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ADOPTION OF
CHAPTER 217 VEHICLE TITLES AND REGISTRATION
SUBCHAPTER F. MOTOR VEHICLE RECORDS
43 TAC §§217.122 – 217.133

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to Title 43 Texas Administrative Code §§217.122-217.130 and new §§217.131-217.133, concerning the disclosure of personal information from the department's motor vehicle records. The department adopts §§217.122-217.133 without changes to the proposed text as published in the July 22, 2022, issue of the *Texas Register* (47 TexReg 4297). The rules will not be republished.

REASONED JUSTIFICATION. The department adopts substantive and nonsubstantive changes to amended §§217.122-217.130 and adopts new §§217.131-217.133. The amendments and new sections are necessary to implement amended Transportation Code §§730.003, 730.006, 730.007, 730.013, 730.014, and 730.016 and new §§730.0121, 730.0122, and 730.0123 under Senate Bill 15, 87th Legislature, Regular Session (2021), also known as the Texas Consumer Privacy Act Phase I (SB 15). The nonsubstantive changes revise for consistency, clarify existing requirements, redesignate subsections and paragraphs when subsections or paragraphs have been added or deleted, and revise for plain English readability.

Section 217.122. The amendments to §217.122 add new subsections (a) and (b)(5) through (14); remove existing paragraphs (1), (3), and (4); and renumber existing paragraphs (2), (5), (6), and (7). New §217.122(a) incorporates all definitions found in Transportation Code Chapter 730 for consistent interpretations between the corresponding statutes and rules. To be consistent and avoid conflict with the statutory definitions, duplicative terms have been removed in existing paragraphs (1), (3), and (4) of subsection (b). The remaining existing definitions have been renumbered.

1 The amendments to renumbered §217.122(b)(2) clarify the definition of "requestor" to include "this
2 state" and "an agency of this state," to conform to the definition of "person" in Transportation Code
3 §730.003(5), which specifically excludes "this state or an agency of this state." The amendment to
4 renumbered §217.122(b)(2) clarifies that the incorporation of the statutory definition of "person" does
5 not modify who is permitted to submit a request for personal information to the department. The term
6 "requestors" continues to apply to people, states, and agencies of this state unless specifically stated
7 otherwise.

8 The amendments to renumbered §217.122(b)(3) clarify the definition of "service agreement." A service
9 agreement is a contract between the department and a "requestor," replacing "individuals, businesses or
10 governmental entities or institutions" in accordance with its amended definition. Service agreements
11 always provide electronic access to motor vehicle records, so for clarity the term "electronic" is added to
12 the definition and removed from §217.123, which includes regulations related to service agreements. The
13 amendment changing "the department's" to "department" clarifies that a service agreement may provide
14 access to some but not all the department's motor vehicle records, depending on the terms and conditions
15 of the service agreement. A service agreement is one type of contract for access to department motor
16 vehicle records. SB 15 created another type of contract for access to department motor vehicle records
17 in Transportation Code §730.014, where the department provides a requestor access to personal
18 information in motor vehicle records in bulk. The requirements in Transportation Code §730.014 do not
19 apply to service agreements, because service agreements do not provide access to information in bulk.
20 Service agreements are contracts to receive access to records under §217.123 (relating to Access to Motor
21 Vehicle Records) where the department discloses personal information based upon requests for specific,
22 individual motor vehicle records.

1 The amendments to renumbered §217.122(b)(4) change the term "made" to "submitted" for consistency
2 within the subchapter and to specify that a request can be submitted by mail as well as the listed
3 electronic methods.

4 New §217.122(b)(5) defines the term "signature" to establish that any signature requirement in this
5 subchapter can be met using an electronic signature, as defined by Transportation Code §501.172. The
6 definition includes "to the extent the department accepts such electronic signature" to recognize that
7 there may be subsets of or advancements in these types of electronic signatures that the department's
8 technology may not be able to accept at the time of submission.

9 New §217.122(b)(6) defines the term "Batch Inquiry" to identify one of the department's information
10 products that provides a requestor access to non-bulk motor vehicle records. Entering into a service
11 agreement to submit Batch Inquiries allows the requestor to submit requests for multiple, specific motor
12 vehicle records simultaneously and receive the responses in a batch format. A Batch Inquiry is
13 distinguishable from a request for information in bulk—a Batch Inquiry is a method of sending multiple
14 requests for individual records simultaneously and then receiving the response associated with each
15 request simultaneously; whereas a request for information in bulk is one request that will require the
16 disclosure of bulk information. In a Batch Inquiry, each motor vehicle record that is disclosed is a separate
17 disclosure.

18 New §217.122(b)(7) defines the term "MVInet Access," to identify one of the department's information
19 products that provides a requestor access to non-bulk motor vehicle records. MVInet Access provides the
20 requestor access to query the department's motor vehicle registration and title database. To run a query
21 in MVInet, the requestor must enter data associated with a specific motor vehicle record--a Texas license
22 plate number, vehicle identification number, placard number, or document number. The MVInet system
23 is not designed to return information from multiple motor vehicle records from a single search of the

1 system, and therefore does not disclose personal information in bulk. Each search made in MVInet is a
2 separate disclosure. To gain access to MVInet, a requestor must apply for and enter into a service
3 agreement.

4 New §217.122(b)(8) defines the term "bulk" to implement SB 15's amendments to Transportation Code
5 §730.014. SB 15 established required contract terms when the department provides a requestor access
6 to personal information in motor vehicle records in bulk under a contract under Transportation Code
7 §730.007. SB 15 also established a requirement that the department include at least two records that are
8 created solely for monitoring compliance with Transportation Code Chapter 730 in any bulk disclosure.
9 The new definition of "bulk" in §217.122(b)(8) establishes what types of disclosures are subject to the
10 requirements for disclosures of personal information in bulk under Transportation Code §730.014.

11 New §217.122(b)(8) establishes that a disclosure of at least 250 motor vehicle records containing personal
12 information is "bulk." The minimum amount of 250 motor vehicle records coincides with Business and
13 Commerce Code §521.053(i), which requires a person to provide notice to the Texas Attorney General of
14 any breach of system security that involves at least 250 residents of this state. The "bulk" definition goes
15 on to include examples of department information products that disclose records in bulk.

16 New §217.122(b)(9) defines the term "bulk contract" to implement SB 15's amendments to
17 Transportation Code §730.014 that establish required contract terms when the department provides a
18 requestor access to personal information in motor vehicle records in bulk under a contract under
19 Transportation Code §730.007. The new definition clarifies the types of contracts that will contain the
20 contract terms required by Transportation Code §730.014.

21 New §217.122(b)(10) defines the term "Master File" to identify one of the department's information
22 products that provides a requestor access to personal information in department motor vehicle records
23 in bulk. The Master File contains all the department's active and inactive registration and title records.

1 New §217.122(b)(11) defines the term "Weekly Updates" to identify one of the department's information
2 products that provides a requestor access to personal information in department motor vehicle records
3 in bulk. The Weekly Updates contains any new and renewed registrations and title records from the
4 previous week.

5 New §217.122(b)(12) defines the term "Specialty Plates File" to identify one of the department's
6 information products that provides a requestor access to personal information in department motor
7 vehicle records in bulk. The Specialty Plates File contains records on issued Texas specialty license plates.

8 New §217.122(b)(13) defines the term "eTAG File" to identify one of the department's information
9 products that provides a requestor access to personal information in department motor vehicle records
10 in bulk. The eTAG File contains records of new or updated eTAGs, vehicle transfer notifications, and plate-
11 to-owner records.

12 New §217.122(b)(14) defines the term "Dealer/Supplemental File" to identify one of the department's
13 information products that provides a requestor access to department motor vehicle records. The
14 Dealer/Supplemental File is a pair of files that are disclosed jointly. One of the files contains information
15 on licensed dealers and the other contains information from registration and title transactions processed
16 by dealers with the department during the previous week. The Dealer/Supplemental File does not contain
17 personal information protected under Transportation Code Chapter 730. The Dealer/Supplemental File is
18 not a standalone information product; a requestor who wants to receive the Dealer/Supplemental File
19 must also contract for the Weekly Updates, which is a bulk contract.

20 **Section 217.123.** The amendments to §217.123 improve readability and clarify the requirements for a
21 request for motor vehicle records, for proof of a requestor's identity, and for an application for a service
22 agreement. New subsections to §217.123 add new processes for law enforcement requestors, establish
23 processes regarding bulk requests, and clarify that other regulated methods of legal compulsion are

1 exempt from the section's form requirements. The amendments insert new subsections (c) and (d)
2 between the existing subsections (b) and (c). The amendments also remove existing subsection (d), move
3 the content from existing subsection (e) to new subsection (e)(2), and add new subsections (f), (g), (h),
4 and (i). To accommodate the new subsections, existing subsection (c) is redesignated as subsection (e).
5 The amendments to §217.123(a) improve readability and clarify the general requirements for a request
6 for personal information in department motor vehicle records. The amendments start by distinguishing
7 requests made under §217.123(a) from requests made to access motor vehicle records in bulk, under the
8 new §217.123(f). The amendments broaden the language from "on the form" to "in a form," to clarify the
9 department's processes, which provide for one general request form and a second request form that is
10 tailored to the permitted uses afforded to law enforcement agencies under Transportation Code Chapter
11 730. Amendments to §217.123(a) also include the following amendments that improve readability and
12 are nonsubstantive: the removal of "Request for records," which is unnecessary; the relocation of the
13 requirement that information be released only in accordance with the DPPA, Transportation Code Chapter
14 730, Government Code §552.130, and 43 Texas Administrative Code Chapter 217, Subchapter F from
15 subsection (a) to subsection (i); and the removal of "at a minimum," which is unnecessary.
16 The amendments to §217.123(a)(2) improve readability and clarify the requirement that the requestor
17 specifically identify the requested motor vehicle records on the request form. For the department to
18 properly evaluate the request under Transportation Code Chapter 730 and provide a prompt, responsive
19 disclosure, the requestor must clearly identify the motor vehicle record they are seeking. If a request is
20 unclear, then the department may ask the requestor for clarification under Government Code §552.222.
21 The amendments to subsection (a)(2) specify a nonexclusive list of common data points that the
22 department often needs to locate a requested motor vehicle record. The amendments also add "plate"
23 to the "Texas license plate number" data point, to make the term consistent with Transportation Code

1 Chapter 504 and to avoid any confusion with a driver's license number issued under Transportation Code
2 Chapter 521.

3 The amendments to §217.123(a)(3) modify the existing requirement for proof of identity to conform with
4 statutory language more closely and to incorporate amended §217.123(b) and new §217.123(c).
5 Subsections (b) and (c) allow for different types of proof of identity, depending on the requestor's
6 permitted use under Transportation Code Chapter 730.

