

1	PROPOSAL OF REVISIONS TO
2	SUBCHAPTER A. MOTOR VEHICLE TITLES
3	43 TAC §§217.2-217.9, 217.11 AND 217.14-217.16
4	SUBCHAPTER B. MOTOR VEHICLE REGISTRATION
5	43 TAC §§217.22, 217.23, 217.25-217.29, 217.33, 217.36, 217.37, 217.40, 217.41, 217.43, 217.45,
6	217.46, AND 217.50-217.56
7	SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS
8	43 TAC §§217.71, 217.74, AND 217.75
9	SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES
10	43 TAC §§217.81-217.86, 217.88, AND 217.89
11	SUBCHAPTER E. TITLE LIENS AND CLAIMS
12	43 TAC §217.106
13	SUBCHAPTER F. MOTOR VEHICLE RECORDS
14	43 TAC §§217.122-217.125, 217.129, AND 217.131
15	SUBCHAPTER G. INSPECTIONS
16	43 TAC §217.143 AND §217.144
17	SUBCHAPTER H. DEPUTIES
18	43 TAC §§217.161, 217.166 AND 217.168

1 Recognition Program, §217.205; and Subchapter L, Assembled Vehicles, §217.404. The department
2 proposes new §217.31. Repeals are proposed for §217.34 and §217.87.

3 The proposed amendments, new section and repeals are necessary to bring the rules into
4 alignment with statute; to remove language that is redundant with statute; to clarify the purpose of a
5 rule by amending the title and language; to clarify existing requirements; to modernize language and
6 improve readability through the use of consistent terminology; to clarify or delete unused, archaic, or
7 inaccurate definitions, terms, and references; and to more specifically describe the department’s
8 methods and procedures.

9 Amendments are also proposed to implement House Bill (HB) 718, 88th Legislature, Regular
10 Session (2023), which amended various sections in Transportation Code, Chapters 501, 502, 503, 504,
11 520, and 548 to remove provisions authorizing a vehicle dealer or converter to issue a temporary tag for
12 a vehicle and replaced these tags with categories of license plates, effective July 1, 2025. Accordingly,
13 HB 718 requires a motor vehicle dealer to issue to a person who buys a vehicle from the dealer a license
14 plate or a set of license plates. HB 718 requires the department to determine new distribution methods,
15 systems, and procedures; set certain fees; and adopt related rules by December 1, 2024. Beginning July
16 1, 2025, if a motor vehicle is sold to a Texas resident, a Texas dealer will assign a license plate to the
17 vehicle unless the buyer has a specialty or other qualifying license plate, and the assigned license plate
18 will stay with the vehicle if the vehicle is later sold to another Texas buyer.

19 Additionally, amendments are proposed to implement HB 3297, 88th Legislature, Regular Session
20 (2023), which amended various sections in Transportation Code, Chapters 502, 547, and 548. HB 3297
21 repealed Transportation Code provisions mandating vehicle safety inspections for noncommercial

1 vehicles but maintained safety inspections for commercial vehicles and vehicle emissions inspections for
2 vehicles in certain counties. HB 3297 is effective January 1, 2025.

3 The department is also conducting a review of its rules in Chapter 217 in compliance with
4 Government Code, §2001.039. Notice of the department’s plan to review Chapter 217 is published in
5 this issue of the *Texas Register*. As a part of the rule review, the department is proposing necessary
6 amendments and repeals to update and streamline the rule text, bringing it into compliance with statute
7 and with current department procedure.

8 In 2019, the Sunset Commission recommended the board establish advisory committees and
9 adopt rules regarding standard advisory committee structure and operating criteria. The board adopted
10 rules in 2019 and advisory committees have since provided valuable input on rule proposals considered
11 by the board for proposal or adoption. In February and March 2024, the department provided an early
12 draft of rule changes implementing HB 718 and HB 3297 to three department advisory committees, the
13 Vehicle Titles and Registration Advisory Committee (VTRAC), the Motor Vehicle Industry Regulation
14 Advisory Committee (MVIRAC), and the Customer Service and Protection Advisory Committee (CSPAC).
15 Committee members voted on formal motions and provided informal comments on other provisions.
16 Additionally, stakeholders including the Texas Automobile Dealers Association (TADA), the Texas
17 Independent Automobile Dealers Association (TIADA), the Texas Recreational Vehicle Association
18 (TRVA), and the Texas Motorcycle Dealers Association (TMDA) provided feedback and input on one or
19 more rule proposals. Due to the delayed effective dates of HB 718 and HB 3297, it is necessary to delay
20 the effective dates of the rules implementing those bills. As a result, the amendments to §§217.4,
21 217.27 and 217.89 are proposed to be effective January 1, 2025, and proposed amendments to §§217.8,
22 217.16, 217.40, 217.46, 217.52, 217.168, 217.182 and 217.185 are proposed to be effective July 1, 2025.

1 **EXPLANATION.**

2 Subchapter A. Motor Vehicle Titles

3 Proposed amendments to §217.2 would delete the definitions for “all-terrain vehicle or ATV”
4 “house moving dolly,” “implements of husbandry,” “obligor,” “off-highway vehicle,” “recreational off-
5 highway vehicle or ROV,” “sand rail,” and “utility vehicle or UTV” because none of these terms are used
6 in proposed amended Chapter 217. Another proposed amendment would add a new definition for
7 “current photo identification” in new §217.2(4), using language that currently appears in §217.5(d)(4) to
8 allow the department the flexibility to accept government-issued photo identification within 12 months
9 of the expiration date, as well as state-issued personal identification certificates that do not have
10 expiration dates. The remaining paragraphs in §217.2 are proposed to be renumbered accordingly. A
11 proposed amendment to §217.2(25) would delete subparagraphs A, B, and C from the definition of
12 “verifiable proof,” as those subparagraphs are unnecessary and duplicative of language in §217.7,
13 relating to Replacement of Title.

14 A proposed amendment to the introductory sentence in §217.3 would add the words “or this
15 subchapter” to clarify that the rules in 43 TAC Chapter 217, Subchapter A, relating to Motor Vehicle
16 Titles, regulate applications for title by motor vehicle owners. A proposed amendment would delete
17 §217.3(1)(B) to remove unnecessary language that is duplicative of the definition of “moped” in §217.2
18 and would remove the letter for subparagraph (A) because there would only be one subparagraph in
19 §217.3(1) due to the proposed deletion of subparagraph (B). A proposed amendment would delete
20 §217.3(2)(A) to conform the rule to the Texas Transportation Code, Chapter 501, which does not prohibit
21 the titling of implements of husbandry. A proposed amendment to §217.3(2)(C) would replace “farm
22 tractors” with “tractors” to clarify that while farm tractors may be exempt from registration, tractors

1 used to mow rights of way or to move commodities are not. Another proposed amendment would
2 delete §217.3(2)(D) to remove unnecessary language that is duplicative of language in the
3 Transportation Code. The remaining subsections of §217.3(2) are proposed to be renumbered
4 accordingly. A proposed amendment to §217.3(4) would delete the portion of the paragraph reciting the
5 weight requirements for mandatory titling of trailers, as well as the portion of the paragraph stating that
6 trailers under 4,000 pounds may be permissively titled, to remove unnecessary language that is
7 duplicative of language in the Transportation Code.

8 A proposed amendment to §217.4(d)(4) would delete language requiring completion of a vehicle
9 inspection under Transportation Code, Chapter 548 for all title applications, and substitute language
10 specifying that for vehicles last registered in another state, applicants must verify the vehicle
11 identification number (VIN) by a process described on a department self-certification form if the vehicle
12 is not subject to Transportation Code, Chapter 548. The proposed changes would implement HB 3297,
13 which removed the vehicle safety inspection as a prerequisite for registration and titling while still
14 allowing the department to deter fraud by verifying the VINs of out-of-state vehicles. The proposed
15 amendment also clarifies that if an applicant is registering or titling a vehicle in a county subject to
16 emissions testing, the emissions testing requirements must be satisfied. A proposed amendment to
17 §217.4(d)(5) would delete paragraphs (A) and (B) and re-organize the rule accordingly. The proposed
18 deletion of paragraphs (A) and (B) would remove language that is unnecessary because it is duplicative
19 of language in the Transportation Code. These amendments to §217.4 are proposed for a future effective
20 date of January 1, 2025, in accordance with the effective date of HB 3297.

21 A proposed amendment to §217.5(a)(1)(A) would add new requirements for a manufacturer's
22 certificate of origin (MCO). Proposed new §217.5(a)(1)(A)(i) would require that a manufacturer's name

1 be listed on the MCO, to eliminate confusion as to the name of the manufacturer when shortened
2 versions or abbreviations of a manufacturer’s name are printed on an MCO. Proposed new
3 §217.5(a)(1)(A)(vi) would require listing seating capacity (number of passengers) for motor bus MCOs, to
4 help the department to quickly determine based on the seating capacity whether a vehicle should be
5 registered or titled as a bus. The remainder of §217.5(a)(1)(A) would be renumbered accordingly.

6 Section 217.5(a)(2) sets requirements for the evidence of motor vehicle ownership that must
7 accompany an application for title on a used motor vehicle. The proposed amendment to §217.5(a)(2),
8 would delete vague language relating to “other evidence of ownership,” because the term is confusing
9 and does not offer clear guidance to the public as to the type of ownership evidence that is acceptable
10 to the department. Proposed new paragraphs §217.5(a)(2)(A)-(E) would clarify the application
11 requirements by listing the specific types of evidence of ownership that must be submitted as part of a
12 title application, reflecting current department procedure.

13 A proposed amendment to §217.5(a)(4)(C)(ii) would modernize the rule by deleting a reference
14 to “an original United States Customs stamp” that is not required under relevant statutes governing
15 importation of motor vehicles. A proposed amendment to §217.4(a)(4)(C)(v) would insert a hyphen into
16 the phrase “non United States” to correct a grammatical error.

17 A proposed amendment to §217.5(b)(4) would change the case of the term “Statement of Fact”
18 from upper to lower case to correct a syntax error. A proposed amendment to §217.5(d)(1) would
19 remove “and expiration date” and replace “document” with “current photo identification” to employ the
20 proposed new defined term. An additional proposed amendment to §217.5(d)(1) would delete
21 “concealed handgun license or,” as this term is not used in the Texas Government Code. Another
22 proposed amendment would delete the definition of “current” from §217.5(d)(4) because it is proposed

1 to be moved to new §217.2(4). The remaining subsections of §217.5(d) would be renumbered
2 accordingly. The proposed amendment to §217.5(d)(7) would remove an inaccurate reference to
3 Occupations Code, Chapter 2301 as the source for issuing a general distinguishing number (GDN).

