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ADOPTION OF

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.54 and §217.55

SUBCHAPTER I. FEES

43 TAC §217.184

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to 43 TAC §§217.54, 217.55, and 217.184, concerning the registration of vehicles as part of certain county fleets. The department adopts §§217.54, 217.55, and 217.184 without changes to the proposed text as published in the August 26, 2022, issue of the *Texas Register* (47 TexReg 5091). The rules will not be republished.

REASONED JUSTIFICATION. The amendments to §§217.54, 217.55, and 217.184 are necessary to implement new Transportation Code §502.0025 and amended §502.453, which authorize registration of an exempt county fleet for an extended period, under Senate Bill 1064 (SB 1064), 87th Legislature, Regular Session (2021).

Transportation Code §502.0025 defines an "exempt county fleet" as a group of two or more nonapportioned motor vehicles, semitrailers, or trailers that is owned by and used exclusively in the service of a county with a population of 3.3 million or more. Currently only Harris County is eligible to register vehicles under an exempt county fleet as defined by §502.0025. Amendments to §§217.54, 217.55, and 217.184 incorporate the new statutory definition of exempt county fleets into existing commercial fleet and exempt registration rules to implement extended registration requirements in SB 1064.

SB 1064 directs the department to establish rules regarding the suspension of the county fleet's registration if the owner fails to comply with Transportation Code §502.0025 or rules adopted under that

1 section and to enforce inspection requirements. Amendments to §217.55(e) establish the penalty
2 associated with failing to maintain compliance with Transportation Code §502.0025.

3 Nonsubstantive amendments also remove obsolete terms and conform the rules to current practices.

4 **Section 217.54(e), (f), and (i)(6)(B).** The amendments to §217.54(e), (f), and (i)(6)(B) replace the term
5 "insignia" with "metal fleet license plate" and "registration receipt" to conform with current department
6 operations. Fleet license plates and registration receipts are issued to commercial fleet registrants rather
7 than registration insignia, under Transportation Code §502.0023.

8 **Section 217.54(e)(2) - (3).** The amendments remove §217.54(e)(2) - (3) as those requirements apply only
9 to insignia, making them unnecessary when insignia are not used. The amendments also renumber
10 existing §217.54(e)(4) - (5) accordingly.

11 **Section 217.54(f)(2), (f)(3), and (i)(6)(B).** The amendments to §217.54(f)(2), (f)(3), and (i)(6)(B) add the
12 option of providing the department with acceptable proof that the metal fleet license plates have been
13 destroyed when the registered vehicle has been removed from the fleet or when the registration has been
14 canceled.

15 **Section 217.55(a)(2)(A)(iii) and (a)(C).** The amendment to §217.55(a)(2)(A)(iii) changes the manner in
16 which an application for exempt registration provides the required statement "that the vehicle is owned
17 or under the control of and will be operated by the exempt agency." The amendment requires the
18 statement to be a certification instead of an affidavit. A similar amendment was made to §217.55(a)(C) to
19 require a statement to be a certification, rather than an affidavit. These amendments conform the rule to
20 the department's current practices.

21 **Section 217.55(a)(3)(D).** The amendment to §217.55(a)(3)(D) removes the reference to an exempt plate
22 being marked with a replacement year because license plates no longer have an assigned replacement
23 interval. Also, the remaining language in §217.55(a)(3)(D) was moved to §217.55(a)(2)(F) because the

1 applicants for these vehicles will receive a standard exempt license plate for the vehicle if the application
2 is approved.

3 **Section 217.55(e).** New §217.55(e) implements the extended registration allowed under Transportation
4 Code §502.0025, including the following: (1) requirements regarding the suspension of an exempt county
5 fleet's registration for failure to comply with the law or adopted rules; and (2) the method to enforce the
6 inspection requirements under Transportation Code Chapter 548 for motor vehicles, semitrailers, and
7 trailers registered under §217.55(e).

8 **Section 217.55(e).** New §217.55(e) allows an exempt county fleet to be registered for annual increments
9 of up to eight years and requires that a registered vehicle be titled, unless exempt by statute from titling.

10 **Section 217.55(e)(1) - (4).** New §217.55(e)(1) - (4) establish application requirements and requirements
11 related to registration receipts and exempt fleet license plates.

