent within 10 days after such termination~~];

5           (11) fails to remain regularly and actively engaged in the business for which the salvage  
6 vehicle dealer license is issued;

7           (12) sells more than five (5) non-repairable motor vehicles or salvage motor vehicles to the  
8 same person in a casual sale during a calendar year;

9           (13) violates any of the provisions [~~provision~~] of Occupations Code, Chapter 2301 or Chapter 2302;  
10 [~~]~~ Transportation Code, Chapters 501, 502, or 503; [~~]~~ or any board rule or order promulgated under those  
11 statutes;

12           (14) uses or allows use of the salvage vehicle dealer's or salvage vehicle agent's license or  
13 business location for the purpose of the license holder or another person avoiding Occupations Code,  
14 Chapter 2301 or Chapter 2302; [~~]~~ Transportation Code, Chapters 501, 502 or 503; [~~]~~ or any board rule  
15 or order promulgated under those statutes;

16           (15) violates any law, ordinance, rule or regulation governing the purchase, sale, exchange,  
17 or storage of salvage motor vehicles [~~]~~ or [~~]~~ ~~and~~ non-repairable motor vehicles;

18           (16) sells or offers for sale a non-repairable motor vehicle [~~vehicles~~] or a salvage motor  
19 vehicle [~~vehicles~~] from any location other than the [~~a licensed~~] salvage vehicle dealer's licensed business  
20 location that has been approved by the department;

21           (17) is convicted of an offense [~~a felony~~] after initial issuance or renewal of the license under

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1 ~~Occupations Code, Chapter 2302 [salvage vehicle dealer or salvage vehicle agent license, or less than~~  
2 ~~three (3) years have elapsed since the termination of the sentence, parole, mandatory supervision, or~~  
3 ~~probation for a felony conviction of the license holder];~~

4 (18) makes a false statement, material misrepresentation, or material omission in any  
5 application or other information filed with the department;

6 (19) fails to timely remit payment for administrative penalties imposed by the department  
7 ~~[under Occupations Code, §2302.354 and this section];~~

8 (20) engages in business without a license required under Occupations Code, Chapters 2301  
9 ~~or 2302; [r]~~ or Transportation Code, Chapter 503;

10 (21) operates a salvage motor vehicle or a non-repairable motor vehicle on the public  
11 highways or allows another person to operate a salvage motor vehicle or a non-repairable motor vehicle  
12 on public highways;

13 (22) dismantles a salvage motor vehicle or non-repairable motor vehicle; or

14 (23) deals in used automotive parts as more than an incidental part of the salvage vehicle  
15 dealer's primary business.



- 1           (2) the holder of a license or other authorization issued by the department;
- 2           (3) a person's spouse with a community property interest in the entity licensed or to be  
3 licensed by the department;
- 4           (4) a controlling shareholder of a business entity licensed by the department;
- 5           (5) a person holding an ownership interest in a business entity licensed by the department;
- 6           (6) a person acting in a representative capacity for the applicant or license holder, including  
7 an owner, president, vice-president, member of the board of directors, chief executive officer, chief  
8 financial officer, chief information officer, chief managing officer, treasurer, controller, director,  
9 principal, manager of business affairs, or similar position of a business entity; or
- 10          (7) any person who becomes a person described in this subsection.
- 11          (d) An action taken by the board or department under this section may be based on an act or  
12 omission by an officer, director, partner, trustee, or other person acting in a representative capacity for  
13 the applicant or license holder.
- 14          (e) Upon receipt of an order or notice regarding an applicant or license holder issued under  
15 Family Code, Chapter 232, the board or department will deny an application for issuance of a license,  
16 will not renew an existing license, or will suspend a license or other authorization issued by the  
17 department. The board's or department's action, based upon receipt of an order or notice issued under  
18 Family Code, Chapter 232, on the application for a license or existing license is not subject to the  
19 provisions of Government Code, Chapter 2001, including notice, hearing, or opportunity for hearing.  
20 Upon receipt of an order vacating or staying an order suspending a license issued under Family Code,  
21 Chapter 232, the board or department will issue the affected license to the applicant or license holder if



1 the applicant or license holder is otherwise qualified for the license.

2 (f) No person currently imprisoned for conviction of a felony under any state or federal law is  
3 eligible for or may retain a license or authorization issued by the department.

4 (g) The board or department will revoke a license issued by the department upon the license  
5 holder's imprisonment following a felony conviction, felony community supervision revocation,  
6 revocation of parole, or revocation of mandatory supervision.