4 A proposed amendment to §217.6 would add a new subsection (d) clarifying the requirements
5 for the department to place a hold on processing a title application under Transportation Code,
6 §501.051(d). Proposed new §217.6(d)(1) clarifies the requirements for evidence of a legal action
7 regarding ownership of a lien interest in a motor vehicle by specifying that the evidence must show a
8 legal action that was filed in a district, county, statutory probate, or bankruptcy court. Proposed new
9 §217.6(d)(1) would allow the parties to maintain the status quo in a legal dispute over a motor vehicle by
10 placing a hold on the transfer of the title until the dispute is resolved, without the necessity of obtaining
11 a temporary injunction against the department. This would enhance procedural efficiency for the
12 department and save resources for both the department and the parties involved in the legal dispute.

13 Proposed new §217.6(d)(2) would clarify that evidence of a legal action filed in a municipal or
14 justice of the peace court is not sufficient evidence for a title processing hold unless the legal action is
15 related to Code of Criminal Procedure, Chapter 47 or Government Code, §27.031. This proposed
16 amendment would make the rule consistent with Transportation Code, §501.0521, which states that a
17 justice of the peace or municipal court may not issue an order related to a motor vehicle title except in
18 limited circumstances.

19 Proposed new §217.6(d)(3) would clarify that to qualify for a title processing hold, the legal
20 action regarding ownership of or a lien interest in a motor vehicle must be active on a court's docket,
21 and that evidence of a legal action that has been resolved through a final nonappealable judgment will
22 not support placing of a title processing hold. Proposed new §217.6(d)(5) would define "final

1 nonappealable judgment” as one for which 30 days have passed from the date of judgment without
2 appeal, to eliminate ambiguity as to what constitutes a non-appealable judgment for the purposes of
3 releasing a title processing hold. When there is a final nonappealable judgment, proposed new
4 §217.6(d)(3) would require evidence of post-judgment legal action before the department could place a
5 hold on processing a title. These proposed amendments would make the department’s procedures
6 consistent with Transportation Code, §501.051(d), which states that a hold is terminated when a case is
7 resolved by a final judgment.

8 Proposed new §217.6(d)(4) would require the department to place a ten-day temporary hold
9 when a party submits the vehicle’s VIN and an explanation of why the hold is requested. This proposed
10 amendment would reflect the current department practice of providing a temporary 10-day processing
11 hold to allow a party to time to file a lawsuit and to present evidence of the legal action to the
12 department. The proposed amendment would acknowledge that title or lienholders who are
13 challenging legal bonded title applications or engaged in other types of disputes related to their title or
14 lien interests, need time to prepare a legal action. Proposed new §217.6(d)(4) would require a party to
15 submit a VIN for the vehicle at issue because title processing holds are placed in the department’s record
16 system by VIN. Proposed new §217.6(d)(4) would also require a party to attest that the temporary hold
17 is being requested in order to commence a legal action disputing a title or lien interest in a motor vehicle
18 and not for purposes of delay, to ensure that the temporary hold is in furtherance of Transportation
19 Code, §501.051(d).

20 Proposed amendments to §217.7 would implement the proposed new defined term “current
21 photo identification” in §217.2(4) by adding it §217.7(b)(1) in place of “document,” adding it to
22 §217.7(b)(3)(A) - (C) and deleting the definition of “current” from §217.7(b)(4). The remaining

1 subsections of §217.7(b) are proposed to be renumbered accordingly. These proposed amendments
2 would improve readability of the rule and ensure consistent use of terminology throughout the
3 subchapter. A proposed amendment to §217.7(b)(1)(F) would delete the phrase “concealed handgun
4 license” because Government Code, Chapter 411 does not use the term “concealed handgun license”
5 and this type of license is no longer required by law.

6 The proposed amendments to §217.8 would implement HB 718, which amended Transportation
7 Code, §501.147 to mandate that dealers holding a GDN submit notifications to the department of sales
8 or transfers of motor vehicles to the dealer. A proposed amendment to §217.8(a) would remove dealers
9 that hold a GDN from the rule on voluntary notifications to the department since notification is now
10 mandatory rather than voluntary under Transportation Code, §501.147, as amended by HB 718.
11 Proposed new §217.8(b) would require dealers with a GDN to submit notifications to the department of
12 sales or transfers of motor vehicles to the dealer, including all information required under Transportation
13 Code, §501.147(b), as amended by HB 718. Proposed new §217.8(b) would also clarify that dealers with
14 a GDN can submit the written notification to the department through a variety of methods, including
15 electronically through the department’s website portal, as is required by Transportation Code, §501.147,
16 as amended by HB 718. The other subsections of §217.8 are proposed to be renumbered accordingly to
17 accommodate the addition of proposed new §217.8(b). A proposed amendment to current §217.8(b)
18 would clarify that dealers that hold a GDN are identified as transferors for purposes of the department
19 updating its records documenting the vehicle transfer. These amendments to §217.8 are proposed for a
20 future effective date of July 1, 2025, in accordance with the effective date of HB 718.

21 Proposed amendments to §217.9(a)(1) would delete the phrase “and the surety bonding
22 company ensures lien satisfaction or” and insert new language specifying that an applicant, rather than a

1 surety bond company, must provide both a release of all liens and a bond. The proposed amendment
2 would conform the rule with Transportation Code, §501.053(a)(3), which requires an applicant to
3 produce a release of all liens with a bond and does not authorize a surety bond company to ensure lien
4 satisfaction in lieu of a release of all liens from the relevant lienholders. A proposed amendment to
5 §217.9(e)(7) would delete language related to certification of lien satisfaction by the surety bond
6 company and a notice of determination letter. This proposed amendment would make the paragraph
7 consistent with the proposed amendment to §217.9(a)(1) and conform the rule to Transportation Code,
8 §501.053(a)(3), which does not provide for certification of lien satisfaction by a surety bond company,
9 but instead requires a release of all liens and a surety bond for an applicant to qualify for bonded title.

10 Proposed amendments to §217.11(a) would delete unnecessary and duplicative language that
11 simply repeats requirements from Transportation Code §501.051(b), and would substitute citations to
12 Transportation Code §501.051(b). The proposed amendments would create new paragraph (b) from
13 former paragraph (a)(5), delete language from former paragraph (a)(5) referring to language in
14 paragraph (a)(3)(B) that is proposed for deletion, and add language to the proposed new paragraph (b)
15 clarifying and restating the current requirement that an affidavit for recission must be accompanied by
16 an odometer disclosure statement if the vehicle was ever in the possession of the title applicant. The
17 proposed amendments would also delete current §217.11(b) because it refers to language in paragraph
18 (a)(3)(B) that is proposed for deletion. The proposed amendments would thus remove unnecessary
19 language and improve readability.

20 A proposed amendment to §217.14 would delete the phrase “registered with the following
21 distinguishing license plates” and replace it with the “eligible for machinery license plates and permit
22 license plate, in accordance with Transportation Code, §502.146.” The proposed deletion would clarify

1 that the exemption from titling for vehicles eligible for machinery license and permit plates is not limited
2 vehicles that have been registered and applies to all vehicles eligible for machinery license plates and
3 permit license plates. An additional amendment would delete unnecessary language that is duplicative
4 of statute.

5 A proposed amendment to §217.15(c) would implement HB 3297 by replacing a reference to a
6 “state inspection” fee with a broader reference to any fee “under Transportation Code, Chapter 548.”
7 The proposed amendment would align the rule with HB 3297 which amended Transportation Code,
8 Chapter 548 to eliminate the requirement for a state safety inspection. These amendments to §217.15
9 are proposed for a future effective date of January 1, 2025, in accordance with the effective date of HB
10 3297.

11 A proposed amendment to §217.16(f)(4) would implement HB 718 by replacing “buyer’s
12 temporary tag fee” with “fee associated with the issuance of a license plate or set of plates.” The
13 proposed amendment would align the rule with HB 718 which amended Transportation Code Chapter
14 503 to eliminate buyer’s temporary tags. The amendments to §217.16 are proposed for a future effective
15 date of July 1, 2025, in accordance with the effective date of HB 718.

16

17 Subchapter B. Motor Vehicle Registration.

18 Proposed amendments to §217.22 would add a new definition of “current photo identification”
19 in new §217.22(11), using language that currently appears in §217.26(c) to allow the department the
20 flexibility to accept government-issued photo identification within 12 months of the expiration date, as
21 well as state-issued personal identification certificates that do not have expiration dates. Other proposed
22 amendments to §217.22 would delete the definition “legally blind” in §217.22(24) because it is not used

1 in the subchapter, and would delete the definition of “vehicle inspection sticker” in §217.22(47) to align
2 with changes to the law to no longer require separate vehicle inspection stickers. The remaining
3 subsections of §217.22 would be renumbered accordingly. A proposed amendment to §217.22(27)
4 would add a citation to Transportation Code, Chapter 503 for completeness, clarity, and ease of
5 reference. A proposed amendment to §217.22(38) would remove the phrase “under SA” to remove
6 unnecessary and confusing wording.

7 Proposed amendments to §217.23(b)(1) would add a cross reference to §217.5, relating to
8 Evidence of Motor Vehicle Ownership, for clarity and ease of reference, and would remove an
9 unnecessary statutory reference.

10 Proposed amendments to §217.25 would add a reference to Transportation Code, §502.145 to
11 clarify that the statute creates an exception to the rule: Transportation Code, §502.145 allows a
12 nonresident owner of a privately owned passenger car that is registered in the state or country in which
13 the person resides and that is not operated for compensation to not register in Texas as long as the car’s
14 licenses in the owner’s state of residence are valid.

15 Proposed amendments to §217.26(a) would implement the proposed new defined term “current
16 photo identification” in §217.22(11) by adding it §217.26(a) in place of “document,” adding it to
17 §§217.26(b)(2)(B), 217.26(b)(3), and 217.26(b)(4)(B) in place of “government issued,” deleting the
18 definition of “current” from §217.26(c), and relettering the remaining subsections of §217.26
19 accordingly. A proposed amendment to §217.26(a)(6) would delete “concealed handgun license” from
20 the list of acceptable forms of identification as this type of license is no longer required by law.