12 **Section 217.55(e)(5).** New §217.55(e)(5) establishes requirements related to adding or removing a vehicle
13 from an exempt county fleet.

14 **Section 217.55(e)(6).** New §217.55(e)(6) establishes procedures for paying the state's portion of the
15 vehicle inspection fee.

16 **Section 217.55(e)(7).** New §217.55(e)(7) allows for the cancellation of a registration for noncompliance
17 with the exempt fleet statutes and rules or with inspection requirements under Transportation Code
18 Chapter 548. New §217.55(e)(7) also prohibits a vehicle with canceled registration from operating on a
19 public highway.

20 **Section 217.55(e)(8) - (9).** New §217.55(e)(8) - (9) establish procedures for reinstating a canceled
21 registration and for requesting a replacement license plate.

1 **Section 217.184(3).** The amendment to §217.184(3) specifies that exempt county fleets are excluded from
2 the processing and handling fee requirements under §217.183. The amendment is necessary to
3 implement SB 1064's amendments to Transportation Code §502.453.

4 **SUMMARY OF COMMENTS.**

5 The department received one written comment on the proposal from the Lubbock County Tax Assessor-
6 Collector.

7 **Comment:**

8 A commenter asked how a tax assessor-collector can replace a plate, in relation to amended §217.54(e)(1)
9 and amended §217.55(c)(1). The commenter implied that the two paragraphs are related.

10 **Response:**

11 The paragraphs that the commenter expresses concern with appear in two separate sections of rules and
12 are not related to each other. Section 217.54 relates to the extended commercial fleet program. Amended
13 §217.54(e)(1) replaced the term "insignia" with "metal fleet license plate" and "registration receipt" to
14 conform with current department operations. Fleet license plates and registration receipts are issued to
15 commercial fleet registrants rather than registration insignia, under Transportation Code §502.0023.
16 Section 217.55 relates to exempt vehicles. Amended §217.55(c)(1) contains nonsubstantive amendments
17 to conform the rules to current practices. The amendments do not add a new requirement. No change
18 has been made in response to this comment.

19 **STATUTORY AUTHORITY.** The department adopts amendments to §§217.54, 217.55, and 217.184 under
20 Transportation Code §§502.0021, 502.0023, 502.0025, and 1002.001.

21 -- Transportation Code §502.0021 authorizes the department to adopt rules to administer
22 Transportation Code Chapter 502.

1 -- Transportation Code §502.0023 requires the department to adopt rules to implement extended
2 registration of commercial fleet vehicles.

3 -- Transportation Code §502.0025 requires the department to adopt rules to implement extended
4 registration of certain county fleet vehicles.

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

7 **CROSS REFERENCE TO STATUTE.** Transportation Code §§502.0023, 502.0025, 502.1911, and 502.453.

8

9 **TEXT.**

10 **Subchapter B. Motor Vehicle Registration**

11 **43 TAC §217.54 and §217.55**

12 §217.54. Registration of Fleet Vehicles.

13 (a) Scope. A registrant may consolidate the registration of multiple motor vehicles in a fleet
14 instead of registering each vehicle separately. A fleet may include trailers and semitrailers. Except as
15 provided by §217.55 of this title (relating to Exempt and Alias Vehicle Registration), to consolidate
16 registration, a registration must meet the requirements of this section.

17 (b) Eligibility. A fleet must meet the following requirements to be eligible for fleet registration.

18 (1) No fewer than 25 vehicles will be registered as a fleet;

19 (2) Vehicles may be registered in annual increments for up to eight years;

20 (3) All vehicles in a fleet must be owned by or leased to the same business entity;

21 (4) All vehicles must be vehicles that are not registered under the International
22 Registration Plan; and

1 (5) Each vehicle must currently be titled in Texas or be issued a registration receipt, or the
2 registrant must submit an application for a title or registration for each vehicle.

3 (c) Application.

4 (1) Application for fleet registration must be in a form prescribed by the department. At
5 a minimum the form will require:

6 (A) the full name and complete address of the registrant;

7 (B) a description of each vehicle in the fleet, which may include the vehicle's
8 model year, make, model, vehicle identification number, document number, body style, gross weight,
9 empty weight, and for a commercial vehicle, manufacturer's rated carrying capacity in tons;

10 (C) the existing license plate number, if any, assigned to each vehicle; and

11 (D) any other information that the department may require.