7 The amendments to §217.123(a)(4) improve the readability of the existing requirement that the requestor
8 inform the department how the requestor qualifies to receive the requested personal information under
9 Transportation Code Chapter 730. The nonsubstantive amendments change the language to conform with
10 the Transportation Code §730.006 and §730.007 more closely. The amendments clarify that the requestor
11 must establish the requestor's authorized use on the request form. The amendments establish
12 subparagraphs (A) through (C) of subsection (a)(4) to clarify that the requestor is required to meet only
13 one of the existing authorized use options.

14 The amendments to §217.123(b) and the insertion of new §217.123(c) improve readability and specify
15 the acceptable forms of proof of identity for this subchapter. Transportation Code Chapter 730 requires
16 the department to protect personal information contained in its motor vehicle records and authorizes
17 disclosure of personal information only under certain circumstances. To determine whether a request
18 qualifies for disclosure, the department must verify the identity of the requestor. For most requestors,
19 this proof is provided using standard photo identifications. But the department recognizes that requestors
20 seeking information for a law enforcement agency's use often possess other reliable means of
21 identification that are unique to law enforcement. Therefore, the amendments remove law enforcement
22 requestors from existing subsection (b) and establish separate proof of identity requirements for requests
23 from law enforcement agencies in the new subsection (c).

1 The amendments to §217.123(b) exempt requests that meet the requirements of new subsection (c), to
2 establish the separate proofs of identity available to law enforcement requestors. The amendments
3 improve the readability of subsection (b) by affirmatively stating the requirements and removing the
4 surplus "Identification required" and "document." The amendments to subsection (b) add allowances for
5 "Texas Department of Public Safety Identification" and "North Atlantic Treaty Organization identification
6 or identification issued under a Status of Forces Agreement" to better conform with other Texas laws that
7 require proof of identity. The amendments remove the allowance for a "copy of current law enforcement
8 credentials if the requestor is a law enforcement officer" as those requests are addressed by the new
9 subsection (c).

10 New §217.123(c) establishes proof of identity requirements for requests for personal information for use
11 by law enforcement agencies. Law enforcement agencies have commented on §217.123's existing
12 limitation to accept only law enforcement credentials as proof of identity from law enforcement
13 requestors. Considering the time-sensitivity and public interest in law enforcement investigations, new
14 §217.123(c) includes two new options for proof of identity for law enforcement requestors. The new
15 options for law enforcement requestors increase flexibility for the requestors while continuing to allow
16 the department to meet its obligations under Transportation Code Chapter 730 to confirm that a
17 requestor has a permitted use for the requested personal information and is not falsely holding
18 themselves out to be associated with a law enforcement agency.

19 The first of the three options, new §217.123(c)(1), continues the existing allowance for a law enforcement
20 requestor to provide the requestor's law enforcement credentials as proof of identity. This option
21 provides consistency for those that wish to continue following the existing processes. The second option,
22 new §217.123(c)(2), allows law enforcement agencies to "electronically submit the request in a manner
23 that the department can verify that the requestor is acting on behalf of a law enforcement agency." This

1 option provides for multiple electronic submission methods--including methods that are currently
2 available, such as submission using an email address issued and controlled by a law enforcement agency,
3 and future methods that may be accomplished through technological advancements at the department.
4 The third option, new §217.123(c)(3), provides the ability for the requestor's superior or commanding
5 officer to affirm the requestor's identity. Unlike subsection (c)(2), subsection (c)(3) establishes a new
6 option that can be used for in-person requests, if an officer wishes to request records at a Regional Service
7 Center without presenting the officer's credentials.

8 New §217.123(d) establishes an exception for law enforcement requestors to the requirement in
9 §127.123(a) that requests be made in writing. The department recognizes the public benefit of providing
10 law enforcement requestors prompt assistance with their requests over the phone. New subsection (d)
11 establishes a process for law enforcement agencies to provide required proof of identity for the people
12 authorized to submit requests on behalf of the law enforcement agency before a request is made. The
13 department will create a vetting form that law enforcement agencies can use to provide proof of identity.
14 The department will review the submitted form and track which forms are complete and accepted. To
15 ensure the information provided on the forms does not become inaccurate over time, a law enforcement
16 requestor will be required to file a new form every 12 months, which must be approved by the department
17 if the law enforcement requestor would like to continue submitting requests to the department verbally.

18 New §217.123(d) also establishes that the department may require the law enforcement requestor to
19 confirm a verbal request in writing. If the department requires the law enforcement requestor to confirm
20 the request in writing, the department will not disclose any personal information related to the request
21 until confirmation in writing is received.

1 The amendments reletter the existing §217.123(c) to §217.123(e), improve the readability of the existing
2 text, and clarify that a requestor must submit an application to enter into a service agreement. The
3 content from existing subsection (e) was relocated to subsection (e)(2).
4 Relettered §217.123(e) addresses the process of entering into a service agreement. A service agreement
5 is a contract that provides electronic access to department motor vehicle records through a method that
6 does not disclose personal information in bulk. The amendments to relettered subsection (e) remove
7 "Electronic access" because it restates an element of a service agreement.
8 The amendments to relettered §217.123(e)(1) improve readability and specify that a requestor must
9 submit an application to enter into a service agreement with the department. Before the department will
10 begin the process of drafting a service agreement, the requestor must provide reasonable assurances that
11 the requestor's identity is accurate and that the use of the personal information will be used only as
12 authorized, under Transportation Code §730.007(a) and §730.012. The amendments to relettered
13 §217.123(e)(1) remove "with a business or individual" and "written," as those terms are incorporated into
14 the definitions of "requestor" and "service agreement" in adopted §217.122(b)(2) and (3), respectively.
15 The removal of "with a business or individual" and "written," are nonsubstantive.
16 The amendments to relettered subparagraphs (A) through (E) of subsection (e)(1) make the requirements
17 for an application for a service agreement consistent with the requirements for a request under
18 §217.123(a), to avoid any unintended consequences. The amendments to relettered paragraph (e)(1)(A)
19 change the existing requirement for the requestor to provide the permitted use on the application for a
20 service agreement to conform with §217.123(a)(4)(C) and Transportation Code Chapter 730. The
21 amendments to relettered subsection (e)(1)(A) are nonsubstantive.
22 The amendments to relettered §217.123(e)(1)(B) specify that an applicant for a service agreement must
23 comply with Transportation Code §730.007(a)(1) and provide the applicant's name and address in the

1 application. The requirement for an adjustable account in existing §217.123(c)(1)(B) is incorporated into
2 to relettered §217.123(e)(2) for clarity, since an adjustable account is a term or condition in a service
3 agreement and not part of the application for a service agreement.

4 The amendments to relettered §217.123(e)(1)(C) require an applicant for a service agreement to provide
5 proof of identity, as established under subsections (b) and (c). Since a service agreement is a contract
6 regarding the disclosure of personal information, the department has a duty to confirm the identity of the
7 contracting recipient. The amendments remove the existing §217.123(c)(1)(C) requirement for
8 "termination and default provisions," as those are not part of an application for a service agreement.
9 Executed service agreements will contain termination and default provisions, but it is not necessary for
10 this rule to require them, as they are standard contract terms and conditions.

11 The amendments to relettered §217.123(e)(1)(D) clarify that a requestor applying to enter into a service
12 agreement may be an individual, an organization, or an entity. If the requestor is an organization or entity,
13 the amendments require an officer or director to sign the application on the entity's behalf. It is necessary
14 for the department to know that an organization or entity's upper management understands the extent
15 of the requestor's responsibility to protect the personal information contained in the department motor
16 vehicle records before entering into a service agreement that provides electronic access to the
17 department motor vehicle records.

18 The amendments remove the requirement in existing §217.123(c)(1)(E) and add a new requirement in
19 relettered §217.123(e)(1)(E). The amendments to relettered §217.123(e)(1)(E) add a requirement that the
20 application for a service agreement contain a certification that the statements made in the application
21 are true and correct. The certification will not make the application more arduous on the part of the
22 requestor and will provide assurances to the department that the requestor has confirmed that the

1 statements made in the application are true and correct before submission. This certification is not
2 required to be notarized.

3 The amendments remove the existing §217.123(c)(1)(E) requirement for a statement that the use of
4 personal information will be in accordance with the DPPA, Transportation Code Chapter 730, and the
5 permitted use specified in the service agreement to improve readability and make the rules more concise.
6 The existing requirement is not something a requestor must provide in its application for a service
7 agreement; rather, the existing requirement restates statutory requirements in accordance with DPPA
8 and Chapter 730. The requirement that a requestor comply with the DPPA and Chapter 730 will continue
9 to be required under a service agreement but the restatement of laws is removed to avoid redundancy
10 and any unintended conflict with those laws.

11 The amendments remove existing §217.123(c)(1)(F), which requires that applications for service
12 agreements contain "the statements required by subsection (a) of this section." Any "statements required
13 by subsection (a)" that are required in an application for a service agreement are specifically included in
14 the proposed amendments to the relettered §217.123(e). Therefore, the existing requirement in
15 §217.123(c)(1)(F) is unnecessary and removed to avoid any confusion.

16 The amendments to relettered §217.123(e)(2) simplify the existing requirements related to adjustable
17 accounts and the payment of fees under a service agreement by incorporating the requirements currently
18 located in existing §§217.123(c)(1)(B), 217.123(c)(2)(B), and 217.123(e) into one subdivision. Service
19 agreements include adjustable accounts established to pay fees incurred for the individual requests or
20 searches made under the service agreement. The adjustable account requirements can be modified
21 depending on the number of requests the requestor needs to submit. Additionally, some requestors are
22 exempt from the payment of fees in this subchapter under §217.124(b) and (e), which negates the need
23 for an adjustable account. The amendments to relettered §217.123(e)(2) combine all the existing

1 regulations regarding adjustable accounts to one subdivision in the rule, making the rule more concise
2 and improving readability.

3 The amendments remove existing §217.123(c)(2), which contains a separate set of regulations for service
4 agreements with Texas governmental entities. In existing §217.123(c)(2), the only substantive distinctions
5 between the regulations for a service agreement with a governmental entity and a service agreement
6 with a requestor that is not a governmental entity was the existence of the adjustable account and the
7 recognition that a governmental entity may have statutory authority to obtain social security numbers.

8 The distinction that governmental entities may be exempt from paying fees is addressed by the
9 amendments to §217.124(e), making the requirement in existing §217.123(c)(2)(B) unnecessary. The
10 amendments remove existing §217.123(c)(2)(A)(v), which requires a statement citing to the governmental
11 entity’s authority to obtain social security number information. This statement restates existing law in
12 Chapter 730. Section 730.003(6) defines “personal information” to include a social security number. If a
13 governmental entity has authority to obtain social security numbers under Chapter 730, that authority is
14 not modified by this rule. The removal of existing §217.123(c)(2) is nonsubstantive and avoids any
15 potential conflict with existing laws.