21 Proposed amendments to §217.27(a)(1) would add the defined term “vehicle registration
22 insignia” for clarity and consistency and delete unused or archaic terms and references. Proposed
06/27/2024

1 amendments to §217.27(b) would move the carve-out for a vehicle described by Transportation Code,
2 §621.2061 to place the rear license plate so that it is clearly visible, readable, and legible, from
3 paragraph (b)(1), which addresses vehicles that display two plates, to paragraph (b)(2), which addresses
4 vehicles that only display one plate. This amendment would acknowledge that vehicles described in
5 Transportation Code, §621.2061 are carrying a load that obscures the license plate.

6 Proposed amendments to §217.27(c)(2)(A) implement HB 3297, which amended Transportation
7 Code, §502.0024 to specify which vehicles may obtain a registration insignia for a period consisting of 12,
8 24, 36, 48 or 60 consecutive months on payment of all fees for each full year of registration. The
9 proposed amendments to §217.27(c)(2)(A) would further implement HB 3297 by deleting outdated text
10 that referenced vehicle inspections and sections of the Transportation Code that HB 3297 eliminated.
11 Due to the proposed amendments implementing HB 3297, the amendments to §217.27 are proposed for
12 a future effective date of January 1, 2025, in accordance with the effective date of HB 3297.

13 Proposed amendments to §217.27(d)(1)(2), (2)(A), (3), (e), (f), and (h) substitute the term
14 “license plate number” for “alphanumeric pattern” to implement HB 718, which requires that the
15 department issue license plates rather than temporary tags. A proposed amendment to §217.27(d)(1)
16 would substitute the term “general issue” for the word “regular” to implement HB 718 with consistent
17 terminology that distinguishes among types of license plates that the department will now issue.

18 The repeal of §217.28(e)(1) is proposed because the language is redundant with statute. The
19 remaining sections are proposed to be renumbered accordingly. Proposed amendments would add new
20 §217.28(e)(6) to clarify that the operation of a vehicle with an expired registration that has been stored
21 or otherwise not in operation that is driven only to an inspection station for the purpose of obtaining an
22 inspection if required for registration, will not affect the determination of whether the registrant has a

1 valid or invalid reason for being delinquent. This proposed amendment will remove a deterrent to
2 inspection and further clarify when a vehicle will be assessed delinquency penalties.

3 Proposed amendments to §217.29 would repeal §217.29(d) and §217.29(f) as these subsections
4 are outdated and apply only to vehicle registrations expiring prior to January 1, 2017. The remaining
5 subsections are proposed to be relettered accordingly. Proposed amendments to relettered §217.29(e)
6 would remove outdated language about vehicle registrations around January 1, 2017. Proposed
7 amendments to relettered §217.29(f) would modernize the rule by removing more outdated language
8 about registration renewals in 2017, and by updating the wording to require the department and the
9 department’s third-party centralized vendor to promptly facilitate and mail vehicle registration insignias
10 to applicants who submit registration renewals via the Internet.

11 Proposed new §217.31 would be a standalone rule regarding the federal heavy vehicle use tax
12 (HVUT) requirements, which are imposed by 26 U.S.C. §4481, *et seq.* and 26 C.F.R. Part 41. Although the
13 Internal Revenue Service (IRS) collects the HVUT, the department requires compliance with the HVUT
14 requirements prior to issuing vehicle registration for applicable vehicles, to prevent the state’s loss of
15 federal-aid highway funds under 23 U.S.C. §141(c) and 23 U.S.C. §104(b)(1). The department also
16 complies with 23 C.F.R. Part 669, which are Federal Highway Administration (FHWA) regulations
17 regarding the enforcement of the HVUT requirements via the vehicle registration process for a highway
18 motor vehicle as defined by the federal law on the HVUT.

19 Proposed new §217.31 would also incorporate by reference the IRS regulation - 26 C.F.R.
20 §41.6001-2 - regarding the circumstances under which a state must require proof of payment of the
21 HVUT and the required manner in which such proof of payment must be received by a state as a
22 condition of issuing a registration for a highway motor vehicle as defined by the federal law regarding the

1 HVUT. Section 41.6001-2(c) states that proof of payment of the HVUT consists of a receipted Schedule 1
2 (Form 2290 “Heavy Vehicle Use Tax Return”) that is returned by the IRS, by mail or electronically. Section
3 41.6001-2(c) also authorizes an acceptable substitute for a receipted Schedule 1. The IRS provides
4 guidance on its website regarding Form 2290 for the collection of the HVUT. The IRS website for Form
5 2290 is located at the following address: <https://www.irs.gov/forms-pubs/about-form-2290>.

6 Although the department complies with the HVUT requirements for all applicable vehicle
7 registrations, multiple rules in Chapter 217 reference the HVUT requirements. New §217.31 would help
8 vehicle registration applicants find the applicable HVUT requirements because new §217.31 would be
9 titled “Heavy Vehicle Use Tax.” Also, federal law imposes the requirements for the payment of the HVUT,
10 as well as the circumstances under which a state must require proof of payment of the HVUT and the
11 required manner in which such proof of payment must be received by a state.

12 Proposed amendments to §217.33 would implement HB 718 by adding the word “license”
13 before “plate” in several places in subparagraphs (a), (b), and (d) to improve readability through the use
14 of consistent terminology.

15 The repeal of §217.34 is proposed to remove language that is redundant with statute.

16 Amendments to §§217.36(c)(1), 217.36(c)(4), and 217.36(c)(5) are proposed to modernize
17 language and match current practices by removing references to submitting information to the
18 department on magnetic tape and replacing them with references to submitting information through the
19 secure transfer portal.

20 Proposed amendments to §217.37 would clarify that the department and the county will only
21 charge fees provided by statute or rule. The proposed amendments would repeal §217.37(b) because it

1 is a restatement of the \$2 fee for a duplicate registration receipt required in Transportation Code,
2 §502.058(a).

3 Proposed amendments to §217.40 would implement HB 718 by creating new plate types and
4 ensuring consistency in the terminology used to refer to the new plates in rule. In accordance with the
5 effective date of HB 718, the amendments to §217.40 are proposed for a future effective date of July 1,
6 2025. Proposed amendments to §217.40(a) implement HB 718 by updating terminology and adding
7 “special registration license plates” in addition to “special registration permits.”

8 Proposed amendments to §217.40(b)(1) would add a statutory reference to Transportation
9 Code, §502.434 and delete unnecessary language in §217.40(b)(1)(A)-(D) that is redundant with the
10 statute to streamline the rule text and to improve readability and ease of reference. The remaining
11 subsections in §217.40(b)(1) would be relettered accordingly. Proposed amendments to §217.40(b)(2)
12 would add a reference to Transportation Code, §502.093 and delete unnecessary language in
13 subparagraph (A) for ease of reference. A proposed amendment would delete §217.40(b)(2)(B) because
14 it is redundant with statute, and the remaining subsections of §217.40(b)(2) would be relettered
15 accordingly. Proposed amendments to create new §217.40(b)(2)(C) would implement HB 718 by
16 specifying that the department will issue a license plate for an annual permit under Transportation Code,
17 §502.093, and would also provide a definition for the term “foreign commercial motor vehicle.”
18 Proposed amendments would delete §217.40(b)(2)(C)(ii) because it is redundant with statute. Proposed
19 amendments to §217.40(b)(3) would clarify that 72-hour permits and 144-hour permits are governed in
20 accordance with Transportation Code, §502.094 and would delete existing language in subparagraphs
21 (3)(A-D), and (4)(A-D) that is redundant with the statutory requirements, to streamline the rules and
22 improve readability and consistency with other subsections.

1 Proposed new §217.40(c) would implement HB 718 by providing for the issuance of various
2 categories of special registration license plates and would incorporate language that is currently
3 §217.40(b)(5)-(6). A proposed amendment to renumbered §217.40(c)(1) would implement HB 718 by
4 substituting “license plates” for “permits,” and would remove unnecessary language that duplicates the
5 requirements of Transportation Code, §502.095. The remaining subsections of §217.40(c) would be
6 relettered and renumbered accordingly. Proposed new §217.40(c)(1)(C) would require a one-trip license
7 plate to be displayed as required by §217.27(b), relating to Vehicle Registration Insignia, for clarity, ease
8 of reference, and consistency with other subsections.

9 Proposed amendments to current §217.40(b)(6), proposed to be renumbered §217.40(c)(2),
10 would substitute “license plates” for “temporary registration permits” to implement HB 718, and remove
11 language that is redundant of Transportation Code §502.095. A proposed amendment to proposed
12 relettered §217.40(c)(2)(A) would substitute “license plate” for “temporary permit” and “30-day license
13 plate” for “permit” to implement HB 718. Another proposed amendment to §217.40(b)(6), proposed to
14 be relettered as §217.40(c)(2)(A), would align the rule with statute by striking motorcycles from the list
15 of the types of vehicles for which a 30-day license plate is available because Transportation Code
16 §502.095 does not allow issuance of 30-day license plates to motorcycles. The remaining subsections
17 are proposed to be relettered accordingly. Proposed new §217.40(c)(2)(B) would clarify that a 30-day
18 license plate must be displayed as required by §217.27(b), relating to Vehicle Registration Insignia, for
19 clarity, ease of reference, and consistency with other subsections.

20 A proposed amendment to current §217.40(c), which is proposed to be relettered as
21 §217.40(d)(1), would implement HB 718 by substituting the word “special” for “temporary” and adding
22 “or special registration license plate” for consistency with other subsections. Proposed amendments to

1 §217.40(d)(3)(A) would delete unnecessary, redundant language. Proposed amendments to current
2 §217.40(c)(4)(B), which is proposed to be relettered as §217.40(d)(4)(B), would delete temporary
3 agricultural permits from being obtained through the county tax assessor-collectors' offices. This
4 amendment would implement HB 718 and align the rule with statute because HB 718 repealed
5 Transportation Code, §502.092. Proposed amendments to proposed relettered §217.40(d)(4)(C) would
6 implement HB 718 by substituting "license plates" for "permits" and "temporary registration permits".

7 Proposed amendments to current §217.40(d), which is proposed to be relettered as §217.40(e),
8 would implement HB 718 by adding "special registration" and "or special registration license plate"
9 where "permit" appears throughout the subsection for consistency in the description of the new plate.
10 The proposed amendments to current §217.40(d) would also delete unnecessary language that is
11 redundant with statute. Proposed amendments to current §217.40(e), which is proposed to be
12 relettered to §217.40(f), would implement HB 718 by replacing "temporary" with "special registration"
13 and adding "or special registration license plates" wherever "permit" appears throughout the
14 subsection, for consistency in the description of the new plate.