12 (2) The application must be accompanied by the following items:

13 (A) in the case of a leased vehicle, a certification that the vehicle is currently
14 leased to the person to whom the fleet registration will be issued;

15 (B) registration fees prescribed by law for the entire registration period selected
16 by the registrant;

17 (C) local fees or other fees prescribed by law and collected in conjunction with
18 registering a vehicle for the entire registration period selected by the registrant;

19 (D) evidence of financial responsibility for each vehicle as required by
20 Transportation Code, §502.046, unless otherwise exempted by law;

21 (E) annual proof of payment of Heavy Vehicle Use Tax;

22 (F) the state's portion of the vehicle inspection fee; and

23 (G) any other documents or fees required by law.

1 (d) Registration period.

2 (1) The fleet owner will designate a single registration period for a fleet so the registration
3 period for each vehicle will expire on the same date.

4 (2) The fleet registration period will begin on the first day of a calendar month and end
5 on the last day of a calendar month.

6 (e) Registration receipt and fleet license plates.

7 (1) As evidence of registration, the department will issue a registration receipt and one or
8 two metal fleet license plates for each vehicle in a fleet.

9 (2) The registration receipt for each vehicle shall at all times be carried in that vehicle and
10 be available to law enforcement personnel upon request.

11 (3) A registration receipt or fleet license plate may not be transferred between vehicles,
12 owners, or registrants.

13 (f) Fleet composition.

14 (1) A registrant may add a vehicle to a fleet at any time during the registration period. An
15 added vehicle will be given the same registration period as the fleet and will be issued one or two metal
16 fleet license plates and a registration receipt.

17 (2) A registrant may remove a vehicle from a fleet at any time during the registration
18 period. After a vehicle is removed from the fleet, the fleet registrant shall either return the metal fleet
19 license plates for that vehicle to the department or provide the department with acceptable proof that
20 the metal fleet license plates for that vehicle have been destroyed. Credit for any vehicle removed from
21 the fleet for the remaining full year increments can be applied to any vehicle added to the fleet or at the
22 time of renewal. No refunds will be given if credit is not used or the account is closed.

1 (3) If the number of vehicles in an account falls below 25 during the registration period,
2 fleet registration will remain in effect. If the number of vehicles in an account is below 25 at the end of
3 the registration period, fleet registration will be canceled. In the event of cancellation, each vehicle shall
4 be registered separately. The registrant shall immediately either return all metal fleet license plates to the
5 department or provide the department with acceptable proof that the metal fleet license plates have
6 been destroyed.

7 (g) Fees.

8 (1) When a fleet is first established, the department will charge a registration fee for each vehicle
9 for the entire registration period selected. A currently registered vehicle, however, will be given credit for
10 any remaining time on its separate registration.

11 (2) When a vehicle is added to an existing fleet, the department will charge a registration fee
12 that is prorated based on the number of months of fleet registration remaining. If the vehicle is currently
13 registered, this fee will be adjusted to provide credit for the number of months of separate registration
14 remaining.

15 (3) When a vehicle is removed from fleet registration, it will be considered to be registered
16 separately. The vehicle's separate registration will expire on the date that the fleet registration would
17 have expired. The registrant must pay the statutory replacement fee to obtain regular registration insignia
18 before the vehicle may be operated on a public highway.

19 (4) In addition to the registration fees prescribed by Transportation Code, Chapter 502, an owner
20 registering a fleet under this section must pay a one-time fee of \$10 per motor vehicle, semitrailer, or
21 trailer in the fleet. This fee is also due as follows:

22 (A) for each vehicle added to the owner's existing fleet; and

1 (B) for each vehicle that a buyer registers as a fleet, even though the seller previously registered
2 some or all of the vehicles as a fleet under this section.

3 (h) Payment. Payment will be made in the manner prescribed by the department.

4 (i) Cancellation.

5 (1) The department will cancel registration for non-payment and lack of proof of annual
6 payment of the Heavy Vehicle Use Tax.