16 The amendments remove existing §217.123(d), which addresses the ineligibility to receive personal
17 information after a violation of a term or condition of the contract. Transportation Code §730.014 and
18 §730.016 address the repercussions to a contracted authorized recipient if the recipient violates its
19 contract, including the ineligibility to receive personal information. The amendments remove the existing
20 §217.123(d) to avoid any conflict with these statutes.

21 The amendments remove existing §217.123(e) because the existing regulation regarding initial deposits
22 and minimum balances in adjustable accounts is addressed by the amendments to relettered
23 §217.123(e)(2).

1 New §217.123(f) implements amendments to Transportation Code §730.014, which include contract
2 requirements when an agency provides a requestor access to personal information in motor vehicle
3 records in bulk under a contract under Transportation Code §730.007. New §217.123(f) specifies the
4 requirement for a bulk contract; what must be present in an application for a bulk contract; when a
5 conviction of an offense under Transportation Code Chapter 730 or a violation of 43 Texas Administrative
6 Code Chapter 217, Subchapter F terminates a bulk contract; and what records the department may
7 release under a bulk contract.

8 New §217.123(f) establishes that "[a] requestor seeking access to department motor vehicle records in
9 bulk must enter into a bulk contract with the department." To ensure compliance with Transportation
10 Code §730.014, the department will not disclose information in bulk outside of a contract.

11 New §217.123(f)(1) specifies that a requestor must submit an application for a bulk contract with the
12 department before the department will initiate the contracting process and establishes the requirements
13 for an application for a bulk contract. Before the department will begin the process of entering into a
14 contract, the requestor must provide reasonable assurances regarding the requestor's identity and
15 assurances that the personal information will be used only as authorized under Transportation Code
16 §730.007(a) and §730.012.

17 New subparagraphs (A) through (E) of §217.123(f)(1) establish the requirements for an application for a
18 bulk contract, which conform with the requirements for an application for a service agreement under
19 §217.123(e). New §217.123(f)(1)(A) incorporates the requirement under Transportation Code
20 §730.007(a)(2) that a requestor must establish a permitted use before the department can disclose
21 personal information from motor vehicle records. New §217.123(f)(1)(B) addresses the requirement
22 under Transportation Code §730.007(a)(1) that a requestor must provide the requestor's name and
23 address with the request. New §217.123(f)(1)(C) addresses the requirement from Transportation Code

1 §730.007(a)(1) that a requestor must provide proof of identity with the request and incorporates the
2 acceptable forms of proof of identity established in §217.123(b) and (c) to create consistency across all
3 requests under this subchapter. New §217.123(f)(1)(D) specifies that the application must contain a
4 certification that the statements made in the application are true and correct. This certification will
5 provide assurances to the department that the requestor has confirmed that statements made in the
6 application are true and correct before submission. This certification is not required to be notarized. New
7 §217.123(f)(1)(E) establishes a signature requirement for the application. A requestor applying to enter
8 into a bulk contract may be either an individual, an organization, or an entity. If the requestor is an
9 organization or entity, the amendments require an officer or director to sign the application on the
10 organization's or entity's behalf. It is necessary for the department to know that an organization's or
11 entity's upper management understands the extent of the requestor's responsibility to protect the
12 personal information contained in the department's motor vehicle records before entering into a bulk
13 contract.

14 New §217.123(f)(2) implements SB 15's requirements in Transportation Code §730.014(c)(1) and (c)(3).
15 Transportation Code §730.014(c) requires requestors seeking a bulk contract to post a performance bond,
16 and to provide proof of general liability and cyber-threat insurance coverage. New §217.123(f)(2)
17 establishes that the requestor must provide proof that they have a performance bond and insurance
18 coverage that meet the requirements of Transportation Code §730.014 before a bulk contract is executed.

19 New §217.123(f)(2) allows a requestor to submit proof of a performance bond and insurance coverage
20 after submitting an application to enter into a bulk contract to provide the requestor the flexibility to wait
21 until the application is approved before expending the resources on these items. The requestor may
22 choose to submit proof of the performance bond and insurance coverage requirements with the

1 application, but the department will consider an application for a bulk contract complete without that
2 proof if all requirements in §217.123(f)(1) are met.

3 New §217.123(f)(2)(A) implements Transportation Code §730.014(c)(1), requiring "that the requestor
4 post a performance bond in an amount of not more than \$1 million." New §217.123(f)(2)(A) establishes
5 that, for bulk contracts with the department, performance bonds must be in the amount of \$1 million and
6 specifically tied to compliance with Transportation Code Chapter 730 and 43 Texas Administrative Code
7 Chapter 217, Subchapter F. The department considered developing a process for varying the amount for
8 the bond requirement; but determined that the requestors' obligations to protect the personal
9 information in the department's motor vehicle records do not vary significantly between different bulk
10 files and contracts. Because the performance bond addresses a consistent obligation to protect the
11 personal information in the department's motor vehicle records, the rule cannot fairly and logically vary
12 the bond amount.

13 New §217.123(f)(2)(B) implements Transportation Code §730.014(c)(3) requiring "that the requestor
14 provide proof of general liability and cyber-threat insurance coverage in an amount specified by the
15 contracting agency that is: (A) at least \$3 million; and (B) reasonably related to the risks associated with
16 unauthorized access and use of the records." New §217.123(f)(2)(B) establishes that a requestor must
17 provide proof of at least \$3 million in coverage that complies with Transportation Code §730.014(c)(3) to
18 be consistent with the statute. The requirement provides requestors with the flexibility to evaluate their
19 businesses and determine their insurance coverage needs, as long as they comply with Transportation
20 Code §730.014(c)(3).

21 New §217.123(g) implements Transportation Code §730.016(a), which states that if a person is convicted
22 of an offense under Transportation Code Chapter 730 or if the person violates a rule adopted by an agency
23 relating to the terms or conditions for a release of personal information, then the person is ineligible to

1 receive personal information under §730.007. New §217.123(g) establishes that if the contracted
2 requestor is convicted of an offense under Transportation Code Chapter 730 or is found to have violated
3 a rule under Subchapter F of Chapter 217, then the contract with that requestor is terminated as of the
4 date of the court's final determination since the person would no longer be eligible to receive personal
5 information under Transportation Code §730.016(a).

6 New §217.123(h) establishes an exemption from the form requirements in §217.123(a) for people seeking
7 personal information using another regulated method of legal compulsion. Discovery requests,
8 subpoenas, and other methods of legal compulsion have specific form requirements set out in law. New
9 §217.123(h) clarifies that §217.123 does not create additional form requirements for these methods of
10 legal compulsion. For example, if the department receives a proper request for production, under Rule
11 196.1 of the Texas Rules of Civil Procedure, the department will not also require the filing of a form
12 required under §217.123(a).

13 New §217.123(i) incorporates the existing requirement in §217.123(a) to improve readability and clarity.
14 Regardless of how a person requests personal information under §217.123, the department will disclose
15 personal information only in accordance with Title 18 U.S.C. §2721 et seq., Transportation Code Chapter
16 730, Government Code §552.130, and Title 43 Texas Administrative Code Chapter 217, Subchapter F. The
17 terms and conditions of a service agreement do not exempt the department from its obligations to protect
18 personal and confidential information. If the department fails to meet its obligations to protect personal
19 information under the DPPA, it "shall be subject to a civil penalty imposed by the Attorney General of not
20 more than \$5,000 a day for each day of substantial noncompliance," under 18 U.S.C. §2723. If the
21 department fails to meet its obligations regarding the disclosure of confidential information under
22 Government Code Chapter 552, the department's officers or employees may be subject to criminal
23 prosecution under Government Code Chapter 552, Subchapter I.

1 **Section 217.124.** The amendments to §217.124 improve readability and incorporate new terms defined
2 by this rule proposal.

3 The amendments to §217.124(a) through (c) make nonsubstantive changes and improve readability by
4 simplifying language and removing unnecessary punctuation. The amendments in §217.124(b) replace
5 "entity" with "agency" to conform the reference to law enforcement requestors with Transportation Code
6 Chapter 730. The amendments to §217.124(c) remove "For new contracts and renewals, the costs are" as
7 these costs apply to all nonexempt requests, including requests under §217.123(a) that do not require a
8 contract, making this language unnecessary.

9 The amendments remove §217.124(d)(5) to avoid an unintended conflict with Transportation Code
10 §502.058 and §217.40(d), which authorize the owner of a vehicle for which the registration receipt has
11 been lost or destroyed to obtain a duplicate receipt from the department or the county tax assessor-
12 collector who issued the original receipt. Transportation Code §502.058 limits the disclosure of duplicate
13 registration receipts to the owner of the vehicle, and therefore any release of any personal information
14 on the disclosed receipt is under Transportation Code §730.006.

15 The amendments to §217.124(d) incorporate newly defined terms from §217.122. The amendments to
16 subsection (d) are nonsubstantive and replace the existing descriptions of the department's information
17 products with newly defined terms.

18 The amendments to §217.124(e) relate to the amendments made to existing §217.123(c)(2)(B) and are
19 not substantive. Existing §217.124(e) references an exemption granted in existing §217.123(c)(2)(B) to
20 government entities and toll project entities from paying certain fees for department motor vehicle
21 records. The proposed amendments to §217.123 remove existing §217.123(c)(2)(B) because the
22 exemption applies to all requests by these entities under the subchapter, including requests for records
23 under §217.123(a), requests for service agreements under relettered §217.123(e), and requests for bulk

1 contracts under new §217.123(f). The exemption was moved to §217.124(e), to provide a consistent
2 application of the exemption across the different types of requests.

3 **Section 217.125.** The amendments to §217.125 implement SB 15's amendments to Transportation Code
4 §730.007(a)(2), which amended existing permitted uses and created new permitted uses. The
5 amendments to §217.125 also clarify that the department may require the requestor to provide additional
6 documentation after the initial request to provide reasonable assurances as to the requestor's permitted
7 use. The amendments remove "Certain" from the title of the rule to clarify that the department's authority
8 under Transportation Code §730.012 to request reasonable assurances that the use of the personal
9 information will comply with Transportation Code Chapter 730 is not limited to certain permitted uses.

10 The amendments to §217.125(a) are nonsubstantive and ensure consistency with Transportation Code
11 §730.003(5) and §730.007. The amendments to subsection (a) change the language from "the business or
12 government entity" to "the organization, entity, or government agency," to conform with Transportation
13 Code §730.003(5) and §730.007. The amendments avoid any unintended consequences or confusion that
14 might be caused using similar, but not identical terms.

15 The amendments to §217.125(b) improve readability and clarify that the additional documents required
16 by subsection (b) are required only when a request is made to the department. While Transportation Code
17 §730.013 restricts the redisclosure of personal information to third parties who have a permitted use
18 under §730.007, the department allows authorized recipients to determine their own business practices
19 for performing their due diligence, in order to determine whether redisclosure to a specific third party is
20 permitted under Transportation Code Chapter 730. The amendments to §217.125(b) clarify that the
21 subsection applies only when the requestor is requesting personal information from the department. A
22 person can request motor vehicle records with personal information redacted from the department
23 without submitting additional documentation under §217.125(b).