15 Proposed amendments to §217.41(b)(2)(A) would replace "regular motor vehicle license plates"
16 with "general issue license plates" to implement HB 718, modernize language and improve readability
17 through the use of consistent terminology. Proposed amendments to §217.41(b)(3) would update
18 applicable statutory references governing the issuance of windshield disabled parking placards.

19 Proposed amendments to §217.43 would add the word "license" in multiple places to improve
20 readability through consistent terminology.

21 Proposed amendments to §217.45(b)(2)(B) would remove language that is redundant with
22 statute. Proposed amendments to §217.45(b)(4) would add the word "license" to modify "plate" in
06/27/2024

1 several places to implement HB 718 with consistent terminology. Proposed amendments to
2 §217.45(c)(2)(A)(iii) would implement HB 718 by replacing “alpha numeric pattern” with “license plate
3 number” to modernize language and improve readability with consistent terminology. Proposed
4 amendments to §§217.45(c), (d), (e), (f), (h), and (i) would implement HB 718 with consistent
5 terminology by adding “license” to modify “plate” in multiple places.

6 A proposed amendment to §217.46(a) would clarify that a motor vehicle is required to register
7 as a commercial vehicle if it meets the definition under Transportation Code, §502.001(7) and would
8 delete unnecessary language that repeats the statutory requirements. A proposed amendment to
9 §217.46(b)(3)(A) would delete the words “and full trailers” because Transportation Code, §502.255 only
10 authorizes a truck-tractor or commercial motor vehicle with a combination license plate to be used in
11 combination with a semitrailer that has a gross weight of more than 6,000 pounds. Although
12 Transportation Code, §502.255(e) says that for registration purposes, a semitrailer that has been
13 converted to a trailer by means of an auxiliary axle assembly retains its status as a semitrailer, this
14 exception under §502.255(e) is already addressed in §217.46(b)(3)(B). Another proposed amendment to
15 §217.46(b)(3)(A) would also clarify that a truck or truck-tractor displaying a combination license plate
16 issued under Transportation Code, §502.255 may only pull a semitrailer issued a license plate from
17 another state to the extent authorized under a registration reciprocity agreement under Transportation
18 Code, §502.091 regarding registration reciprocity agreements. Transportation Code, §502.255 regarding
19 combination license plates does not authorize a truck or truck-tractor with a combination license plate to
20 pull a semitrailer with a license plate issued by another state; however, Transportation Code, §502.091
21 provides such authority if there is a registration reciprocity agreement that authorizes it.

1 Proposed amendments to §217.46(b)(3)(A)(i) and (ii) would modify the language because
2 Transportation Code, §502.255(a) requires the truck or truck tractor in the combination to have a gross
3 weight of “more than 10,000 pounds,” which means a truck or truck-tractor that has a gross weight of
4 10,000 pounds or less does not qualify for registration under Transportation Code, §502.255. Proposed
5 amendments to §217.46(b)(3)(A)(ix) would replace “temporary” with “special registration”, replace
6 “permits” with “special registration license plates,” and replace “permits” with “license plates” to
7 improve readability through consistent terminology. A proposed amendment to §217.46(b)(3)(B) would
8 delete the word “full” from the term “full trailers” because the language summarizes the authority under
9 Transportation Code, §502.255(e) for a semitrailer that has been converted to a trailer by means of an
10 auxiliary axle assembly to retain its status as a semitrailer. Transportation Code, §502.001 defines the
11 word “trailer,” but does not define the term “full trailer.” Therefore, the proposed amendment to delete
12 the word “full” from the term “full trailers” would provide clarity. A proposed amendment to
13 §217.46(b)(3)(D)(iii) would add the word “license” to modify “plates,” to improve readability and clarity
14 through consistent terminology. A proposed amendment would delete §217.46(b)(6) because in transit
15 license plates under Transportation Code, §503.035 are addressed under 43 TAC §215.143. The
16 remaining paragraphs of §217.46(b) are proposed to be renumbered accordingly.

17 A proposed amendment to renumbered §217.46(b)(5)(A) would replace the word
18 “required” with the word “authorized” because a token trailer license plate is available for semitrailers
19 that qualify for a token trailer license plate under the law. A proposed amendment to renumbered
20 §217.46(b)(5)(B) would delete language regarding an exemption under Transportation Code, §502.094
21 because Transportation Code, §502.001(40) and §502.255 do not provide an exemption. Transportation
22 Code, §502.001(40) defines a token trailer and states that a token trailer is only authorized to be
23 operated in combination with a truck or truck-tractor that has been issued an apportioned license plate,
06/27/2024

1 a combination license plate or a forestry vehicle license plate. Transportation Code, §502.001(40) does
2 not list a truck or truck-tractor registered with a special registration permit under Transportation Code,
3 §502.094, so a special registration permit under Transportation Code, §502.094 may not be used to
4 increase the combined gross weight of a truck or truck-tractor to pull a token trailer, even if the truck or
5 truck-tractor is registered for a lower combined gross weight under one of the types of registration
6 referenced in Transportation Code, §502.001(40). If the truck or truck-tractor is only authorized to
7 operate at a higher combined gross weight (combined gross weight of the truck or truck-tractor and the
8 token trailer) because of the authority under Transportation Code, §502.094 for a 72-/144-hour permit,
9 then the truck or truck-tractor is operating under the registration authority under Transportation Code,
10 §502.094, rather than the registration authority of a registration type referenced in Transportation Code,
11 §502.001(40). However, a vehicle combination may be eligible under Transportation Code, Chapters 621
12 through 623 to operate at a higher gross weight than a registered gross weight of 80,000 pounds
13 provided the vehicle combination is operated in compliance with such laws, but provisions in
14 Transportation Code, Chapters 621 through 623 might require such vehicle combination to operate at
15 less than 80,000 pounds gross weight even if the combination is registered for 80,000 pounds gross
16 weight. Vehicle registration is a different issue than maximum weight authorized under Transportation
17 Code, Chapters 621 through 623. Also, Transportation Code, §623.011 is not the only statute in
18 Transportation Code, Chapter 623 that might authorize the vehicle combination to exceed 80,000
19 pounds gross weight. For these reasons, a proposed amendment to renumbered §217.46(b)(5)(B) would
20 replace the reference to Transportation Code, §623.011 with a reference to Transportation Code,
21 Chapters 621 through 623.

22 Proposed amendments to renumbered §217.46(b)(5)(D) would change the catchline from “Full
23 trailers” to “Trailer” and would delete the word “full” from the term “full trailer” because Transportation
06/27/2024 Exhibit A

1 Code, §502.255 only authorizes a semitrailer to be eligible for a token trailer license plate, and
2 Transportation Code, §502.001 defines the word “trailer,” but does not define the term “full trailer.”
3 Current §217.46(b)(3)(B) already includes the exception under Transportation Code, §502.255(e), which
4 says that for registration purposes, a semitrailer converted to a trailer by means of an auxiliary axle
5 assembly retains its status as a semitrailer. A proposed amendment to renumbered §217.46(b)(5)(D)
6 would also replace the word “will” with the word “shall” before the word “not” because Government
7 Code, §311.016 defines the word “shall” to impose a duty. Because Transportation Code, §502.255 does
8 not authorize the department to issue a token trailer license plate for a trailer, this proposed
9 amendment to renumbered §217.46(b)(5)(D) clarifies that the department is prohibited from issuing a
10 token trailer license plate for a trailer. Government Code, Chapter 311 applies to each rule adopted
11 under a code, such as the rules under Chapter 217.

12 A proposed amendment to §217.46(c)(1) would clarify that an applicant shall apply to the
13 appropriate county tax assessor-collector or the department, as applicable, for commercial license
14 plates. A proposed amendment to §217.46(c)(3)(B)(ii) would clarify the reference to the laws regarding
15 overweight vehicles. A proposed amendment to §217.46(c)(4) would provide an option to establish
16 ownership of a vehicle by securing a bond if no VIN or serial number can be identified, to give vehicle
17 owners flexibility with more avenues to establish ownership. Proposed amendments to §217.46(c)(7)(D)
18 would implement HB 718 and increase clarity through consistent terminology by replacing “temporary
19 operating” permits with “special registration” permits and by replacing “additional weight” with “special
20 registration license plates.”

21 Proposed amendments to §217.46(c)(5)(C) would clarify the sentence and remove an outdated
22 reference to an international stamp under Chapter 218 of Title 43. Transportation Code, §502.046 says

1 that evidence of financial responsibility as required by Transportation Code, §601.051, other than for a
2 trailer or semitrailer, shall be submitted with the application for registration under Transportation Code,
3 §502.046. If the vehicle is registered in compliance with Chapter 218, this is evidence that Transportation
4 Code, §601.051 does not apply because Transportation Code, §601.007(c) says that Transportation Code,
5 Chapter 601 (other than §601.054) does not apply to a motor vehicle that is subject to Transportation
6 Code, Chapter 643. If Transportation Code, Chapter 643 requires a motor carrier to register its vehicle
7 under Chapter 643, the motor carrier must obtain such registration under 43 TAC Chapter 218 and
8 Transportation Code, Chapter 643. The reference to registration under Chapter 218 and Transportation
9 Code, Chapter 643 is a reference to operating authority, rather than vehicle registration as provided
10 under Transportation Code, Chapter 502.

11 Proposed amendments to §217.46(c) would delete paragraphs (6) and (7) because the
12 department is proposing new §217.31, which would provide the HVUT requirements. Federal law
13 imposes the requirements for the payment of the HVUT, the circumstances under which a state must
14 require proof of payment of the HVUT and the required manner in which such proof of payment must be
15 received by a state. Proposed new §217.31 cites to the applicable federal law regarding the HVUT and
16 incorporates the applicable IRS regulation by reference.

17 Proposed amendments to §217.46(d)(1) would delete language regarding fixed five-year vehicle
18 registration terms for rental trailers and token trailers because the language is not supported by statute.
19 Transportation Code 502.0024(a), as amended by HB 3297, states, “Payment for all applicable fees...for
20 the entire registration period is due at the time of registration.” Also, Transportation Code, §502.0024
21 authorizes the applicant to choose a registration term up to five years. Further, HB 2357, 82nd Legislature,
22 Regular Session (2011) deleted language regarding a five-year registration period for a token trailer. In

1 addition, the department does not require trailers that are registered under Transportation Code,
2 §502.0024 to have a March 31st expiration date, unless the registration term begins on April 1st.