7 (2) The department may cancel registration on any fleet vehicle on the anniversary date
8 of the registration if the fleet vehicle is not in compliance with the inspection requirements under
9 Transportation Code, Chapter 548 or the inspection requirements in the rules of the Texas Department of
10 Public Safety.

11 (3) A vehicle with a canceled registration may not be operated on a public highway.

12 (4) If the department cancels the registration of a vehicle under this subsection, the
13 registrant can request the department to reinstate the registration by doing the following:

14 (A) complying with the requirements for which the department canceled the
15 registration;

16 (B) providing the department with notice of compliance on a form prescribed by
17 the department; and

18 (C) for a registration canceled under paragraph (2) of this subsection, paying an
19 administrative fee in the amount of \$10.

20 (5) A registrant is eligible for reinstatement of the registration only within 90 calendar
21 days of the department's notice of cancellation.

22 (6) If a registrant fails to timely reinstate the registration of a canceled vehicle registration
23 under this section, the registrant:

1 (A) is not entitled to a credit or refund of any registration fees for the vehicle; and
2 (B) must immediately either return the metal fleet license plates to the
3 department or provide the department with acceptable proof that the metal fleet license plates have
4 been destroyed.

5 (j) Inspection fee. The registrant must pay the department by the deadline listed in the
6 department's invoice for the state's portion of the vehicle inspection fee.

7

8 §217.55. Exempt and Alias Vehicle Registration.

9 (a) Exempt plate registration.

10 (1) Issuance. Pursuant to Transportation Code, §502.453 or §502.456, certain vehicles
11 owned by and used exclusively in the service of a governmental agency, owned by a commercial
12 transportation company and used exclusively for public school transportation services, designed and used
13 for fire-fighting or owned by a volunteer fire department and used in the conduct of department business,
14 privately owned and used in volunteer county marine law enforcement activities, used by law
15 enforcement under an alias for covert criminal investigations, owned by units of the United States Coast
16 Guard Auxiliary headquartered in Texas and used exclusively for conduct of United States Coast Guard or
17 Coast Guard Auxiliary business and operations, or owned or leased by a non-profit emergency medical
18 service provider are exempt from payment of a registration fee and are eligible for exempt plates.

19 (2) Application for exempt registration.

20 (A) Application. An application for exempt plates shall be made to the county tax
21 assessor-collector, shall be made on a form prescribed by the department, and shall contain the following
22 information:

23 (i) vehicle description;

1 (ii) name of the exempt agency;

2 (iii) a certification by an authorized person stating that the vehicle is
3 owned or under the control of and will be operated by the exempt agency; and

4 (iv) a certification that each vehicle listed on the application has the name
5 of the exempt agency printed on each side of the vehicle in letters that are at least two inches high or in
6 an emblem that is at least 100 square inches in size and of a color sufficiently different from the body of
7 the vehicle as to be clearly legible from a distance of 100 feet, unless the applicant complies with the
8 requirements under this section for each vehicle that is exempt by law from the inscription requirements.

9 (B) Emergency medical service vehicle.

10 (i) The application for exempt registration must contain the vehicle
11 description, the name of the emergency medical service provider, and a statement signed by an officer of
12 the emergency medical service provider stating that the vehicle is used exclusively as an emergency
13 response vehicle and qualifies for registration under Transportation Code, §502.456.

14 (ii) A copy of an emergency medical service provider license issued by the
15 Department of State Health Services must accompany the application.

16 (C) Fire-fighting vehicle. The application for exempt registration of a fire-fighting
17 vehicle or vehicle owned privately by a volunteer fire department and used exclusively in the conduct of
18 department business must contain the vehicle description, including a description of any fire-fighting
19 equipment mounted on the vehicle if the vehicle is a fire-fighting vehicle. The certification must be
20 executed by the person who has the proper authority and shall state either:

21 (i) the vehicle is designed and used exclusively for fire-fighting; or

22 (ii) the vehicle is owned by a volunteer fire department and is used
23 exclusively in the conduct of its business.

1 (D) County marine law enforcement vehicle. The application for exempt
2 registration of a privately-owned vehicle used by a volunteer exclusively in county marine law
3 enforcement activities, including rescue operations, under the direction of the sheriff's department must
4 include a statement signed by a person having the authority to act for a sheriff's department verifying
5 that fact.