1 Paragraphs (1) through (11) of §217.125(b) tell a requestor what documents or information need to be
2 submitted to the department with a request. The required documents or information help the
3 department to verify the requestor's permitted use and avoid the need for the department to seek
4 clarification of the request under Government Code §552.222.

5 The amendments to paragraphs (1) through (9) of §217.125(b) clarify that Transportation Code §730.007
6 does not require the inclusion of the documentation. Under the authority of Transportation Code
7 §730.012, §217.125(b) requires the inclusion of the documentation as an attachment to the application
8 that is submitted to the department. The amendments to paragraphs (1) through (9) of §217.125(b) also
9 correct the repeated omission of subsection (a) from the citations to the permitted uses under
10 Transportation Code §730.007(a)(2).

11 The amendments to §217.125(b)(1) also add the word "personal" to conform with Transportation Code
12 §730.007(a)(2)(C). The amendments to §217.125(b)(1) address SB 15's addition of Transportation Code
13 §730.007(a-2), which requires a requestor under Transportation Code §730.007(a)(2)(C) to be a business
14 that is "licensed by, registered with, or subject to regulatory oversight by a government agency," by
15 requiring a requestor to include proof of compliance with Transportation Code §730.007(a)(2)(C) with the
16 request to the department.

17 The amendments to §217.125(b)(2) also make nonsubstantive changes to improve readability and
18 conform the reference to "anticipation of litigation" with Transportation Code §730.007(a)(2)(D).

19 The amendments to §217.125(b)(4) also clarify that if a requestor supplies a license number provided by
20 the Texas Department of Insurance, an out-of-state relevant regulatory authority, or for an insurance
21 support organization, that license must be active at the time of the request for personal information.

1 The amendments to §217.125(b)(5) also clarify that if a requestor supplies a license number provided by
2 the Texas Department of Licensing and Regulation or an out-of-state relevant regulatory authority, that
3 license must be active at the time of the request for personal information.

4 The amendments to §217.125(b)(6) also clarify that if a requestor supplies a license number provided by
5 the Texas Department of Public Safety or an out-of-state relevant regulatory authority, that license must
6 be active at the time of the request for personal information.

7 The amendments to §217.125(b)(7) also clarify that if a requestor supplies a commercial driver's license,
8 that license must be active at the time of the request.

9 The amendments to §217.125(b)(8) also incorporate SB 15's amendments to Transportation Code
10 §730.007(a)(2)(J), which remove the term "private" and add "or another type of transportation project
11 described by Section 370.003."

12 The amendments to §217.125(b)(9) also make nonsubstantive changes that improve readability by
13 eliminating the repetitive reference to "the Fair Credit Reporting Act."

14 New §217.125(b)(10) addresses the new permitted use added by SB 15 under Transportation Code
15 §730.007(a)(2)(L). New §217.125(b)(10) requires that the requestor provide proof that the requestor
16 holds an active license as a manufacturer, dealership, or distributor at the time of the request for personal
17 information as Transportation Code §730.007(a)(2)(L) authorizes the department to disclose personal
18 information to a manufacturer, dealership, or distributor.

19 New §217.125(b)(11) addresses the new permitted use added by SB 15 under Transportation Code
20 §730.007(a)(2)(M). New §217.125(b)(11) requires that the requestor provide proof that the requestor is
21 licensed by or is subject to regulatory oversight by one of the entities listed in Transportation Code
22 §730.007(a)(2)(M), because those are the only types of people to whom the department is authorized to
23 disclose personal information under Transportation Code §730.007(a)(2)(M).

1 The amendments remove existing §217.125(c) to more consistently conform with Transportation Code
2 §730.007(a)(2)(M). The only permitted use in Transportation Code §730.007 that is limited to a requestor
3 that holds a license or authorization issued by the State of Texas is Transportation Code
4 §730.007(a)(2)(M). To eliminate any conflict with Transportation Code §730.007, the amendments
5 remove this section and add language addressing out-of-state licenses to subdivisions §217.215(b)(4),
6 (b)(5), (b)(6), and (b)(10).

7 New §217.215(d) clarifies that the department may require information regarding proof of the requestor's
8 permitted use under Transportation Code Chapter 730, in addition to what is required under §217.125(b).
9 Transportation Code §730.012(a) authorizes the department to require a requestor to provide reasonable
10 assurance that the use of the personal information will be only as authorized. While §217.125(b) generally
11 provides for what must be included with a request for personal information to the department, the new
12 §217.215(d) clarifies that if the initial submission is insufficient or unclear, the department will request
13 additional information as part of its due diligence to get the statutorily required proof that the requestor
14 meets the requirements of the requestor's stated permitted use.

15 **Section 217.126.** The amendments to §217.126 remove the terms "resale," "resell," and "reselling" from
16 the title and throughout the section to conform with SB 15's removal of the terms from Transportation
17 Code §730.013. The amendments to §217.126(a) replace the term "provided" with "disclose," which is a
18 nonsubstantive change for consistency throughout the subchapter and with Transportation Code Chapter
19 730. The amendments to §217.126(a) clarify that the regulation addresses only the department's motor
20 vehicle records. Transportation Code Chapter 730 applies to other agencies in addition to the department,
21 and an authorized recipient may receive information from more than one agency. Section 217.126(a)
22 addresses only the redisclosure of personal information from the department's motor vehicle records, not
23 personal information received from another source.

1 The amendments remove existing §217.126(b) to avoid unintended conflict or confusion between
2 §217.126(b) and Transportation Code §730.013. Transportation Code §730.013 prohibits the redisclosure
3 of personal information in the identical or substantially identical format. The redisclosure of "the entire
4 motor vehicle records database in its complete format" under the existing §217.126(b) would be a
5 prohibited "identical or substantially identical" disclosure under Transportation Code §730.013.
6 Therefore, the amendments remove the unnecessary, existing §217.126(b).

7 The new §217.126(b) specifies that the department may request information regarding how an authorized
8 recipient intends to vet any third parties to whom the authorized recipient will redisclose the
9 department's personal information. Under Transportation Code §730.013, an authorized recipient can
10 redisclose the department's personal information only to a person with a permitted use under §730.007.
11 Additionally, under Transportation Code §730.014(f) the department is charged with monitoring
12 compliance with Chapter 730. The new §217.126(b) specifies that the department may monitor
13 compliance with Transportation Code §730.013 by asking the requestor questions regarding how the
14 authorized recipient intends to complete its vetting process to determine the permitted use of a third
15 party.

16 The amendments to §217.126(c) make nonsubstantive changes that improve readability and clarify that
17 §217.126(c) addresses only the redisclosure of personal information from the department's motor vehicle
18 records, not personal information received from another source.

19 The amendments remove the existing §217.126(d), which made authorized recipients responsible for any
20 misuse of personal information committed by third parties to whom the authorized recipients redisclosed
21 the personal information. The amendments remove subsection (d) to avoid confusion between it and the
22 various statutorily created responsibilities of and repercussions to the authorized recipient. SB 15
23 established new courses of action that can be taken if a third party misuses personal information, under

1 Transportation Code §§730.0122 (regarding Sale Prohibited), 730.0123 (regarding Civil Suit), 730.013
2 (regarding Redisclosure; Offense), and 730.016 (regarding Ineligibility of Certain Persons to Receive,
3 Retain, or Redisclose Personal Information). SB 15's amendments provide sufficient civil and criminal
4 liability for authorized recipients and third parties, rendering subsection (d) unnecessary, and it is
5 therefore removed by the amendments.

6 New §217.126(d) clarifies that any resale of personal information that happened before the effective date
7 of SB 15 is still bound by the limitations of the section. While the amendments to §217.126 conform with
8 SB 15's removal of "resale" from Transportation Code §730.013, new subsection (d) ensures that the
9 amendments do not create an inadvertent regulatory loophole for personal information that was resold
10 before SB 15's amendments went into effect.

11 **Section 217.127.** The amendments to §217.127 remove the terms "resell," "resold," and "sold" from the
12 title and throughout the section, to conform with SB 15's removal of the term from Transportation Code
13 §730.013.

14 The amendments to §217.127(a) clarify that this regulation addresses only the records an authorized
15 recipient must maintain related to redisclosures of personal information from the department's motor
16 vehicle records. Transportation Code Chapter 730 applies to other agencies in addition to the department,
17 and an authorized recipient may receive information from more than one agency. Section 217.127(a)
18 addresses only the redisclosure of personal information from the department's motor vehicle records, not
19 personal information received from another source.

20 The amendments to §217.127(b)(1) improve readability and conform to Transportation Code §730.013,
21 under which a third-party recipient is identified as a "person." The amendments to §217.127(b)(1) also
22 require the records to reflect the third-party recipient's individual name and, when known, the name of
23 the organization or entity receiving the records. This amendment addresses the inclusion of organizations

1 and entities in Transportation Code §730.003(5)'s definition of "person" and the requirement under
2 Transportation Code §730.013, that the authorized recipient maintain records "as to the person or entity
3 receiving the information."

4 The amendments to §217.127(b)(2) are nonsubstantive, provide clarity, and improve readability. The
5 amendments clarify Transportation Code §730.013's requirement that redisclosure be limited to persons
6 with permitted uses under §730.007. The amendments remove the reference to §217.125(b), as those
7 documents are required only when a person requests information from the department and replaces it
8 with a more general description of "any documentation the authorized recipient received related to the
9 person's permitted use." While an authorized recipient is not required to request the documents listed in
10 §217.125(b), if the authorized recipient relies on documentation to confirm a third party's permitted use,
11 the department may want to see the documentation when monitoring compliance under Transportation
12 Code §730.014(f).

13 The amendments to §217.127(b)(3) are nonsubstantive, provide clarity, and improve readability. The
14 addition of "under each permitted use" acknowledges that a person may qualify under more than one
15 permitted use. Therefore, they may receive some records under one permitted use and other records
16 under another permitted use. The amendments to §217.127(b)(3) address the requirement under
17 Transportation Code §730.013, that the authorized recipient maintain records "as to the permitted use for
18 which it was obtained."

19 The amendments to §217.127(b)(4) improve readability by removing the unnecessarily repetitive use of
20 "the authorized recipient." Subsection (b)(4) describes one of the elements of an authorized recipient's
21 records regarding redisclosure; since they are the authorized recipient's records there is no need to state
22 that the statement contained in the records is the authorized recipient's statement.

1 The amendments to §217.127(b)(5) are nonsubstantive, provide clarity, and improve readability. The
2 change from "the agreement" to "any agreement" clarifies that this section does not create a requirement
3 that an authorized recipient have an agreement with a third party to redisclose personal information from
4 the department's records. The amendments also clarify that the agreement referenced would be between
5 the authorized recipient and a third party, and is therefore separate from a contract with the department.
6 The amendments to §217.127(b)(5) continue the clarification throughout the subchapter that these
7 records pertain only to the redisclosure of personal information from department motor vehicle records,
8 not personal information received from another source.