3 A proposed amendment to §217.46(e)(1) would add the word “license” to modify “plates” for
4 improved readability and clarity through consistent terminology. In accordance with the effective date
5 of HB 718, the amendments to §217.46 are proposed for a future effective date of July 1, 2025.

6 A proposed amendment to §217.50 would add the word “license” to modify “plate” for
7 improved readability and clarity through consistent terminology. Another proposed amendment to
8 §217.50 would delete the definition of highway construction project to remove unused, archaic
9 language.

10 Proposed amendments to §217.51 would add the word “license” to modify “plate” for improved
11 readability and clarity through consistent terminology.

12 Proposed amendments to §217.52 would add the word “license” to modify “plate” in multiple
13 places to implement HB 718, and for improved readability and clarity through consistent terminology.

14 In addition, proposed amendments to §217.52(e)(3) would add the word “special” and the term
15 “specialty license plate” in to implement HB 718 and clarify with consistent terminology. Proposed
16 amendments to §217.52(h)(7) would remove references to “alphanumeric patterns” and instead use
17 “department-approved alpha numeric license plate numbers” to implement HB 718 with consistent
18 terminology. Amendments are also proposed for §217.52(h)(7) to replace the word “pattern” with
19 “license plate number” and to add the word “license” to modify “plate” to implement HB 718 with
20 consistent terminology. Additionally, proposed amendments to §217.52(h)(9) would add the word
21 “license” to modify “plates” in several places to use consistent terminology for clarity. Amendments are
22 proposed to §217.52(k) to add “specialty” to modify “license plate” for clarity with consistent use of

1 terminology, and to replace “will need to be remanufactured” with “may be remanufactured” for
2 clarity and to provide flexibility. Proposed amendments to §217.52(k)(5) add “to law enforcement” to
3 clarify where license plate numbers and license plates must be reported stolen. Proposed amendments
4 to §217.52(l)(1) create consistent use of the term “specialty license plates” throughout the section to
5 implement HB 718 and to align with the terminology used in other provisions of this chapter. A
6 proposed amendment to §217.52(l)(1)(B) deletes the word “particular” as unnecessary language.
7 Proposed amendments to §217.52(l)(2) would update terminology by adding “specialty license plate”
8 number and “license plate” to replace “pattern” and “alphanumeric pattern” to implement HB 718 and
9 to be consistent in the use of terminology throughout the chapter. Proposed amendments to
10 §217.52(m) would add the word “license” to modify “plates” in multiple places to implement HB 718
11 and to create consistency in terminology for clarity. Proposed amendments to §217.52(n)(1)(A) would
12 clarify, implement HB 718, and create consistent use of terminology by replacing “pattern is an auction
13 pattern” with “license plate number was purchased through auction.” In accordance with the effective
14 date of HB 718, the amendments to §217.52 are proposed for a future effective date of July 1, 2025.

15 Proposed amendments to the §217.53 section title would substitute the word
16 “disposition” for “removal” and add “or transfer” to implement HB 718 by broadening the heading
17 language to incorporate allowing license plates to remain with the vehicle when it is sold or transferred,
18 while the registration insignia is removed and disposed of. Proposed amendments to §217.53(a) would
19 implement Transportation Code, §502.491 and §504.901, as amended by HB 718, clarifying that upon
20 the sale or transfer of a motor vehicle to a dealer that holds a GDN, general issue license plates shall be
21 removed and retained for issuance to a subsequent purchaser or transferor of that motor vehicle and
22 the registration insignia shall be removed and disposed of by the dealer. Proposed amendments to
23 §217.53(b) would implement Transportation Code, §502.491(b) and §504.901(b), as amended by HB
06/27/2024

1 718, by clarifying that upon the sale or transfer of a motor vehicle in which neither party is a dealer, the
2 registration insignia and the general issue license plates remain with the motor vehicle. Proposed new
3 §217.53(c) would implement HB 718 and mitigate the risk of license plate fraud by providing that a
4 license plate other than a general issue license plate shall be removed by the owner of a motor vehicle
5 that is sold or transferred, and that removed license plates may be transferred if eligible; otherwise,
6 must be disposed of in a manner that renders the license plate unusable or that ensures the license
7 plates will not be available for fraudulent use on a motor vehicle. The proposed amendments would
8 delete current §217.53(c) to remove language that is redundant with statute. Proposed amendments
9 would create new §217.53(d) to implement HB 718 and to mitigate the risk of license plate fraud by
10 requiring that a retail purchaser who chooses to obtain replacement general issue license plates dispose
11 of the replaced license plates in a manner that renders the license plates unusable. In accordance with
12 the effective date of HB 718, the amendments to §217.53 are proposed for a future effective date of July
13 1, 2025.

14 Proposed amendments to §217.54(c)(2)(F) and §217.54(j) would modify the language to
15 implement HB 3297 by replacing language regarding the state’s portion of the inspection fee with
16 language regarding any inspection fee that is required to be collected at the time of registration under
17 Transportation Code, §548.509 for the first year of registration under Transportation Code, §502.0023
18 and on an annual basis thereafter for the remainder of the registration term.

19 A proposed amendment to §217.55(a) would use consistent terminology for clarity by adding the
20 word “license” to modify “plate” in several places. Proposed amendments to §217.55(b)(5) would
21 update the language and correct a cross-reference to clarify that an affidavit for alias exempt registration
22 must be accompanied not by a regular title application, but instead by the specific, separate application

1 required by the department to create the alias record of vehicle registration and title as outlined in
2 §217.13, relating to Alias Certificate of Title. Proposed amendments to §217.55(e)(3) and §217.55(e)(6)
3 would modify the language to implement HB 3297 by replacing language regarding the state’s portion of
4 the inspection fee with language regarding any inspection fee that is required to be collected at the time
5 of registration under Transportation Code, §548.509 for the first year of registration under
6 Transportation Code, §502.0025 and on an annual basis thereafter for the remainder of the registration
7 term.

8 Proposed amendments to §217.56(b)(5) would update terminology by replacing “rejection
9 letters” with “notices of determination” to better describe the department’s processes. A proposed
10 amendment to §217.56(b)(6) would delete the word “permit” in accordance with the implementation of
11 HB 718. A proposed amendment to §217.56(c)(2)(B) would incorporate by reference the January 1,
12 2024, version of the International Registration Plan (IRP). Texas is bound by IRP, which is a vehicle
13 registration reciprocity agreement between the 48 contiguous states, the District of Columbia, and the
14 Canadian provinces. Section 217.56 must incorporate the latest edition of IRP because it contains
15 language regarding the nature and requirements of vehicle registration under IRP. Texas is a member of
16 IRP, as authorized by Transportation Code, §502.091 and 49 U.S.C. §31704, and must comply with the
17 current edition of IRP. The jurisdictions that are members of IRP amended the January 1, 2022, version of
18 IRP to create the January 1, 2024, version of the IRP.

19 A proposed amendment to §217.56(c)(2)(B) would also provide the online address where one
20 can obtain a copy of the January 1, 2024, version of the IRP, as well as the January 1, 2016, version of the
21 IRP Audit Procedures Manual and prior versions of both of these IRP documents. Because the
22 department adopted documents by reference into an administrative rule, 1 TAC §91.40(e) requires the

1 department to maintain and distribute a copy of the documents to interested parties. In addition,
2 proposed amendments to §217.56(c)(2)(B) would move the rule text regarding a request to the
3 department for a copy of the documents and would delete rule text regarding the review of the IRP
4 documents in the department’s Motor Carrier Division, which would allow the department to comply
5 with 1 TAC §91.40(e) in the most efficient manner.

6 A proposed amendment to §217.56(c)(2)(M)(v) would replace “TxIRP” with “TxFLEET” because
7 the department plans to rebrand the TxIRP system as the TxFLEET system in late August of this year. The
8 department will refer to the system as the TxFLEET system throughout this preamble, except when
9 summarizing a proposed amendment that would replace “TxIRP” with “TxFLEET.”

10

11 Subchapter C. Registration and Title Systems

12 Proposed amendments to §217.71(a)(3) would modernize language and improve readability by
13 deleting unnecessary or archaic language.

14 Proposed amendments to §217.74 would implement Transportation Code, §520.0055, created
15 by HB 718, which requires all motor vehicle dealers to use the webDEALER system to submit title and
16 registration applications for purchasers after July 1, 2025. A proposed amendment to the title of §217.74
17 would revise the section title to “webDEALER Access, Use, and Training” to accurately reflect the scope
18 of the section. Proposed amendments to §217.74(c) would implement HB 718 by making it required,
19 rather than discretionary, for all motor vehicle dealers who hold a GDN to get access to webDEALER, and
20 by requiring that all active holders must obtain access to webDEALER prior to July 1, 2025. To ensure
21 that all dealers are able to meet the deadline of July 1, 2025, proposed amendments to §217.74(c)

1 would allow the department to provide dealers access to webDEALER in the county where the dealer is
2 located without waiting for a county tax-accessor to process the dealer’s application and provide access.
3 Proposed amendments to §217.74(e) would add an “entity” to the webDEALER users that may have their
4 authorization to use webDEALER revoked, rescinded, or cancelled to allow the department to cancel the
5 access of tax accessor-collectors and their deputies or employees who abuse their access to webDEALER
6 to perpetuate fraud or other wrongdoing. Proposed new §217.74(g) would require that all existing
7 webDEALER users who process title and registration transactions through webDEALER complete training
8 by April 30, 2025, and that all new webDEALER users created on or after April 30, 2025, must complete
9 webDEALER training before being given webDEALER permissions. New proposed §217.74(g)(1) provides
10 that the required webDEALER training will include, at a minimum, training regarding transactions
11 performed in webDEALER and proper use of the system. The proposed amendments to new
12 §217.74(g)(2) provide for an exemption from webDEALER training for holders who have had access to
13 webDEALER for more than six months and who have submitted more than 100 transactions within the
14 system as of October 1, 2024. The proposed amendments to new §217.74(g)(3) provide that the failure
15 of holders and users to complete the required webDEALER training shall result in denial of access to
16 webDEALER. These proposed amendments to §217.74 would implement HB 718 by ensuring that
17 webDEALER users are appropriately trained and given access to the webDEALER system before the July
18 1, 2025, effective date for mandatory webDEALER use by all dealers.

19 Proposed amendments would delete §217.75(c)(5), which references training required by
20 August 31, 2020, because it is outdated. The remaining subsections in §217.75 would be renumbered
21 accordingly. Proposed amendments to renumbered §217.75(c)(5) would remove “after August 31, 2020”
22 because it is outdated and unnecessary.