6 (E) United States Coast Guard Auxiliary vehicle. The application for exempt
7 registration of a vehicle owned by units of the United States Coast Guard Auxiliary headquartered in Texas
8 and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and
9 operation, including search and rescue, emergency communications, and disaster operations, must
10 include a statement by a person having authority to act for the United States Coast Guard Auxiliary that
11 the vehicle or trailer is used exclusively in fulfillment of an authorized mission of the United States Coast
12 Guard or Coast Guard Auxiliary, including search and rescue, emergency communications, or disaster
13 operations.

14 (F) Motor vehicles owned and used by state-supported institutions. If the
15 applicant is exempt from the inscription requirements under Education Code §51.932, the applicant must
16 present a certification that each vehicle listed on the application is exempt from the inscription
17 requirements under Education Code §51.932.

18 (3) Exception. A vehicle may be exempt from payment of a registration fee, but display
19 license plates other than exempt plates if the vehicle is not registered under subsection (b) of this section.

20 (A) If the applicant is a law enforcement office, the applicant must present a
21 certification that each vehicle listed on the application will be dedicated to law enforcement activities.

22 (B) If the applicant is exempt from the inscription requirements under
23 Transportation Code, §721.003, the applicant must present a certification that each vehicle listed on the

1 application is exempt from inscription requirements under Transportation Code, §721.003. The applicant
2 must also provide a citation to the section that exempts the vehicle.

3 (C) If the applicant is exempt from the inscription requirements under
4 Transportation Code, §721.005 the applicant must present a certification that each vehicle listed on the
5 application is exempt from inscription requirements under Transportation Code, §721.005. The applicant
6 must also provide a copy of the order or ordinance that exempts the vehicle.

7 (b) Affidavit for issuance of exempt registration under an alias.

8 (1) On receipt of an affidavit for alias exempt registration, approved by the executive
9 administrator of an exempt law enforcement agency, the department will issue alias exempt license plates
10 for a vehicle and register the vehicle under an alias for the law enforcement agency's use in covert criminal
11 investigations.

12 (2) The affidavit for alias exempt registration must be in a form prescribed by the director
13 and must include the vehicle description, a sworn statement that the vehicle will be used in covert criminal
14 investigations, and the signature of the executive administrator or the executive administrator's designee
15 as provided in paragraph (3) of this subsection. The vehicle registration insignia of any vehicles no longer
16 used in covert criminal investigations shall be surrendered immediately to the department.

17 (3) The executive administrator, by annually filing an authorization with the director, may
18 appoint a staff designee to execute the affidavit. A new authorization must be filed when a new executive
19 administrator takes office.

20 (4) The letter of authorization must contain a sworn statement delegating the authority
21 to sign the affidavit to a designee, the name of the designee, and the name and the signature of the
22 executive administrator.

1 (5) The affidavit for alias exempt registration must be accompanied by a title application
2 under §217.103 of this title (relating to Restitution Liens). The application must contain the information
3 required by the department to create the alias record of vehicle registration and title.

4 (c) Replacement of exempt registration.

5 (1) If a metal exempt license plate is lost, stolen, or mutilated, a properly executed
6 application for metal exempt license plates must be submitted to the county tax assessor-collector.

7 (2) An application for replacement metal exempt license plates must contain the vehicle
8 description, original license number, and the sworn statement that the license plates furnished for the
9 vehicle have been lost, stolen, or mutilated and will not be used on any other vehicle.

10 (d) Title requirements. Unless exempted by statute, a vehicle must be titled at the time the
11 exempt registration is issued.

12 (e) Extended Registration of County Fleet Vehicles.

13 (1) Subsections (a)(2), (a)(3)(B), and (c) of this section do not apply under this subsection.

14 (2) The owner of the exempt county fleet must file a completed application for exempt
15 county fleet registration on a form prescribed by the department, and shall contain the following
16 information:

17 (A) vehicle description;

18 (B) name of the exempt agency;

19 (C) a certification by an authorized person stating that the vehicle is owned by
20 and used exclusively in the service of the county;

21 (D) a certification that each vehicle listed on the application has the name of the
22 exempt agency printed on each side of the vehicle in letters that are at least two inches high or in an
23 emblem that is at least 100 square inches in size and of a color sufficiently different from the body of the

1 vehicle as to be clearly legible from a distance of 100 feet, unless the applicant complies with the
2 requirements under this section for each vehicle that is exempt by law from the inscription requirements;
3 and

4 (E) designation of a single registration period for the fleet to ensure that the
5 registration period for each vehicle will expire on the same last day of a calendar month.