7 (h) The board or department may revoke a license issued by the department upon the license  
8 holder's imprisonment for a felony conviction, felony community supervision revocation, revocation of  
9 parole, or revocation of mandatory supervision, of a person defined by subsection (c) of this section or  
10 identified in subsection (d) of this section.

11 (i) The board or department may suspend a license, revoke a license, or disqualify a person from  
12 receiving a license issued by the department if:

13 (1) a person has been convicted of an offense that directly relates to the duties and  
14 responsibilities of the licensed occupation. Any such action shall be made after consideration of the  
15 factors listed in Occupations Code, §53.022 and §53.023, and the guidelines issued by the department  
16 pursuant to Occupations Code, §53.025;

17 (2) a person has been convicted of an offense that does not directly relate to the duties and  
18 responsibilities of the licensed occupation and that was committed less than five years before the date  
19 the person applies for the license;

20 (3) a person has been convicted of an offense listed in Code of Criminal Procedure, Article  
21 42A.054; or

1           (4) a person has been convicted of a sexually violent offense, as defined by Code of Criminal  
2 Procedure, Article 62.001.

3           (j) For purposes of Occupations Code, §53.021, the following criminal offenses directly relate to  
4 the duties and responsibilities of the occupations licensed by the department:

5           (1) Penal Code, Chapter 15, Preparatory Offenses;

6           (2) Penal Code, Chapter 16, Criminal Instruments, Interception of Wire or Oral  
7 Communication, and Installation of Tracking Device;

8           (3) Penal Code, Chapter 19, Criminal Homicide;

9           (4) Penal Code, Chapter 20, Kidnapping, Unlawful Restraint, and Smuggling of Persons;

10          (5) Penal Code, Chapter 20A, Trafficking of Persons;

11          (6) Penal Code, Chapter 21, Sexual Offenses;

12          (7) Penal Code, Chapter 22, Assaultive Offenses;

13          (8) Penal Code, Chapter 25, Offenses Against the Family;

14          (9) Penal Code, Chapter 28, Arson, Criminal Mischief, and Other Property Damage or  
15 Destruction;

16          (10) Penal Code, Chapter 29, Robbery;

17          (11) Penal Code, Chapter 30, Burglary and Criminal Trespass;

18          (12) Penal Code, Chapter 31, Theft;

19          (13) Penal Code, Chapter 32, Fraud;

20          (14) Penal Code, Chapter 33, Computer Crimes;

21          (15) Penal Code, Chapter 33A, Telecommunications Crimes;

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- 1           (16) Penal Code, Chapter 34, Money Laundering;
- 2           (17) Penal Code, Chapter 35, Insurance Fraud;
- 3           (18) Penal Code, Chapter 36, Bribery and Corrupt Influence;
- 4           (19) Penal Code, Chapter 37, Perjury and Other Falsification;
- 5           (20) Penal Code, Chapter 38, Obstructing Governmental Operation;
- 6           (21) Penal Code, Chapter 71, Organized Crime;
- 7           (22) Code of Criminal Procedure, Chapter 62, Sex Offender Registration Program, involving an  
8 offense for which the person has been required to register as a sex offender;
- 9           (23) Transportation Code, Chapter 501, Certificate of Title Act;
- 10          (24) Transportation Code, Chapter 502, Registration of Vehicles;
- 11          (25) Transportation Code, Chapter 503, Dealer's and Manufacturer's Vehicle License Plates;
- 12          (26) Transportation Code, Chapter 504, License Plates;
- 13          (27) Transportation Code, Chapter 520, Miscellaneous Provisions;
- 14          (28) Transportation Code, Chapter 547, Vehicle Equipment;
- 15          (29) Transportation Code, Chapter 548, Compulsory Inspection of Vehicles;
- 16          (30) Transportation Code, Chapter 727, Modification of, Tampering with, and Equipment of  
17 Motor Vehicles;
- 18          (31) Transportation Code, Chapter 728, Subchapter B, Sale of Master Key for Motor Vehicle  
19 Ignitions;
- 20          (32) Occupations Code, Chapter 2301, Subchapter R, Regulation of Certain Commercial Uses  
21 of Motor Vehicles;



1 Occupations Code, Chapter 2302, the board or department will consider:

2 (1) the requirements of Occupations Code, Chapter 53;

3 (2) the provisions of Occupations Code, Chapter 2302.108(b);

4 (3) any specific statutory licensing criteria or requirements;

5 (4) mitigating factors; and

6 (5) other evidence of a person's fitness, as allowed by law, including the standards identified  
7 in subsection (b) of this section.