1

2 Subchapter D. Nonrepairable and Salvage Motor Vehicles.

3 Proposed amendments throughout the entire Subchapter D recommend the elimination of the
4 hyphen for the term “non-repairable” to align the structure of that same term as used in Transportation
5 Code, Chapter 501 for consistency. Additional proposed amendments throughout the subchapter would
6 add the phrase “nonrepairable or salvage record of title” to each mention of nonrepairable or salvage
7 vehicle title to account for the department’s statutory authority under Transportation Code, Chapter 501
8 to issue electronic titles for nonrepairable and salvage motor vehicles and the department’s current
9 practice of issuing electronic versions of nonrepairable and salvage vehicle titles in lieu of paper titles at
10 the request of applicants.

11 Proposed amendments to §217.81 would clarify wording by replacing “certificates of” with
12 “titles” and adding “motor” to describe nonrepairable, salvage and rebuilt salvage motor vehicles. The
13 proposed changes would provide consistency in the terms used throughout §217.81 to describe the
14 purpose and scope of the subchapter.

15 Proposed amendments to §217.82 would define terms with the definitions of those same terms
16 provided in Transportation Code, §501.002 and §501.091 for purposes of consistency: “casual sale,” as
17 defined in Transportation Code, §501.091(2); “certificate of title” as defined by Transportation Code,
18 §501.002(1-a); “damage” as defined by Transportation Code, §501.091(3); “insurance company” as
19 defined by Transportation Code, §501.091(5); “metal recycler” as defined by Transportation Code
20 §501.091(7); “nonrepairable vehicle title” as defined by §501.091(10) in §217.82(14); “out-of-state
21 buyer” as defined by Transportation Code, §501.091(11); “salvage vehicle dealer” as defined by
22 Transportation Code, §501.091(17); and “salvage vehicle title” as defined by Transportation Code,
23 §501.091(16). Proposed amendments to §217.82 would create a new §217.82(15) and §217.82(23) to

1 add the defined terms “nonrepairable record of title” and “salvage record of title”, respectively. These
2 terms are used throughout the subchapter and the proposed definitions align with their use and
3 meaning in Transportation Code, Chapter 501. Current §217.82(15) through §217.82(21) would be
4 renumbered accordingly based on the addition of proposed new §217.82(15). A proposed amendment
5 to §217.82(18) would delete “certificate of” and “regular certificate of” from the defined term “Rebuilt
6 salvage certificate of title” to account for the department’s current practice of issuing electronic or paper
7 titles and is consistent with the standalone term “title” that is defined in Transportation Code, Chapter
8 501 to encompass both electronic and paper versions of a motor vehicle title. A proposed amendment to
9 §217.82(19) would move “is” under §217.82(19)(A) to §217.82(19)(A)(i) and delete “damaged and” from
10 §217.82(19)(A)(ii) to conform the definition of “salvage motor vehicle” to the definition of the same term
11 provided in Transportation Code, §501.091(15) as the statutory definition does not specify that a salvage
12 motor vehicle coming into the state on an out of state title to evidence damage.

13 The proposed amendment to §217.83(a)(2) would make a minor change by substituting “any”
14 for “alternate” to account for all methods developed and commonly used by insurance companies to
15 assess the condition of a motor vehicle to determine if the motor vehicle should be classified as a
16 nonrepairable motor vehicle. The proposed amendment to §217.83(b)(1) would delete “certificate of”
17 as the term “certificate of title” is limited to paper titles, but the department issues both paper and
18 electronic versions of titles that are more accurately captured with the standalone term of “title”. The
19 proposed repeal of §217.83(c)(1) would eliminate text specifying a Texas title requirement for a motor
20 vehicle retained by an owner that becomes classified as a nonrepairable or salvage motor vehicle as this
21 requirement conflicts with Transportation Code, §501.1002 where no such requirement is specified for
22 an owner-retained motor vehicle and eliminates an introductory language that is inconsistent with the
23 subsection. The proposed amendment to §217.83(c)(2) would clarify the method required for insurance

1 companies to submit owner-retained motor vehicle notice forms to the department by specifying that it
2 be submitted to the department through the department’s electronic system known as webDEALER. The
3 department’s infrastructure and operations have been modernized and this proposed amendment
4 provides guidance to insurance companies on the proper filing method for such forms. The proposed
5 repeal of §217.83(c)(5) would eliminate text that is duplicative of the text in §217.83(c)(3) and
6 §217.83(c)(4) that prohibits the transfer of owner-retained motor vehicles that become classified as
7 nonrepairable or salvage motor vehicles without owners first securing the respective titles for the motor
8 vehicles. Proposed amendments to §§217.83(c)(2), 217.83(c)(3), 217.83(c)(4), and 217.83(c)(6) would
9 be renumbered based on the proposed repeal of §§217.83(c)(1) and 217.83(c)(5).

10 The proposed amendment to §217.84(b)(5) would expand the description of damage to a motor
11 vehicle in an application for a nonrepairable or salvage vehicle title by requiring the applicant to identify
12 the major component parts that need to be repaired or replaced on the vehicle. The proposed
13 amendment would deter fraudulent activity by providing the department the means to compare the
14 information provided in the proposed updated form to an application submitted to the department
15 requesting a rebuilt salvage certificate of title for the same vehicle. The proposed amendment to
16 §217.84(b)(8) would delete “certificate of” as part of the description of the application form to align with
17 the defined terms for nonrepairable and salvage title specified in Transportation Code, §501.091 and
18 §217.82 of this subchapter that do not include the term “certificate of”. The proposed amendments to
19 §217.84(d)(1)(A) and (B) would delete “certificate of” from “Texas Certificate of Title” to rephrase the
20 term as “Texas Title”. The deletion of “certificate of” would align with the department’s current practice
21 of issuing both paper and electronic versions of titles that is more accurately captured with the
22 standalone term “title,” which is defined in Transportation Code, Chapter 501 to encompass electronic
23 and paper titles. The proposed amendments to §217.84(d)(1)(E) and (F) would add the phrase “or

1 record of title” to account for the electronic versions of a title for a nonrepairable or salvage motor
2 vehicle. The proposed amendment to §217.84(d)(3) would delete the words “vehicle title” from “salvage
3 vehicle title” to create a new phrase of “salvage or nonrepairable vehicle title,” which is used throughout
4 the subchapter for ease of reading. The proposed amendment to §217.84(d)(4) would delete the text
5 and replace it with a reference to Transportation Code, §501.0935, as the deleted text is duplicative of
6 the text in statute and is therefore unnecessary. The proposed amendment to §217.84(f)(3)(B) would
7 delete “certificate of” from the term “regular certificate of title” to be consistent with term “regular
8 title,” as specified in Transportation Code, §501.9112(b)(A).

9 The proposed amendment to §217.85(b) would delete “certificate of” as the term “certificate of
10 title” is limited to paper titles, but the department issues both paper and electronic versions of titles that
11 is more accurately captured with the standalone term of “title”.

12 The proposed amendments to §217.86 would create a new §217.86(d) that would require a
13 receipt from the department evidencing the surrender of ownership documents for a vehicle transferred
14 to a metal recycler as specified in §217.86(c) and a department-prescribed form detailing the transfer.
15 The proposed amendment would ensure vehicles delivered to metal recyclers follow the requirements
16 set out in §217.86(a)-(c) as a prerequisite to their dismantling, scrapping or destruction, as well as to
17 ensure proper documentation of the transfer and surrender of the receipt for purposes of reporting such
18 information to the department by the metal recycler. The proposed amendments to §§217.86(d),
19 217.86(e) and 217.86(f) would re-letter the provisions to §§217.86(e), 217.86(f) and 217.86(g) based on
20 the addition of proposed new §217.86(d). Also, a proposed amendment to current §217.86(f) would
21 clarify that the 60-day period for reporting to the department the delivery of a vehicle for dismantling,
22 scrapping or destruction begins upon the delivery of the vehicle to the metal recycler to be consistent
23 with the deadline set out in Transportation Code, §501.107.

1 The proposed repeal of §217.87 would eliminate text that is duplicative to Transportation Code,
2 §501.09111 and is therefore unnecessary.

3 The proposed amendment to §217.88(a) would add the phrase “Sale, transfer or release with” to
4 the title of the subsection to clarify the scope of it. The proposed amendments to §217.88(b) would add
5 the phrase “Sale, transfer or release without” to the title of the subsection to clarify the scope of it and
6 would delete the remaining text for the subsection and replace it with a reference to Transportation
7 Code, §501.095(a) as the deleted text is duplicative to the text in statute and is therefore unnecessary.
8 The proposed amendment to §217.88(d) would incorporate a reference to Transportation Code,
9 §501.091(2)(A-C) to exempt those persons not subject to the numerical limit for casual sales. This
10 proposed amendment would acknowledge these persons or entities are not subject to the limitations of
11 the rule provided the sales are consistent with the requirements specified in the statute. The proposed
12 amendment to §217.88(e)(1)(D) would delete the existing description for a photo identification and add
13 a reference to the list of current photo identifications provided in §217.7(b). The proposed amendment
14 provides consistency throughout Chapter 217 as to what forms of current photo identification are
15 acceptable to the department for purposes of the titling and/or registration of motor vehicles. The
16 proposed amendment to §217.88(g)(1) would add a three-year retention requirement for export-only
17 sales records to align with the records retention requirement specified in Transportation Code,
18 §501.099(g). The proposed amendment to §217.88(g)(2)(C) would delete the existing description for a
19 photo identification and add a reference to the list of photo identifications provided in §217.88(f)(1)(B).
20 The proposed amendment would provide consistency as to what photo identifications are acceptable to
21 the department for purposes of export-only sales of motor vehicles. The proposed amendments to
22 §217.88(g)(2)(E) would delete certain data collection items from the export-only sale list and renumber
23 the list accordingly, to align with the requirements provided in Transportation Code, §501.099(g)(2).

