

ADOPTION OF

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.27

INTRODUCTION. The Texas Department of Motor Vehicles adopts amendments to Title 43 Texas Administrative Code, Subchapter B, §217.27, concerning personalized license plates. The Department adopts amendments to §217.27 without changes to the proposed text as published in the July 15, 2022, issue of the *Texas Register* (47 TexReg 4106). The rule will not be republished.

The Department adopts substantive and non-substantive changes to amended §217.27.

The non-substantive changes renumber current subsections (e) - (g) as subsections (f) - (h) to accommodate renumbered subsection (e), correct spelling and grammar, revise for consistency in terms, and revise for plain English readability.

REASONED JUSTIFICATION. The amendments are necessary to clarify and modify the criteria for determining whether a personalized alphanumeric pattern is potentially objectionable under Transportation Code §504.008(e).

Section 504.008(e) authorizes the Department to refuse to issue a specialty license plate with a personalized alphanumeric pattern that the director or the director's designee determines to be potentially objectionable to one or more members of the public. Section 217.27 implements §504.008(e) by setting out criteria for identifying alphanumeric patterns that may be potentially objectionable. The Department has determined that the current rule needs to be less restrictive to allow personalized alphanumeric patterns that are not objectionable.

SUMMARY OF COMMENTS.

No comments on the proposed amendments were received.

STATUTORY AUTHORITY. The Department adopts amendments to §217.27 in accordance with Transportation Code §504.0011 and §1002.001.

-- Transportation Code §504.0011 authorizes the board to adopt rules to implement and administer Transportation Code Chapter 504.

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

CROSS REFERENCE TO STATUTE. Transportation Code §504.008.

TEXT.

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.27

§217.27. Vehicle Registration Insignia.

(a) On receipt of a complete initial application for registration with the accompanying documents and fees, the department will issue vehicle registration insignia to be displayed on or kept in the vehicle for which the registration was issued for the current registration period.

(1) If the vehicle has a windshield, the symbol, tab, or other device prescribed by and issued by the department shall be attached to the inside lower left corner of the vehicle's front windshield in a manner that will not obstruct the vision of the driver, unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1.

(2) If the vehicle has no windshield, the symbol, tab, or other device prescribed by and issued by the department shall be attached to the rear license plate unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1, except that registration receipts, retained inside the vehicle, may provide the record of registration for vehicles with permanent trailer plates.

1 (3) If the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1,
2 the registration receipt, symbol, tab, or other device prescribed by and issued by the department must be
3 retained with the vehicle and may provide the record of registration for vehicles with a digital license
4 plate. The expiration month and year must appear digitally on the electronic visual display of the rear
5 digital license plate.

6 (4) If the vehicle is registered as a former military vehicle as prescribed by Transportation
7 Code, §504.502, the vehicle's registration number shall be displayed instead of displaying a symbol, tab,
8 or license plate.

9 (A) Former military vehicle registration numbers shall be displayed on a
10 prominent location on the vehicle in numbers and letters of at least two inches in height.

11 (B) To the extent possible, the location and design of the former military vehicle
12 registration number must conform to the vehicle's original military registration number.

13 (b) Unless otherwise prescribed by law, each vehicle registered under this subchapter:

14 (1) must display two license plates that are clearly visible, readable, and legible, one at
15 the exterior front and one at the exterior rear of the vehicle that are securely fastened at the exterior
16 front and rear of the vehicle in an upright horizontal position of not less than 12 inches from the ground,
17 measuring from the bottom, except that a vehicle described by Transportation Code, §621.2061 may place
18 the rear plate so that it is clearly visible, readable, and legible; or

19 (2) must display one plate that is securely fastened at or as close as practical to the
20 exterior rear of the vehicle in a position not less than 12 inches from the ground, measuring from the
21 bottom if the vehicle is a road tractor, motorcycle, trailer or semitrailer.