9 New §217.127(c) clarifies that authorized recipients are required to maintain records for any resales that
10 happened before the effective date of SB 15 for five years. While the amendments to §217.127 conform
11 with SB 15's removal of "resale" from Transportation Code §730.013, authorized recipients are still
12 required to maintain records of resales for five years. New subsection (c) ensures that the amendments
13 do not create an inadvertent regulatory loophole for personal information that was resold before SB 15's
14 amendments.

15 **Section 217.128.** The amendments to §217.128 remove the terms "resale" and "resell" from the title and
16 throughout the section, conforming with SB 15's removal of the term from Transportation Code §730.013.
17 The amendments to §217.128(a) improve readability and clarify that the department may request
18 information from an authorized recipient's records. The department is authorized to request information
19 sufficient for the agency to determine compliance under Transportation Code §730.007(g). Information
20 maintained under §217.127 is the type that could assist the department in determining compliance. The
21 amendment specifies that the department may request those records, but the department is not limited
22 only to requesting those records under Transportation Code §730.007(f). These amendments are
23 nonsubstantive.

1 The amendments to §217.128(b) clarify the department's process to request the authorized recipient's
2 records in writing. The amendments improve readability and are nonsubstantive.

3 The amendments to §217.128(c) remove the existing regulation regarding the deadline to reply to a
4 request from the department to implement and avoid any conflict with SB 15's new Transportation Code
5 §730.007(g). Transportation Code §730.007(g) established that a person must reply to a request for
6 information regarding compliance from the department in five business days, making the existing
7 requirement in §217.128(c) unnecessary.

8 The amendments to §217.128(c) incorporate SB 15's new Transportation Code §730.014(g).
9 Transportation Code §730.014(g) allows the department to cease disclosing information under a contract
10 when it determines an authorized recipient has violated a term or condition of the recipient's contract
11 with the department. If the department chooses to cease disclosing information, §730.014(g)(2) requires
12 that the department allow the authorized recipient an opportunity to remedy the violation to resume the
13 flow of information from the department. Failure to timely provide information requested by the
14 department would be a violation of Transportation Code §730.007(g) and the contract with the
15 department. New §217.128(c) specifies that if an authorized recipient fails to timely provide information
16 requested by the department, the department may cease disclosing information under the contract. New
17 §217.128(c) provides an authorized recipient 30 days to remedy the violation and provide the requested
18 records. If the authorized recipient does not provide the requested records after 30 days, the department
19 may terminate the contract. Thirty days is ample time to provide the department with information the
20 authorized recipient is required to maintain under §217.127. Compliance with this request should be
21 relatively easy for an authorized recipient that is properly maintaining records. Failure to comply for 30
22 days will likely indicate larger compliance issues. After 30 days of not responding the department's
23 request, the violation is more significant. The department has an interest in terminating contracts where

1 a contract holder has significantly violated a term or condition of the contract. For this violation, the
2 department recognized that failure to provide the information after 30 days would be egregious and
3 therefore would be grounds for termination of the contract.

4 The amendments remove existing §217.128(d) because it is unnecessary under the proposed
5 amendments to §217.128(c).

6 The amendments remove existing §217.128(e) because it is unnecessary. Transportation Code
7 §730.014(f) requires the department to designate an employee who is responsible for monitoring
8 compliance with Transportation Code Chapter 730 and required contract terms, making existing
9 §217.128(e) an unnecessary restatement of the department's statutory duty.

10 The amendments remove existing §217.128(f) because it is unnecessary under the proposed amendments
11 to §217.128(c).

12 **Section 217.129.** The amendments to §217.129 improve readability, modify language to conform with
13 statute, and clarify potential ambiguities. The amendments add "Personal Information Contained in" to
14 the title of the section, to clarify that the rule addresses only a person's eligibility to receive the personal
15 information contained in motor vehicle records under Transportation Code Chapter 730, and not motor
16 vehicle records in their entirety. A person who is ineligible to receive personal information from motor
17 vehicle records under Transportation Code Chapter 730 may still be authorized to receive information
18 other than personal information from motor vehicle records under Government Code Chapter 552.

19 The amendments to §217.129(a) incorporate the department's authority to cease disclosing personal
20 information under a contract under Transportation Code §730.014(g). The amendments specify that this
21 subsection applies to both requests for information and contracts for access to the department's records.

22 The methods of requesting and receiving information does not affect the department's obligation to
23 protect the public's interest in personal information.

1 The amendments to §217.129(b) remove the term "of motor vehicle records" to limit the identification of
2 the subject of the regulation to "authorized recipient," which SB 15 defined in Transportation Code
3 §730.003(1-a). Conforming the description to the defined term provides consistency and avoids potential
4 confusion that can be caused by using differing terms to describe the same entities. The amendments
5 modify "clause or term" to "term or condition" for readability and consistency. The amendments broaden
6 multiple references from "a service agreement" to "a contract with the department to access motor
7 vehicle records." These amendments incorporate the newly defined "bulk contracts," clarifying that this
8 subsection applies to all contracts for motor vehicle records, not just service agreements. The
9 amendments to §217.129(b) provide for consistent processes for all requests under contracts with the
10 department.

11 The amendments to §217.129(c) broaden the subsection's use of a "service agreement" to a "contract
12 with the department to access motor vehicle records." These amendments incorporate the newly defined
13 "bulk contracts," clarifying that this subsection applies to all contracts for motor vehicle records, not just
14 service agreements. The amendments to §217.129(c) provide for consistent processes for all requests
15 under contracts with the department. The amendments also change the subsection's use of "a business,
16 partnership, or entity" to "organization or entity" for consistency in the subchapter and with
17 Transportation Code §730.002(5). The amendments to §217.129(c) also clarify that applying for a contract
18 after termination is addressed by §217.130 and not Transportation Code §730.016 (regarding Ineligibility
19 of Certain Persons to Receive, Retain, or Rediscover Personal Information; Offense). A contract
20 termination on its own is not a basis for ineligibility under Transportation Code §730.016.

21 **Section 217.130.** The amendments to §217.130 broaden the section to apply to all contracts to access
22 motor vehicle records, to incorporate the new "bulk contract," and improve readability.

1 The amendments to §217.130(a) improve readability and incorporate the new "bulk contracts" by
2 replacing "service agreement" with "contract to access motor vehicle records." The amendments clarify
3 that this rule applies to someone who has had a contract to access motor vehicle records with the
4 department terminated in the past and now wants to enter into a new contract; it does not address
5 instances where a requestor has had a different type of contract with the department previously
6 terminated. The amendments also distinguish contracts that were terminated for failure to maintain a
7 minimum balance, exempting those instances from the additional approval requirements. The
8 department considers terminations for failure to maintain a minimum balance to be less egregious, and
9 therefore it does not require the same process for approval after termination.

10 The amendments to §217.130(b) incorporate "for reapproval" to conform with existing language in
11 subsection (a). The amendments to §217.130(b)(1) clarify that the requestor's remedial efforts must be
12 specific to preventing "the unlawful disclosure of personal information from the department" as that is
13 the information protected under Transportation Code Chapter 730. The amendments to §217.130(b)(2)
14 clarify that the requestor will provide the department information regarding agreements where the
15 requestor anticipates it will redisclose the department's personal information in the future. Since the
16 requestor will likely not be in possession of personal information from department motor vehicle records
17 at the time of the request for reapproval, any redisclosure agreement with a third party will be dependent
18 upon the department's decision to reapprove. The amendments to §217.130(b)(3) remove the terms
19 "reselling" and "resell" to conform with amendments in SB 15 to Transportation Code §730.013 and
20 improve readability. The amendments to §217.130(b)(3) clarify that this section addresses only the
21 redisclosure of the personal information from department motor vehicle records, not personal
22 information received from another source. Transportation Code Chapter 730 applies to other agencies in
23 addition to the department, and the department recognized that an authorized recipient may receive

1 information from more than one agency. The amendments to subsection (b)(3) also remove the
2 notification requirement regarding resale or redisclosure, as the stated elements are not necessary in
3 every case. If the department wants to know information about a redisclosure after a new contract to
4 access personal information is in place, the department is authorized to request that information under
5 Transportation Code §730.007(g), making the requirement in §217.130(b)(3) unnecessary.

6 The amendments to §217.130(c) improve readability by removing "any of the terms of" because the
7 language is unnecessary. The amendments to subsection (c) broaden the subsection's use of a "service
8 agreement" to a "contract with the department to access motor vehicle records" for consistency within
9 the subchapter. These amendments incorporate the newly defined "bulk contracts," clarifying that this
10 subsection applies to all contracts for motor vehicle records, not just service agreements. The
11 amendments change "inability" to "ineligibility" to conform with Transportation Code §730.016. Lastly,
12 the amendments to subsection (c) clarify that failure to comply could result in a permanent inability to
13 receive the department's motor vehicle records, as the department cannot limit the release of motor
14 vehicle records from other agencies due to a violation of a contract with the department.

15 **Section 217.131.** New §217.131 implements SB 15's requirement in Transportation Code §730.0121 that
16 "[a]n agency by rule shall require a requestor to delete from the requestor's records personal information
17 received from the agency under this chapter if the requestor becomes aware that the requestor is not an
18 authorized recipient of that information."

19 New §217.131(a) establishes a slightly modified definition of "requestor" for the purposes of this section.
20 Section 217.122(b)(2) defines "requestor" as "a person, this state, or an agency of this state seeking
21 personal information contained in motor vehicle records directly from the department." New §217.131(a)
22 specifies that this section applies to any person or entity that has been a requestor in the past, regardless
23 of whether the requestor is still actively seeking records from the department. This section allows the rule

1 to more closely conform with Transportation Code §730.0121, while avoiding any unintended
2 consequence of the definition of "requestor" under §217.122(b)(2).

3 New §217.131(b) establishes a 90-day timeframe in which a requestor will complete the deletions
4 required by Transportation Code §730.0121. The department recognized that a person may not be able
5 to immediately delete all the department's personal information from its system, so the amendments
6 establish a reasonable period to complete the deletion. This deadline also balances the public's interest
7 in unauthorized persons promptly deleting this protected information.

8 New §217.131(c) and (d) clarify when the timeframe under subsection (b) will begin by addressing when
9 a requestor "becomes aware that the requestor is not an authorized recipient," under Transportation
10 Code §730.0121. Subsection (b) establishes a notice requirement for the requestor--if the requestor
11 becomes aware that they are not an authorized recipient without receiving notice from the department,
12 then the requestor will notify the department of the date the requestor became aware. The department
13 has an interest in knowing when a person becomes aware that they are not an authorized recipient to
14 monitor compliance with Transportation Code §730.0121's deletion requirements. If the department has
15 questions regarding the date or what caused the requestor to become aware that it is not an authorized
16 recipient, it can ask those questions under Transportation Code §730.007(g).