1 Proposed amendments throughout §217.89 would delete the words “certificate of” from the
2 phrase “rebuilt salvage certificate of title” to read “rebuilt salvage title”. These proposed amendments
3 would account for the department’s current practice of issuing electronic or paper titles and is consistent
4 with the standalone term “title” that is defined in Transportation Code, Chapter 501 that encompasses
5 electronic and paper versions of a motor vehicle title. The proposed amendments to §§217.89(a),
6 217.89(d), 217.89(f), and 217.89(g) would delete “certificate of” from the phrase “certificate of title” as
7 the term “certificate of title” is limited to paper titles, while the department issues both paper and
8 electronic versions of titles, which are more accurately captured with the standalone term of “title”. The
9 proposed repeal of §217.89(d)(3), which requires the submission of a motor vehicle safety inspection, is
10 necessary to comply with amendments to Transportation Code, Chapter 548 as amended by HB 3297,
11 which eliminated the mandatory motor vehicle safety inspections in the state. Proposed amendments to
12 §217.89(d)(4) through §217.89(d)(7) would be renumbered accordingly based on the repeal of
13 §217.89(d)(3). An additional proposed amendment to current §217.89(d)(5) would qualify the
14 requirement for submitting proof of financial responsibility in those instances where the vehicle would
15 be registered at the time of application. The proposed amendment would clarify that such proof is not
16 required where the application seeks only to retitle the vehicle without registration. An additional
17 proposed amendment to current §217.89(d)(6) would delete the requirement for attaining a motor
18 vehicle inspection report for vehicles last titled or registered in another state or country. The proposed
19 amendment would also clarify the requirement for motor vehicles last titled or registered in another
20 country to secure a VIN inspection and require those vehicles last titled or registered in another state to
21 submit a form as referenced by §217.4(d)(4) that would self-certify the VIN. The proposed amendments
22 to §217.89(d)(5) are necessary to comply with HB 3297, which eliminated the mandatory motor vehicle
23 safety inspections in the state. The amendments also ensure that motor vehicles being brought into the

1 state from another state or country are in alignment with the statutory requirements set out for VIN
2 inspections under Transportation Code, §501.030 and §501.032. The proposed amendment to
3 §217.89(e)(1) would add the phrase “or record title” to account for the electronic version of a title for a
4 salvage motor vehicle. The proposed amendment to §217.89(e)(2) would substitute “does” for “may” as
5 it pertains to what is considered evidence ownership for a rebuilt salvage motor vehicle. This proposed
6 amendment would conform to the requirements set out in Transportation Code, Chapters 501 and 683
7 that prohibit the items listed in this subsection as qualifying as evidence of ownership for a rebuilt
8 salvage motor vehicle. The proposed amendment to §217.89(g) would delete “on its face” as being
9 unnecessary language. In accordance with the effective date of HB 3297, the amendments to §217.89
10 are proposed for a future effective date of January 1, 2025.

11

12 Subchapter E. Title Liens and Claims

13 A proposed amendment to §217.106 would add language providing a citation to Transportation
14 Code, §501.115, which governs the time limits for a lienholder to provide a discharge of lien after
15 receiving final payment. The proposed amendment to §217.106 would add clarity, ease of reference, and
16 improved guidance to the public.

17

18 Subchapter F. Motor Vehicle Records

19 Proposed amendments to §217.122(b)(2) would add a citation to Transportation Code,
20 §730.003(5) to define “person” for clarity and consistency between the rules and statutes.

21 A proposed amendment to §217.123(b)(5) would delete a concealed handgun license as a
22 method of current identification for a requestor of motor vehicle records as a concealed handgun
23 license is no longer required by law. Proposed amendments to §217.123(c)(3) would align this section

1 with statute by requiring a law enforcement requestor seeking personal information from agency
2 records to identify its intended use or the agency’s incident or case number for which the personal
3 information is needed. Proposed amendments would create new §217.123(e)(1)(D) and (E) to require a
4 requestor of the department’s motor vehicle records to provide in its application for a service
5 agreement copies of agreements used by the requestor to release motor vehicle record information to
6 third parties, and any additional material provided to third party requestors detailing the process in
7 which they obtain motor vehicle record information and describing their limitations as how this
8 information may be used, to ensure that requestors are in compliance with the limitations on the use of
9 personal information under Transportation Code, Chapter 730. The remaining subsections of
10 §217.123(e)(1) are proposed to be relettered accordingly. Proposed new §217.123(e)(2) clarifies that
11 the department will not enter into a service agreement to release motor vehicle record information if it
12 determines any of the information provided in an application is incomplete, inaccurate, or does not
13 meet statutory requirement, to protect the confidentiality of motor vehicle records from misuse or
14 inappropriate disclosure. Proposed new §217.123(f)(1)(D) and (E) would require requestors of bulk
15 records to provide in an application for a bulk contract copies of agreements used by the requestor to
16 release motor vehicle record information to third parties, and any additional material provided to third
17 party requestors detailing the process through which they obtain motor vehicle record information and
18 describing their limitations as to how this information may be used, to ensure that requestors are in
19 compliance with the limitations on the use of personal information under Transportation Code, Chapter
20 730. The remaining subsections of §217.123(f)(1) are proposed to be numbered accordingly. Proposed
21 new §217.123(f)(2) would provide that the department will not enter into a bulk contract to release
22 motor vehicle record information if the department determines any of the information provided by a
23 requestor is incomplete, inaccurate, or does not meet statutory requirements, to protect the

1 confidentiality of motor vehicle records from misuse or inappropriate disclosure. The remaining
2 subsections of §217.123(f) are proposed to be renumbered accordingly.

3 Proposed amendments to §217.124(e) would add “federal governmental entities” as being
4 exempt from the payment of fees except for the fees listed in §217.124(d)(1), (6), or (8), to expedite and
5 streamline the delivery of documents to federal government entities. Proposed amendments to
6 §217.124(f) would add an “a” before “reciprocity,” delete the “s” in agreements, replace “other” with
7 “another” before “governmental,” and replace “entities” with “entity” to improve readability and to use
8 consistent terminology.

9 A proposed amendment to §217.125(b)(2) would add the word “proof” where it was
10 inadvertently left out of the rule to make the sentence comprehensible. Another proposed amendment
11 to §217.125(b)(2) would clarify that a requestor who is not yet involved in litigation must be in
12 anticipation of litigation that would necessitate the release of the documents requested, to limit the
13 unnecessary release of confidential motor vehicle records and the resulting potential for misuse of
14 personal information. Proposed amendments to §217.125(b)(3), to further limit the inappropriate
15 release of confidential motor vehicle records, would replace the requirement that a requestor prove
16 they are “in a researching occupation” with a more specific requirement that the requestor is
17 “employed by an entity in the business of conducting research related to the requested information,”
18 and would give the department discretion to determine whether the employment is valid and the
19 business research sufficiently related to the requested information.

20 A proposed amendment to §217.129(a) would add a citation to Transportation Code §730.005
21 and §730.006 for clarity and ease of reference. A proposed amendment to §217.129(c) would add “has
22 previously been terminated” to align with the title of §217.130, relating to Approval for Persons Whose
23 Access to Motor Vehicle Records has Previously Been Terminated.

1 A proposed amendment to §217.131 would delete current §217.131(a) and combine the
2 language “previously received personal information from the department” into current §217.131(b) to
3 streamline the rule and improve readability. The remaining subsections of §217.131 are proposed to be
4 relettered accordingly.

5

6 Subchapter G. Inspections.

7 The proposed amendment to §217.143(c) would add a reference to Transportation Code,
8 §731.102 to the inspection requirements for an assembled vehicle. This proposed amendment would
9 clarify the minimum requirements set forth in statute that must be met to evaluate the function and
10 structural integrity of an assembled vehicle. The proposed amendment to §217.143(g) would substitute
11 “any applicable” for “an” as it pertains to an inspection or reinspection of an assembled vehicle under
12 Transportation Code, Chapter 548. The proposed amendment is necessary to comply with amendments
13 to Transportation Code, Chapter 548 by HB 3297, which eliminated the mandatory motor vehicle safety
14 inspections in the state.

15 Proposed amendments to §217.144 would create new §217.144(b) and move the existing text in
16 §217.144 under §217.144(a). These amendments would restructure §217.144 for ease of reading to
17 separate text addressing the training for inspectors from text addressing the outcome of identification
18 number inspections. Proposed new §217.144(b) would prohibit the department from titling or
19 registering a motor vehicle where the inspector is unable to ascertain the motor vehicle’s make or year
20 of manufacture and would further prohibit a motor vehicle being classified as an assembled, homemade,
21 or shop vehicle where the inspection is unable to determine the vehicle’s make or year of manufacture.

1 The proposed amendment clarifies the department’s existing interpretation of Transportation Code,
2 Chapter 501 and the department’s existing practices and procedures for identification number
3 inspections performed on motor vehicles that are subject to such inspections under Transportation
4 Code, §501.032. The proposed amendments align those interpretations and practices to provide
5 guidance to the public on the requirements and consequences associated with a motor vehicle’s identity.

6

7 Subchapter H. Deputies.

8 A proposed amendment to §217.161 would remove unnecessary transition language regarding a
9 deputy appointed under Transportation Code, §520.0071, on or before December 31, 2016. House Bill
10 (HB) 2202 and HB 2741, 83rd Legislature, Regular Session, 2013, added Transportation Code, §520.0071
11 and repealed Transportation Code, §§520.008, 520.009, 520.0091 and 520.0092, effective September 1,
12 2013. Both HB 2202 and HB 2741 stated that a deputy appointed under Transportation Code, §520.0091
13 on or before August 31, 2013, may continue to perform the services authorized under Transportation
14 Code, §§520.008, 520.009, 520.0091 and 520.0092 until the effective date of rules adopted by the board
15 regarding the types of deputies authorized to perform titling and registration duties under
16 Transportation Code, §520.0071 as added by HB 2202 and HB 2741. The board adopted rules under
17 Transportation Code, §520.0071, effective March 12, 2015; however, §217.161 authorized a deputy
18 appointed under Transportation Code, §520.0071 on or before December 31, 2016, additional time to
19 comply with the rules. All deputies were required to comply with the new and amended rules regarding
20 deputies, beginning on January 1, 2017. A proposed amendment to §217.161 would also remove the
21 unnecessary reference to January 1, 2017.

1 A proposed amendment to §217.166(h) would allow a county tax assessor-collector to set a
2 maximum number of webDEALER transactions for a dealer deputy based on the deputy’s bond amount,
3 to limit the risk of fraud or theft by a dealer deputy in excess of the amount of the bond.