22 (c) Each vehicle registered under this subchapter must display license plates:

23 (1) assigned by the department for the period; or

(2) validated by a registration insignia issued by the department for a registration period consisting of 12 consecutive months at the time of application for registration, except that:

(A) trailers, semitrailers, or pole trailers not subject to inspection under §548.052(3) may obtain a registration insignia for a period consisting of 12, 24, 36, 48 or 60 consecutive months on payment of all fees for each full year of registration; and

(B) vehicles may be registered for 24 consecutive months in accordance with Transportation Code, §548.102 on payment of all fees for each year of registration, regardless of the number of months remaining on the inspection at the time of registration, provided:

(i) the vehicle receives a two-year inspection under Transportation Code, §548.102; and

(ii) the application for registration is made in the name of the purchaser under Transportation Code, §501.0234.

(d) The department may cancel any license plate issued with a personalized alphanumeric pattern if the department subsequently determines or discovers that the personalized alphanumeric pattern did not comply with this section when the license plate was issued, or if due to changing language usage, meaning, or interpretation, the personalized alphanumeric pattern no longer complies with this section. When reviewing a personalized alphanumeric pattern, the department need not consider the applicant's subjective intent or declared meaning. The department will not issue any license plate containing a personalized alphanumeric pattern that meets one or more of the following criteria:

(1) The alphanumeric pattern conflicts with the department's current or proposed regular license plate numbering system.

(2) The director or the director's designee finds that the personalized alphanumeric pattern may be considered objectionable. An objectionable alphanumeric pattern may include words,

phrases, or slang in any language; phonetic, numeric, or reverse spelling; acronyms; patterns viewed in mirror image; or code that only a small segment of the community may be able to readily decipher. An objectionable pattern may be viewed as:

(A) indecent (defined as including a direct reference or connotation to a sexual act, sexual body parts, excreta, or sexual bodily fluids or functions. Additionally, the alphanumeric pattern "69" is prohibited unless used with the full year (1969) or in combination with a reference to a vehicle;

(B) vulgar, directly or indirectly (defined as profane, swear, or curse words);

(C) derogatory, directly or indirectly (defined as an expression that is demeaning to, belittles, or disparages any person, group, race, ethnicity, nationality, gender, or sexual orientation. "Derogatory" may also include a reference to an organization that advocates the expressions described in this subparagraph);

(D) a direct or indirect negative instruction or command directed at another individual related to the operation of a motor vehicle;

(E) a direct or indirect reference to gangs, illegal activities, implied threats of harm, or expressions that describe, advertise, advocate, promote, encourage, glorify, or condone violence, crime, or unlawful conduct;

(F) a direct or indirect reference to controlled substances or the physiological state produced by such substances, intoxicated states, or a direct or indirect reference that may express, describe, advertise, advocate, promote, encourage, or glorify such substances or states;

(G) a direct representation of law enforcement or other governmental entities, including any reference to a public office or position exclusive to government; or

(H) a pattern that could be misread by law enforcement.

(3) The alphanumeric pattern is currently on a license plate issued to another owner.

(e) Notwithstanding the provisions of this section, the department may issue license plates with personalized alphanumeric patterns that refer to:

(1) military branches, military rank, military units, military equipment, or status; or

(2) institutions of higher education, including military academies, whether funded privately, by the state, or by the federal government.

(f) A decision to cancel or not to issue a license plate with a personalized alphanumeric pattern under subsection (d) of this section may be appealed to the executive director of the department or the executive director's designee within 20 days of notification of the cancellation or non-issuance. All appeals must be in writing, and the requesting party may include any written arguments, but shall not be entitled to a contested case hearing. The executive director or the executive director's designee will issue a decision no later than 30 days after the department receives the appeal, unless additional information is sought from the requestor, in which case the time for decision is tolled until the additional information is provided. The decision of the executive director or the executive director's designee is final and may not be appealed to the board. An appeal to the executive director or the executive director's designee is denied by operation of law 31 days from the receipt of the appeal, or if the requestor does not provide additional requested information within ten days of the request.

(g) The provisions of subsection (a) of this section do not apply to vehicles registered with annual license plates issued by the department.

(h) A person whose initial application has been denied will receive a refund if the denial is not appealed in accordance with subsection (f) of this section. If an existing license plate with a personalized alphanumeric pattern has been canceled, the person may choose a new personalized alphanumeric pattern that will be valid for the remainder of the term, or the remaining term of the canceled license plate will be forfeited.

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2 The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the
3 agency's legal authority.

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

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