6 (3) The application for exempt county fleet registration must be accompanied by the
7 state's portion of the vehicle inspection fees.

8 (4) As evidence of registration, the department will issue a registration receipt and one or
9 two metal exempt fleet license plates for each vehicle in the exempt county fleet. The registration receipt
10 for each vehicle must be carried in that vehicle at all times and be made available to law enforcement
11 personnel upon request. The registration receipt and exempt fleet license plates may not be transferred
12 between vehicles, owners, or registrants.

13 (5) An owner may add or remove a vehicle from an exempt county fleet at any time during
14 the registration period. An added vehicle will be given the same registration period as the other vehicles
15 in the exempt county fleet and will be issued a registration receipt and one or two metal exempt fleet
16 license plates. Upon the removal of a vehicle from the exempt county fleet, the owner of the vehicle shall
17 dispose of the registration receipt and shall either return the metal exempt fleet license plates to the
18 department or provide the department with acceptable proof that the metal exempt fleet license plates
19 have been destroyed.

20 (6) An owner must pay the department by the deadline listed in the department's invoice
21 for the state's portion of the vehicle inspection fee. Payment shall be made in the manner prescribed by
22 the department.

1 (7) The department may cancel registration on an exempt county fleet or any vehicle in
2 an exempt county fleet on the anniversary date of the registration if the vehicle is not in compliance with
3 Transportation Code §502.0025, this subsection, the inspection requirements under Transportation Code
4 Chapter 548, or the inspection requirements in the rules of the Texas Department of Public Safety. A
5 vehicle with a canceled registration may not be operated on a public highway.

6 (8) If the department cancels the registration of a vehicle in an exempt county fleet under
7 subsection (e)(7) of this section, the owner may request that the department reinstate the registration.
8 To request reinstatement, the owner must comply with the requirements that led the department to
9 cancel the registration and must provide the department with notice of compliance on a form prescribed
10 by the department. An owner is eligible for reinstatement of the registration of a vehicle in an exempt
11 county fleet if the department receives the owner's request for reinstatement and proof of compliance
12 no later than 90 calendar days after the date of the department's notice of cancellation. If the department
13 does not timely receive an owner's request to reinstate the registration, the owner must immediately do
14 the following:

15 (A) either return all metal exempt county fleet license plates to the department
16 or provide the department with acceptable proof that the metal exempt county fleet license plates have
17 been destroyed; and

18 (B) dispose of the registration receipt in a manner prescribed by the department.

19 (9) If a metal exempt county fleet license plate is lost, stolen, or mutilated, the owner may
20 request a new metal exempt county fleet license plate from the department. The request must include
21 the following:

1 (A) a certification that the previously issued metal exempt county fleet license
2 plate furnished for the vehicle has been lost, stolen, or mutilated and that the new metal exempt county
3 fleet license plate will not be used on any other vehicle;

4 (B) the vehicle description; and

5 (C) the original license plate number, if applicable.

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7

Subchapter I. Fees

8

43 TAC §217.184

9 §217.184. Exclusions.

10 The following transactions are exempt from the processing and handling fee established by
11 §217.183 of this title (relating to Fee Amount), but are subject to any applicable service charge set
12 pursuant to Government Code, §2054.2591, Fees. The processing and handling fee may not be assessed
13 or collected on the following transactions:

14 (1) a replacement registration sticker under Transportation Code, §502.060;

15 (2) a registration transfer under Transportation Code, §502.192;

16 (3) an exempt registration under Transportation Code, §502.451 or §502.0025;

17 (4) a vehicle transit permit under Transportation Code, §502.492;

18 (5) a replacement license plate under Transportation Code, §504.007;

19 (6) a registration correction receipt, duplicate receipt, or inquiry receipt;

20 (7) an inspection fee receipt; or

21 (8) an exchange of license plate for which no registration fees are collected.

22

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

3 Issued at Austin, Texas, on December 8, 2022.

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