17 New §217.131(d) establishes that if the department determines that the requestor is not an authorized
18 recipient before the requestor becomes aware, then the department will send a notice to the requestor.
19 Under new subsection (c), the date of the department's notice to the requestor begins the timeline to
20 delete the personal information in §217.131(b).

21 New §217.131(e) establishes that the requestor must notify the department when the information has
22 been deleted. This will allow the department to monitor compliance with the 90-day deadline and to
23 confirm compliance with Transportation Code §730.0121.

1 **Section 217.132.** New §217.132 addresses notice requirements for persons who have become ineligible
2 to receive information under Transportation Code §730.016.

3 New §217.132(a) establishes a 15-day timeframe in which a person who has become ineligible to receive
4 information under Transportation Code §730.016 must notify the department of the court's ruling that is
5 the basis of the ineligibility. Cases involving violations of Transportation Code Chapter 730 and the
6 associated rules adopted by the department are criminal cases, which may occur without extensive
7 involvement from the department. It is imperative that the department know when a person becomes
8 ineligible to take steps to ensure that the department does not make future disclosures to that person.
9 Because the department may not be notified by the court when a ruling has been issued, this new rule
10 puts the burden on the person in possession of personal information from the department to provide
11 notice to the department.

12 New §217.132(b) establishes that the requestor must notify the department when the personal
13 information previously disclosed has been deleted. This will allow the department to monitor compliance
14 with Transportation Code §730.016's one-year deadline to delete the personal information from
15 department motor vehicle records.

16 **Section 217.133.** New §217.133 implements SB 15's requirement under Transportation Code
17 §730.014(c)(7) that an authorized recipient under a bulk contract must "annually provide to the agency a
18 report of all third parties to which the personal information was disclosed under this section and the
19 purpose of the disclosure." New §217.133 establishes the reporting period for the annual report, the
20 required elements of an annual report, the process for requesting an extension for filing the annual report,
21 the repercussions of failing to file the annual report, and the requirement for a final annual report at the
22 termination of a contact.

1 New §217.133(a) establishes that an authorized recipient under a bulk contract must submit an annual
2 report to the department electronically, using a form prescribed by the department. The department will
3 provide a form for the annual report to aid contract holders in providing consistent and compliant reports.

4 New §217.133(a) establishes the reporting period as a 12-month period that begins September 1st of the
5 previous year. For example, the annual report due on October 1, 2026, would cover September 1, 2025,
6 through August 31, 2026. The department considered other cyclical obligations its staff might have at
7 various times of the year before choosing the 12-month period for the annual report. The October 1st due
8 date facilitates a prompt review by department staff of the significant amount of information the
9 department anticipates it will receive from its bulk contract holders.

10 New §217.133(b) specifies what information is required in an annual report. New §217.133(b)(1)
11 implements the requirement from Transportation Code §730.014(c)(7) that the annual report include the
12 name of each third party to whom the contracted party provided personal information from department
13 motor vehicle records. New §217.133(b)(1) requires both the name of the person who made the request
14 and the business or entity for whom the request was made, if known. New §217.133(b)(1) addresses the
15 requirement in Transportation Code §730.013(c)(1) that an authorized recipient maintain records "as to
16 any person or entity" to whom the authorized recipient rediscloses personal information from
17 department motor vehicle records. The information provided in the annual report is also necessary for
18 the department to monitor compliance, as required under Transportation Code §730.014(f)(1), and to
19 monitor whether people who are ineligible to receive personal information under Transportation Code
20 §730.016 are acquiring the department's personal information from an authorized recipient.

21 New §217.133(b)(2) implements the requirement from Transportation Code §730.014(c)(7) that the
22 annual report include the third party's permitted use under Transportation Code §730.007.
23 Transportation Code §730.013(b) allows only the authorized recipient to redisclose "for a use permitted

1 under Section 730.007"; therefore, every third party must inform the authorized recipient of their
2 permitted use before personal information can be redisclosed. If a third party claims more than one
3 permitted use, the annual report needs to reflect each permitted use.

4 New §217.133(c) requires an annual report to contain the signature of the requestor certifying that the
5 statements made in the annual report are true and correct. If the requestor is an organization or entity,
6 new §217.133(c) requires an officer or director to sign the annual report on the organization's or entity's
7 behalf. While the information for the annual report may be assembled by other staff, new §217.133(c)
8 requires the signature of an officer or director certifying that the information in the annual report is true
9 and correct. The certification will ensure that the organization's or entity's upper management
10 understands the requestor's use of the personal information from department motor vehicle records and
11 whether the requestor's processes comply with Transportation Code Chapter 730. This certification will
12 provide assurances to the department that the requestor has confirmed the information in the annual
13 report is correct before submission. This certification is not required to be notarized.

14 New §217.133(d) addresses an authorized recipient's request for an extension to file the annual report.
15 The department understands that circumstances may arise that affect an authorized recipient's ability to
16 timely file an annual report. New §217.133(d) establishes a process for requesting an extension. A request
17 for an extension must be made in writing, no later than September 1st, one month before the annual
18 report is due. A request for an extension must include proof of an event beyond the control of the
19 authorized recipient that is preventing the timely submission of the annual report. The department will
20 consider the request and may grant an extension of up to two months, resulting in a due date as late as
21 December 1st. Because the information for the annual report will be pulled from records that are required
22 to be maintained by the authorized recipient under §217.127, gathering the information is not expected

1 to be an arduous task for the authorized recipient. If the authorized recipient is unable to file an annual
2 report by December 1st, the department will evaluate possible repercussions under new §217.133(e).

3 New §217.133(e) establishes the possible repercussions for failing to timely submit an annual report or
4 failing to properly request an extension for filing the annual report. Failing to timely submit the annual
5 report is a violation of new §217.133 and the terms of a bulk contract. Under Transportation Code
6 §730.014(g)(1), if the department determines a person has violated the terms or conditions of a contract,
7 the department is authorized to cease disclosing personal information and allow the person to remedy
8 the violation. New §217.133(e) establishes that if the authorized recipient fails to meet the annual report
9 deadlines, the department may cease disclosing records under the bulk contract, under Transportation
10 Code §730.014(g)(1). If the authorized recipient does not remedy the violation by December 1st, the
11 department may terminate the bulk contract for a violation of new §217.133 and any associated terms or
12 conditions of the contract.

13 New §217.133(f) establishes a requirement for a final report at the termination of a bulk contract. This
14 requirement for a final report provides the department with information on any redisclosures that
15 occurred since the authorized recipient filed its last annual report or since the execution of the contract,
16 if the recipient has not previously filed an annual report. The requirement for a final report addresses the
17 possibility of contract holders attempting to avoid the reporting requirements by terminating their bulk
18 contract before October 1st. The deadline to submit the final report is 90 days after the date of the end
19 of the contract, which provides sufficient time to any contract holders that may be taking other steps to
20 wind down their business. Failure to submit a final report will be a violation of §217.133, which may result
21 in the person becoming ineligible to receive future personal information under Transportation Code
22 §730.016.

23 **SUMMARY OF COMMENTS.**

1 The department received four written comments on the proposal from Auto Data Direct, Inc., Experian
2 Information Solutions, Inc., North Texas Tollway Authority, and R.L. Polk & Co.

3 **Comment:**

4 A commenter expressed concern regarding amended §217.125, Additional Documentation Related to
5 Permitted Uses. The commenter believes that adding the requirement to include the personal information
6 the business is attempting to verify is going to be a very labor-intensive requirement and will create an
7 undue burden on the requestor and the department. The commenter assumed that it would have to
8 provide the department with “additional documentation” for each of its third-party disclosures.

9 **Response:**

10 The department disagrees with this comment. This rule provision applies between the department and
11 the requestor only at the time of application. Once the requestor provides the needed additional
12 documentation to the department at time of application, the referenced rule provision is satisfied. The
13 rule provision does not apply to any third party disclosures made by the requestor. No change has been
14 made in response to this comment.

15 **Comment:**

16 A commenter stated that §217.125 should include an explicit exception for bulk requestors. The
17 commenter assumed that it would have to provide the department with “additional documentation” for
18 each of its third-party disclosures. Bulk requestors operate under a service agreement, which provides for
19 protections of private information. The commenter also stated that the requirement for record retention
20 of the quantity of records redisclosed should be deleted.

21 **Response:**

22 The department disagrees with this comment. This rule provision applies between the department and
23 the requestor only at the time of application. Once the requestor provides the needed additional

1 documentation to the department at time of application, the referenced rule provision is satisfied. The
2 rule provision does not apply to any third party disclosures made by the requestor, and therefore, no
3 exception for bulk requestors is needed. Also, the department's current rule already requires the quantity
4 of records to be maintained. The amendment changes the wording for clarity but does not add a new
5 requirement. No change has been made in response to this comment.

6 **Comment:**

7 A commenter stated that §217.123 should be amended to add a subsection to explicitly except bulk
8 contracts with government agencies from the requirements of paragraph (2) of subsection (f).

9 **Response:**

10 The department disagrees with this comment. Section 217.123(f)(2) requires a requestor to post a \$1
11 million performance bond and provide proof of general liability and cyber-threat insurance coverage in
12 the amount of at least \$3 million. Transportation Code § 730.014 already states that the bond and
13 insurance requirements do not apply to contracts between government agencies. Because the exception
14 exists in statute, a rule is not necessary. No change has been made in response to this comment.

15 **Comment:**

16 A commenter stated that the requirement for record retention of the quantity of motor vehicle records
17 redisclosed should be deleted.

18 **Response:**

19 The department disagrees with this comment. The department's current rule already requires the
20 quantity of records to be maintained. The amendment changes the wording for clarity but does not add
21 a new requirement. No change has been made in response to this comment.

1 **STATUTORY AUTHORITY.** The department adopts amendments to §§217.122, 217.123, 217.124, 217.125,
2 217.126, 217.127, 217.128, 217.129, and 217.130 and adopts new §§ 217.131, 217.132, and 217.133
3 under Transportation Code Chapter 730.

4 Transportation Code §730.014 authorizes the department to adopt rules to administer Transportation
5 Code Chapter 730.

6 Transportation Code §730.0121 and §730.016 provides that the department shall establish rules to
7 require a requestor to delete the department's personal information from its records if the requestor
8 becomes aware that they are not an authorized recipient or they are convicted of an offense under
9 Chapter 730.

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

12 **CROSS REFERENCE TO STATUTE.** Transportation Code §§730.001-730.016.