8 (b) The board or department may determine that a person is unfit to perform the duties and  
9 discharge the responsibilities of a license holder and may, following notice and an opportunity for  
10 hearing, deny a person's license application or revoke or suspend a license if the person:

11 (1) fails to meet or maintain the qualifications and requirements of licensure;

12 (2) is convicted by any local, state, or federal authority of an offense listed in §221.116(j) of  
13 this title or is convicted in any jurisdiction of an offense containing elements that are substantially  
14 similar to the elements in the offenses in §221.116(j) of this title;

15 (3) omits information or provides false, misleading, or incomplete information on an initial  
16 application, renewal application, or application attachment for a license or other authorization issued by  
17 the department or by any local, state, or federal regulatory authority;

18 (4) is found to have violated an administrative or regulatory requirement based on action  
19 taken on a license, permit, or other authorization, including disciplinary action, revocation, suspension,  
20 denial, corrective action, cease and desist order, or assessment of a civil penalty, administrative fine,  
21 fee, or similar assessment, by the board, department, or any local, state, or federal regulatory authority;

1           (5) is insolvent or fails to obtain or maintain financial resources sufficient to meet the  
2 financial obligations of the license holder;

3           (6) is a corporation that fails to maintain its charter, certificate, registration, or other  
4 authority to conduct business in Texas;

5           (7) is assessed a civil penalty, administrative fine, fee, or similar assessment by the board,  
6 department, or a local, state, or federal regulatory authority for violation of a requirement governing or  
7 impacting the distribution or sale of a vehicle or motor vehicle, or the acquisition, sale, repair, rebuild,  
8 reconstruction, or other dealing of a salvage motor vehicle or nonrepairable motor vehicle, and fails to  
9 comply with the terms of a final order or fails to pay the penalty pursuant to the terms of a final order;

10           (8) was or is a person defined by §221.116(c) of this title or identified in §221.116(d) of this  
11 title, or a manager or affiliate of a sole proprietorship, partnership, corporation, association, trust,  
12 estate, or other legal entity whose actions or omissions could be considered unfit, who is ineligible for  
13 licensure, or whose current or previous license, permit, or other authorization issued by any local, state,  
14 or federal regulatory authority has been subject to disciplinary action including suspension, revocation,  
15 denial, corrective action, cease and desist order, or assessment of a civil penalty, administrative fine,  
16 fee, or similar assessment;

17           (9) has an ownership interest with a person whose actions or omissions could be considered  
18 unfit, who is ineligible for licensure, or whose current or previous license, permit, or other authorization  
19 issued by any local, state, or federal regulatory authority has been subject to disciplinary action,  
20 including suspension, revocation, denial, corrective action, cease and desist order, or assessment of a  
21 civil penalty, administrative fine, fee, or similar assessment, by the board, department, or any local,

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1 state, or federal regulatory authority;

2 (10) is a business entity that is operated, managed, or otherwise controlled by a relative or  
3 family member and that person could be considered unfit, is ineligible for licensure, or whose current or  
4 previous license, permit, or other authorization issued by any local, state, or federal regulatory authority  
5 has been subject to disciplinary action, including suspension, revocation, denial, corrective action, cease  
6 and desist order, or assessment of a civil penalty, administrative fine, fee, or similar assessment; or

7 (11) is unfit or acting in a manner detrimental to the system of distribution or sale of salvage  
8 motor vehicles, nonrepairable motor vehicles, or motor vehicles in Texas, or to the economy of the  
9 state, the public interest, or the welfare of Texas citizens.

1

**SUBCHAPTER F. ADMINISTRATIVE SANCTIONS**

2

**43 TAC §221.113 and §221.114**

3

4 **TEXT**

5

**Suspension or Refusal to Renew Due to Failure to Pay Court-ordered Child Support**

6

**43 TAC §221.113**

7

**§221.113. Suspension or Refusal to Renew Due to Failure to Pay Court-ordered Child Support.**

8

(a) On receipt of a final order suspending a license, issued under Family Code, §232.008, the department will suspend or refuse to renew a salvage vehicle dealer's or salvage vehicle agent's license issued under this chapter.

11

(b) The department will charge an administrative fee of \$10 to reinstate the salvage vehicle dealer's or salvage vehicle agent's license who was the subject of an order suspending the license under this section.

13

14

**SUBCHAPTER F. ADMINISTRATIVE SANCTIONS**

15

**Re-application after Revocation of License**

16

**43 TAC §221.114**

17

**§221.114. Re-application after Revocation of License.**

18

A person whose license is revoked may not apply for a new license before the first anniversary of the date of the revocation.

19