13 **TEXT.**

14 **Subchapter F. Motor Vehicle Records**

15 **43 TAC §§217.122, 217.123, 217.124, 217.125, 217.126, 217.127, 217.128, 217.129, 217.130, 217.131,**
16 **217.132, and 217.133**

17 **§217.122. Definitions.**

18 (a) Words and terms defined in Transportation Code Chapter 730 have the same meaning when
19 used in this subchapter, unless the context clearly indicates otherwise.

20 (b) The following words and terms, when used in this subchapter, shall have the following
21 meanings, unless the context clearly indicates otherwise.

22 (1) Department--Texas Department of Motor Vehicles.

1 (2) Requestor--A person, this state, or an agency of this state seeking personal
2 information contained in motor vehicle records directly from the department.

3 (3) Service agreement--A contractual agreement with the department that allows a
4 requestor electronic motor vehicle records.

5 (4) Written request--A request submitted in writing, including by mail, electronic mail,
6 electronic media, and facsimile transmission.

7 (5) Signature--Includes an electronic signature, as defined by Transportation Code
8 §501.172, to the extent the department accepts such electronic signature.

9 (6) Batch Inquiry--Access, under a service agreement, to department motor vehicle
10 records associated with Texas license plate numbers or vehicle identification numbers, where requests
11 are submitted electronically to the department in a prescribed batch format. The department makes a
12 disclosure for each record in a batch.

13 (7) MVI-net Access--Electronic access, under a service agreement, to the department's
14 motor vehicle registration and title database, with the ability to query records by a Texas license plate
15 number, vehicle identification number, placard number, or current or previous document number. The
16 department makes a disclosure each time a query of the system is made.

17 8) Bulk--A disclosure by the department under Transportation Code §730.007 of at least
18 250 motor vehicle records containing personal information, including any of the files defined by
19 subsection (b)(10) - (13) of this section.

20 (9) Bulk contract--A contractual agreement with the department for the disclosure of
21 motor vehicle records in bulk to the requestor.

22 (10) Master File--A bulk file containing all the department's active and inactive
23 registration and title records.

1 (11) Weekly Updates--A bulk file containing the department's new and renewed vehicle
2 registration and title records from the previous week.

3 (12) Specialty Plates File--A bulk file containing Texas specialty license plate records.

4 (13) eTAG File--A bulk file containing records related to new or updated eTAGs, vehicle
5 transfer notifications, and plate-to-owner records.

6 (14) Dealer/Supplemental File--A pair of files, one containing records of registration and
7 title transactions processed by dealers with the department during the previous week and another
8 containing the dealers' information, that are only available as a supplement to a bulk contract that
9 includes the Weekly Updates.

10 **§217.123. Access to Motor Vehicle Records.**

11 (a) Except as required under subsection (f) of this section, a requestor seeking personal
12 information from department motor vehicle records shall submit a written request in a form required by
13 the department. A completed and properly executed form must include:

14 (1) the name and address of the requestor;

15 (2) a description of the requested motor vehicle records, including the Texas license plate
16 number, title or document number, or vehicle identification number of the motor vehicle about which
17 information is requested;

18 (3) proof of the requestor's identity, in accordance with subsections (b) or (c) of this
19 section;

20 (4) a statement that the requestor:

21 (A) is the subject of the record;

22 (B) has the written consent of the person who is the subject of the record; or

1 (C) will strictly limit the use of the personal information in department motor
2 vehicle records to a permitted use under Transportation Code Chapter 730, as indicated on the form;

3 (5) a certification that the statements made on the form are true and correct; and

4 (6) the signature of the requestor.

5 (b) Except as required by subsection (c) of this section, a requestor must provide the requestor's
6 current photo identification containing a unique identification number. The identification must be a:

7 (1) driver's license, Texas Department of Public Safety identification, or state
8 identification certificate issued by a state or territory of the United States;

9 (2) United States or foreign passport;

10 (3) United States military identification card;

11 (4) United States Department of Homeland Security, United States Citizenship and
12 Immigration Services, or United States Department of State identification document;

13 (5) concealed handgun license or license to carry a handgun issued by the Texas
14 Department of Public Safety under Government Code Chapter 411, Subchapter H; or

15 (6) North Atlantic Treaty Organization identification or identification issued under a Status
16 of Forces Agreement.

17 (c) A requestor seeking personal information from department motor vehicle records for use by
18 a law enforcement agency must:

19 (1) present the requestor's current law enforcement credentials;

20 (2) electronically submit the request in a manner that the department can verify that the
21 requestor is acting on behalf of a law enforcement agency; or

22 (3) provide a written statement from a higher level in the chain of command on the law
23 enforcement agency's letterhead stating that the requestor is not authorized to provide current law

1 enforcement credentials and identifying the law enforcement agency's incident or case number for which
2 the personal information is needed.

3 (d) A requestor seeking personal information from department motor vehicle records for use by
4 a law enforcement agency may submit a verbal request to the department if the law enforcement agency
5 has provided reasonable assurances that were accepted by the department as to the identity of the
6 requestor within the last 12 months on a form required by the department. If a request is submitted
7 verbally, the department may require the requestor to confirm the request in writing.

8 (e) A requestor may receive electronic access to department motor vehicle records under the
9 terms and conditions of a service agreement.

10 (1) Before a requestor can enter into a service agreement, the requestor must file a
11 completed application on a form required by the department, for review and approval by the department.

12 An application for a service agreement must include:

13 (A) a statement that the requestor will strictly limit the use of the personal
14 information from department motor vehicle records to a permitted use under Transportation Code
15 Chapter 730, as indicated on the application;

16 (B) the name and address of the requestor;

17 (C) proof of the requestor's identity, in accordance with subsections (b) or (c) of
18 this section;

19 (D) the signature of the requestor or, if the requestor is an organization or entity,
20 the signature of an officer or director of the requestor; and

21 (E) a certification that the statements made in the application are true and
22 correct.

1 (2) Unless the requestor is exempt from the payment of fees, a service agreement must
2 contain an adjustable account, in which an initial deposit and minimum balance is maintained in
3 accordance with §217.124 of this title (relating to Cost of Motor Vehicle Records). Notwithstanding
4 §217.124 of this title, the department may modify initial deposit and minimum balance requirements
5 depending on usage.

6 (f) Access to bulk motor vehicle records. A requestor seeking access to department motor vehicle
7 records in bulk must enter into a bulk contract with the department.

8 (1) Before a requestor can enter into a bulk contract, the requestor must file a completed
9 application on a form required by the department, for review and approval by the department. An
10 application for a bulk contract must include:

11 (A) a statement that the requestor will strictly limit the use of the personal
12 information to a permitted use under Transportation Code Chapter 730, as indicated on the application;

13 (B) the name and address of the requestor;

14 (C) proof of the requestor's identity, in accordance with §217.123(b) or (c) of this
15 title (relating to Access to Motor Vehicle Records);

16 (D) a certification that the statements made on the form are true and correct; and

17 (E) the signature of the requestor or, if the requestor is an organization or entity,
18 the signature of an officer or director of the requestor.

19 (2) Prior to the execution of a bulk contract, a requestor must provide proof the requestor
20 has:

21 (A) posted a \$1 million performance bond, payable to this state, conditioned upon
22 the performance of all the requirements of Transportation Code Chapter 730 and this subchapter; and

1 (B) insurance coverage in the amount of at least \$3 million and that meets the
2 requirements of Transportation Code §730.014(c)(3).

3 (g) If a person is convicted of an offense under Transportation Code Chapter 730 or is found by a
4 court to have violated a rule under this subchapter, then any contract with that person to access
5 department motor vehicle records is terminated as of the date of the court's final determination.

6 (h) The requirements of this section do not apply to discovery, subpoena, or other means of legal
7 compulsion for the disclosure of personal information.

8 (i) An authorized recipient will receive requested motor vehicle records in accordance with Title
9 18 U.S.C. §2721 et seq.; Transportation Code Chapter 730; Government Code §552.130; and this
10 subchapter.

11 **§217.124. Cost of Motor Vehicle Records.**

12 (a) Standard costs. The department will charge fees in accordance with Government Code Chapter
13 552 and the cost rules promulgated by the Office of the Attorney General in 1 Texas Administrative Code
14 Chapter 70 (relating to Cost of Copies of Public Information).

15 (b) Law enforcement. An employee of a state, federal, or local law enforcement agency is exempt
16 from the payment of fees for motor vehicle records in subsection (c)(1) - (4) of this section if the records
17 are necessary to carry out lawful functions of the law enforcement agency.

18 (c) Motor vehicle record costs:

19 (1) Title history - \$5.75;

20 (2) Certified title history - \$6.75;

21 (3) Title and registration verification (record search) - \$2.30; and

22 (4) Certified title and registration verification (record search) - \$3.30.

23 (d) Electronic motor vehicle records and files:

- 1 (1) Master File - \$5,000 plus \$.38 per 1,000 records;
- 2 (2) Weekly Updates - deposit of \$1,755 and \$135 per week;
- 3 (3) eTAG File - deposit of \$845 and \$65 per week;
- 4 (4) Dealer/Supplemental File - deposit of \$1,235 and \$95 per week;
- 5 (5) Specialty Plates File - deposit of \$1,235 and \$95 per week;
- 6 (6) Batch Inquiry - deposit of \$1,000, minimum balance of \$750 and \$23 per run plus \$.12
- 7 per record;
- 8 (7) MVInet Access - deposit of \$200, minimum balance of \$150 and \$23 per month plus
- 9 \$.12 per record; and
- 10 (8) Scofflaw remarks (inquiry, addition, or deletion) - deposit of \$500, minimum balance
- 11 of \$350 and \$23 per run plus \$.12 per record.

12 (e) Texas governmental entities, as defined in Government Code §2252.001, the Texas Law
13 Enforcement Telecommunication System, and toll project entities, as defined by Transportation Code
14 §372.001, are exempt from the payment of fees, except for the fees listed in subsection (d)(1), (6), or (8)
15 of this section.

16 (f) Reciprocity agreements. The department may enter into reciprocity agreements for records
17 access with other governmental entities that may waive some or all of the fees established in this section.

18

19 **§217.125. Additional Documentation Related to Permitted Uses.**

20 (a) The department may require a requestor to provide reasonable assurance as to the identity of
21 the requestor and that the use of motor vehicle records is only as authorized under Transportation Code
22 §730.012(a). Where applicable, each requestor submitting a request for motor vehicle records shall
23 provide documentation satisfactory to the department that they are authorized to request the

1 information on behalf of the organization, entity, or government agency authorized to receive the
2 information.

3 (b) Requestors seeking personal information from motor vehicle records from the department for
4 a permitted use listed in this subsection must submit additional documentation.

5 (1) A request under Transportation Code §730.007(a)(2)(C) must include the personal
6 information the business is attempting to verify against the department's motor vehicle records and
7 documentation sufficient to prove the requestor is a business actively licensed by, registered with, or
8 subject to regulatory oversight by a government agency.

9 (2) A request under Transportation Code §730.007(a)(2)(D) must include proof of a legal
10 proceeding, or if no proceeding has been initiated, proof the requestor is in anticipation of litigation.

11 (3) A request under Transportation Code §730.007(a)(2)(E) must include documentation
12 sufficient to prove the requestor is employed in a researching occupation.

13 (4) A request under Transportation Code §730.007(a)(2)(F) must include an active license
14 number provided by the Texas Department of Insurance or an active out-of-state license number provided
15 by the relevant regulatory authority, an active license number the insurance support organization is
16 working under, or proof of self-insurance.

17 (5) A request under Transportation Code §730.007(a)(2)(G) must include an active license
18 number provided by the Texas Department of Licensing and Regulation or an active out-of-state license
19 number provided by the relevant regulatory authority.

20 (6) A request under Transportation Code §730.007(a)(2)(H) must include an active license
21 number provided by the Texas Department of Public Safety or an active out-of-state license number
22 provided by the relevant regulatory authority.

1 (7) A request under Transportation Code §730.007(a)(2)(I) must include a copy of an
2 active commercial driver's license.

3 (8) A request under Transportation Code §730.007(a)(2)(J) must include
4 documentation to relate the requested personal information with the operation of a toll
5 transportation facility or another type of transportation project as described by Transportation
6 Code §370.003.

7 (9) A request under Transportation Code §730.007(a)(2)(K) must include documentation
8 on official letterhead indicating a permitted use for personal information, as defined by the Fair Credit
9 Reporting Act (15 U.S.C. §1681 et. Seq.).

10 (10) A request under Transportation Code §730.007(a)(2)(L) must include an active license
11 number of a manufacturer, dealership, or distributor issued by the department or an active out-of-state
12 license number provided by the relevant regulatory authority.

13 (11) A request under Transportation Code §730.007(a)(2)(M) must include an active
14 license or registration number of a salvage vehicle dealer, an independent motor vehicle dealer, or a
15 wholesale motor vehicle dealer issued by the department; or an active license issued by the Texas
16 Department of Licensing and Regulation to a used automotive parts recycler; or other proof that the
17 requestor is subject to regulatory oversight by an entity listed in Transportation Code
18 §730.007(a)(2)(M)(iv).

19 (c) The department may require a requestor to provide additional information to clarify the
20 requestor's use of the personal information under Transportation Code Chapter 730, if the reasonable
21 assurances provided with the request are not satisfactory to the department.

22

23 **§217.126. Limitations on Redislosure.**

1 (a) Authorized recipients may only redisclose personal information from department motor
2 vehicle records to other authorized recipients and not in the identical or substantially identical format as
3 disclosed by the department.

4 (b) The department may request information regarding how a person to whom the authorized
5 recipient may redisclose personal information represents to the authorized recipient that the person has
6 a permitted use under Transportation Code §730.007.

7 (c) Any authorized recipient redisclosing personal information from department motor vehicle
8 records must inform the person to whom they are redisclosing of their obligations under Transportation
9 Code Chapter 730 and this subchapter.

10 (d) An authorized recipient who resold personal information from department motor vehicle
11 records prior to June 18, 2021, is subject to the limitations in this section for that resale.

12

13 **§217.127. Records Maintained by Recipients Who Redisclose Personal Information.**

14 (a) Authorized recipients who redisclose personal information from department motor vehicle
15 records are required to maintain records of that transaction.

16 (b) Records must be maintained for not less than five years and must include:

17 (1) the name and contact information of any person to whom the authorized recipient
18 redisclosed personal information from the department motor vehicle records, including both the
19 individual's name and the organization or entity with which the individual is associated, when known;

20 (2) the person's permitted use under Transportation Code §730.007 for the personal
21 information from the department motor vehicle records, and any documentation the authorized recipient
22 received related to the person's permitted use;

1 (3) the quantity of motor vehicle records redisclosed to the person under each permitted
2 use;

3 (4) a statement specifying what data was redisclosed and in what format; and

4 (5) documentation of any agreement between the authorized recipient and the person to
5 whom the authorized recipient redisclosed personal information from department motor vehicle records.

6 (c) An authorized recipient who resold personal information from department motor vehicle
7 records prior to June 18, 2021, must maintain records of those transactions for five years.

8

9 **§217.128. Department Review of Recipient's Records of Redislosure.**

10 (a) The department may request and review records maintained under §217.127 of this title
11 (relating to Records Maintained by Recipients Who Redisclose Personal Information).

12 (b) The department will request records from authorized recipients in writing.

13 (c) Failure to fully respond to the department's request may result in a cessation of information
14 under Transportation Code §730.014(g). If the authorized recipient has not provided the requested
15 records to the department within 30 days after the department's request, the department may terminate
16 the contract with the authorized recipient.

17

18 **§217.129. Ineligibility to Receive Personal Information Contained in Motor Vehicle Records.**

19 (a) The department may deny a request for or cease disclosing personal information contained in
20 the department's motor vehicle records if it determines withholding the information benefits the public's
21 interest more than releasing the information.

22 (b) If the department determines an authorized recipient has violated a term or condition of a
23 contract with the department to access motor vehicle records and the department terminates the

1 contract, that authorized recipient cannot enter into a subsequent contract with the department to access
2 motor vehicle records unless approved to do so under §217.130 of this title (relating to Approval for
3 Persons Whose Access to Motor Vehicle Records Has Previously Been Terminated).

4 (c) Termination of a contract with the department to access motor vehicle records caused by any
5 member of an organization or entity shall be effective on the whole organization or entity. Subsequent
6 organizations or entities formed by any member, officer, partner, or affiliate of an organization or entity
7 whose contract with the department to access motor vehicle records has been terminated cannot enter
8 into a subsequent contract with the department to access motor vehicle records, unless approved to do
9 so under §217.130 of this title (relating to Approval for Persons Whose Access to Motor Vehicle Records
10 Has Previously Been Terminated).

11

12 **§217.130. Approval for Persons Whose Access to Motor Vehicle Records Has Previously Been**
13 **Terminated.**

14 (a) A requestor seeking a contract with the department to access motor vehicle records who has
15 had a previous contract to access motor vehicle records terminated by the department for reasons other
16 than the failure to maintain minimum balance requirements in an adjustable account, but who is not
17 subject to Transportation Code §730.016, shall submit a written request for reapproval on the form
18 required by the department.

19 (b) In addition to the requirements of §217.123 of this title (relating to Access to Motor Vehicle
20 Records), the request for reapproval must contain:

21 (1) any documents indicating remedial efforts the requestor has undertaken to prevent
22 the unlawful disclosure of personal information from department motor vehicle records;

1 (2) any documents indicating agreements between the requestor and any person to
2 whom the requestor has reason to believe it will redisclose personal information from the department
3 motor vehicle records; and

4 (3) a statement that the requestor will notify the department before redisclosing any
5 personal information from the department motor vehicle records for a time period prescribed by the
6 department, including all of the information required under §217.127(b) of this title (relating to Records
7 Maintained by Recipients Who Redisclose Personal Information).

8 (c) Failure to comply with this section or a re-offense of a contract with the department to access
9 motor vehicle records will result in the termination of the contract and the permanent ineligibility to
10 receive motor vehicle records from the department under Transportation Code §730.007.

11

12 **§217.131. Notices Regarding Unauthorized Recipient.**

13 (a) For the purposes of this section, a requestor includes a person, the state, or an agency of this
14 state that previously received personal information from department motor vehicle records.

15 (b) A requestor who is not an authorized recipient must, not later than 90 days after the date the
16 requestor becomes aware that the requestor is not an authorized recipient, delete from the requestor's
17 records any personal information received from the department that the requestor is not permitted to
18 receive and use under Transportation Code Chapter 730.

19 (c) A requestor who becomes aware that the requestor is not an authorized recipient must
20 promptly notify the department that the requestor is not an authorized recipient and provide the date
21 they became aware.

22 (d) If the department becomes aware that the requestor is not an authorized recipient before
23 receiving notice from the requestor, the department will send a written notice to the requestor stating

1 that the requestor is not an authorized recipient. If the requestor was not already aware that it is not an
2 authorized recipient, within 90 days from the date the department sends its notice under this subsection,
3 requestor must delete any personal information received from the department that the requestor is not
4 permitted to receive and use under Transportation Code Chapter 730.

5 (e) A requestor who becomes aware that the requestor is not an authorized recipient must notify
6 the department when all the department's personal information has been deleted.

7

8 **§217.132. Notices Regarding Ineligibility.**

9 (a) A person who becomes ineligible to receive personal information under Transportation Code
10 §730.016 must notify the department of the basis of the person's ineligibility within 15 days of the court's
11 conviction or final determination.

12 (b) A person who becomes ineligible to receive personal information under Transportation Code
13 §730.016 must notify the department when all of the personal information received from the department
14 under Transportation Code Chapter 730 has been deleted from the person's records.

15

16 **§217.133. Annual Report.**

17 (a) An authorized recipient under a bulk contract must electronically submit an annual report, on
18 a form prescribed by the department, on or before October 1st of each year for the 12-month period
19 beginning September 1st of the preceding year.

20 (b) An annual report must include information regarding any third party to which the authorized
21 recipient redisclosed personal information from department motor vehicle records during the reporting
22 period, including:

1 (1) the name of the third party, including both the individual and the organization or entity
2 with which the individual is associated, when known; and

3 (2) the third party's permitted uses under Transportation Code §730.007 for the
4 rediscovered motor vehicle records.

5 (c) An annual report must include the signature of the requestor or, if the requestor is an
6 organization or entity, the signature of an officer or director of the requestor certifying that all statements
7 in the annual report are true and correct.

8 (d) An authorized recipient under a bulk contract may request an extension of time to submit an
9 annual report by sending a written request to the department no later than September 1st of the year the
10 annual report is required to be submitted. The request for extension must include proof of an event that
11 is beyond the control of the authorized recipient and prevents the timely submission of the annual report.
12 The department may grant an extension for submission of the annual report to no later than December
13 1st of the year the annual report is required to be submitted.

14 (e) If an authorized recipient under a bulk contract fails to timely submit the annual report or
15 request an extension under subsection (d) of this section, the department may cease disclosing motor
16 vehicle records until the annual report is submitted to the department. If an authorized recipient fails to
17 submit an annual report by December 1st of the year the annual report is required to be submitted, then
18 the department may terminate the bulk contract.

19 (f) If a person cancels or the department terminates a bulk contract, the person must submit a
20 final report containing all the information required under subsection (b) of this section relating to all
21 personal information from department motor vehicle records rediscovered since the last annual report or,
22 if the person has never submitted an annual report, since the execution of the bulk contract. The person

1 must submit this report by the 90th day after the date of the cancellation or termination of the bulk
2 contract.

3

4 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be a
5 valid exercise of the state agency’s legal authority.

6 Filed with the Office of the Secretary of State on October 13, 2022.

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/s/ Elizabeth Brown Fore
Elizabeth Brown Fore, General Counsel

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