4 A proposed amendment to §217.168(b)(1) would add the word “county” before the term “tax
5 assessor-collector” to make the terminology consistent throughout Chapter 217. A proposed
6 amendment to §217.168(b)(1) would also create a new subparagraph (A) for the second sentence in
7 §217.168(b)(1) due to the proposed addition of new §217.168(b)(1)(B), which would clarify that title
8 transaction fees collected by full service deputies authorized by a county tax assessor-collector can be
9 assessed on webDEALER title transactions where the full service deputies have been approved by a
10 county tax assessor-collector to approve title transactions through webDEALER. The proposed
11 amendment is necessary to address and account for the influx of title transactions due to the new
12 requirement of Transportation Code, §520.0055, as amended by HB 718, that dealers holding a GDN use
13 webDEALER for filing title transactions.

14 A proposed amendment to §217.168(d) would replace terminology related to one-trip permits
15 and 30 day permits under Transportation Code, §502.095 with terminology describing one-trip license
16 plates and 30-day license plates, to implement the license plate requirements of HB 718. In accordance
17 with the effective date of HB 718, the amendments to §217.168 are proposed for a future effective date
18 of July 1, 2025. A proposed amendment to §217.168(d) would also replace the word “temporary” with
19 the term “special registration” for consistency with the terminology in §217.40(b) regarding the category
20 of “special registration permits” under Transportation Code, §502.094, which are called 72-hour permits
21 and 144-hour permits. In addition, proposed amendments to §217.168(d) would reduce the amount of
22 the processing and handling fee that a full service deputy may retain for special registration permits and

1 special registration license plates under Transportation Code, §502.094 and §502.095 from \$4.75 to
2 \$4.25. These proposed amendments to §217.168(d) would provide that \$0.50 of the processing and
3 handling fee would be remitted to the department by citing to the formula established by §217.185(b),
4 which the department is also proposing to amend in this proposal. This proposed amendment to
5 §217.168(d) is necessary for the department to comply with Transportation Code, §502.356, which
6 requires the board by rule to adopt a fee (automation fee) of not less than \$0.50 and not more than
7 \$1.00 that shall be collected in addition to registration fees and deposited into a subaccount in the Texas
8 Department of Motor Vehicles fund. Section 502.356 specifies how the department may use the
9 automation fee to provide for or enhance the automation of and the necessary infrastructure for certain
10 services and procedures. The board established the automation fee at \$0.50 under §217.72(c).
11 Transportation Code, §502.1911(b) requires the board by rule to include the automation fee that is
12 established under Transportation Code, §502.356 in the processing and handling fee for registration
13 transactions. Therefore, \$0.50 of each processing and handling fee must be remitted to the department.

14

15 Subchapter I. Fees.

16 A proposed amendment to Subchapter I would update the title of the subchapter by adding the
17 words “Processing and Handling” to read “Processing and Handling Fees,” to more accurately describe
18 the content and scope of the subchapter. A proposed amendment to §217.181 would replace the word
19 “fee” with the word “fees” because Subchapter I prescribes the department’s processing and handling
20 fees authorized by Transportation Code, §502.1911. Section 217.183 includes two processing and
21 handling fees, which are more fully described in the summary of proposed amendments to §217.183.

1 Proposed amendments to §217.181 would also amend other words to ensure that there is subject-verb
2 agreement between the word “fees” and the applicable verbs.

3 Proposed amendments to §217.182(1) would add the term “special registration license plate”
4 and the words “special registration” to modify the word “permit” to clarify that each constitutes a
5 “registration transaction,” and would implement HB 718, which requires the department to issue license
6 plates rather than paper permits, with consistent use of terminology across the chapter. In accordance
7 with the effective date of HB 718, the amendments to §217.182 are proposed for a future effective date
8 of July 1, 2025.

9 Proposed amendments to §217.183 would clarify that the department charges two different
10 processing and handling fees under Transportation Code, §502.1911: 1) a flat fee of \$4.75 for a
11 registration transaction that is processed outside of the department’s TxFLEET system; and 2) \$4.75 plus
12 the applicable service charge for each registration transaction processed through the TxFLEET system.
13 Transportation Code, §502.1911(b)(2) requires the board by rule to set the applicable processing and
14 handling fee in an amount that is sufficient to cover the expenses associated with collecting the
15 registration fees. The applicable service charge for a registration transaction processed through the
16 TxFLEET system is the fee that the Texas Department of Information Resources (DIR) sets under
17 Government Code, §2054.2591, which states that a state agency may charge such fee for a transaction
18 that uses the state electronic Internet portal project. The department uses the state electronic Internet
19 portal project for the payment engine for the TxFLEET system as required by Government Code,
20 §2054.113. The department must pass the DIR fee to the registration applicant to comply with
21 Transportation Code, §502.1911(b)(2).

1 Although the department included the DIR fee in the processing and handling fee of \$4.75 for a
2 registration transaction that is processed outside of the TxFLEET system, the department did not include
3 the DIR fee in the \$4.75 charge that is a portion of the processing and handling fee for a registration
4 transaction that is processed through the TxFLEET system. For a registration transaction that is processed
5 through the TxFLEET system, the processing and handling fee consists of the \$4.75 charge plus the DIR
6 fee, which is generally represented by the following mathematical formula: 2.25 percent plus \$0.25 for
7 each credit card or debit card transaction processed. However, \$0.25 is added to the amount of the
8 underlying fee prior to multiplying that amount by 2.25 percent, and an additional \$0.25 is added to that
9 calculation to compute the DIR fee. For example, if the underlying fee is \$100.00 (including the \$4.75
10 charge), the DIR fee would be \$2.51, which would result in a total cost of \$102.51 for the registration
11 transaction.

12 The registration fees for the vehicle registration transactions that are processed through the
13 TxFLEET system are typically more expensive than vehicle registration transactions that are processed
14 outside of the TxFLEET system. For example, Transportation Code, §502.0023 authorizes the extended
15 registration of commercial fleet vehicles for up to an eight-year term for which the applicant must pay all
16 registration fees, as well as all other applicable fees, for the selected term at the time of registration. In
17 addition, a commercial fleet could include vehicles with a gross weight that exceeds 6,000 pounds.
18 Transportation Code, §502.252 states that the fee for a registration year for registration of a vehicle with
19 a gross weight of 6,000 pounds or less is \$50.75, unless otherwise provided by Transportation Code,
20 Chapter 502. Transportation Code, §502.253 provides a fee schedule for a registration year for
21 registration of a vehicle with a gross weight of more than 6,000 pounds, unless otherwise provided by
22 Transportation Code, Chapter 502. The fee schedule in Transportation Code, §502.253 provides a fee for

1 seven different ranges of weight classifications based on pounds, starting with a fee of \$54.00 for a
2 vehicle that falls within the weight classification of 6,001 pounds through 10,000 pounds and ending
3 with a fee of \$840.00 for a vehicle that falls within the weight classification of 70,001 through 80,000
4 pounds. If an applicant wanted to register 12 fleet vehicles for a five-year term under Transportation
5 Code, §502.0023, the DIR fee would greatly exceed \$4.75.

6 Proposed amendments to §217.183 would also separate the language by adding subsections (a)
7 through (c) to provide clarity. Proposed new §217.183(a) would contain the current language regarding
8 the processing and handling fee that is \$4.75 for a registration transaction that is not processed through
9 the TxFLEET system. Proposed new §217.183(a) would also clarify that the language is subject to the
10 language in new subsections (b) and (c). Proposed new §217.183(a) would also modify the rule text to
11 state that certain registration transactions are exempted by §217.184. Proposed new §217.183(b) would
12 replace the existing language with clarified language to describe the processing and handling fee that
13 applies to a registration transaction that is processed through the TxFLEET system. Proposed new
14 §217.183(b) would also clarify that it is subject to the language in new subsection (c) and the exemptions
15 under §217.184. Proposed new §217.183(c) would separate existing rule text that explains that the
16 department shall only collect the processing and handling fee on the registration transaction if the
17 transaction includes both registration and issuance of a license plate or specialty plate.

18 Proposed amendments to §217.184 would replace the word “fee” with the word “fees” because
19 Subchapter I prescribes the department’s processing and handling fees authorized by Transportation
20 Code, §502.1911. Section 217.183 includes two processing and handling fees, which are more fully
21 described in the summary of proposed amendments to §217.183.

1 A proposed amendment to the title of §217.185 would change the word “Fee” to “Fees” and a
2 proposed amendment to §217.185(a) would change the word “amount” to “amounts” because the
3 department has two different processing and handling fees under §217.183. Proposed amendments to
4 §217.185(a)(1) would also combine language in §217.185(a)(1) and §217.185(a)(2) for consistency and
5 ease of understanding without changing the meaning. A proposed amendment to current §217.185(a)(2)
6 would delete the paragraph to remove redundancy, and renumber the remaining paragraphs
7 accordingly. A proposed amendment to renumbered §217.185(a)(2) would replace “TxIRP” with
8 “TxFLEET” because the department plans to rebrand the TxIRP system as the TxFLEET system in late
9 August of this year.

10 A proposed amendment to renumbered §217.185(a)(3) would replace a reference to the
11 department’s online registration portal with a reference to Texas by Texas (TxT) or the department’s
12 Internet Vehicle Title and Registration Service (IVTRS) because the department currently provides the \$1
13 discount if the registration transaction was processed through either one of these systems.

14 A proposed amendment to §217.185(b) would delete the reference to Transportation Code,
15 §502.092 because HB 718 repeals §502.092, effective July 1, 2025. A proposed amendment to
16 §217.185(b) would also clarify the rule by specifying the allocation of the \$4.75 processing and handling
17 fee collected by entities that process applications for special registrations under Transportation Code,
18 §§502.093 - 502.095. Proposed amendments to §217.185(b) would further provide that the \$0.50
19 remainder of the processing and handling fee would be remitted to the department. This proposed
20 amendment is necessary for the department to comply with Transportation Code, §502.356, which
21 requires the board by rule to adopt an automation fee of not less than \$0.50 and not more than \$1.00
22 that shall be collected in addition to registration fees and deposited into a subaccount in the Texas

1 Department of Motor Vehicles fund. Section 502.356 specifies how the department may use the
2 automation fee to provide for or enhance the automation of and the necessary infrastructure for certain
3 services and procedures. The board established the automation fee at \$0.50 under §217.72(c).
4 Transportation Code, §502.1911(b) requires the board by rule to include the automation fee that is
5 established under Transportation Code, §502.356 in the processing and handling fee for registration
6 transactions. Therefore, \$0.50 of each processing and handling fee must be remitted to the department.
7 Other amendments to §217.185(b) would replace the word “temporary” with the words “special
8 registration” to describe the referenced permit, and would add the words “special registration license
9 plate” to implement HB 718 and to ensure consistent use of terminology across the chapter. In
10 accordance with the effective date of HB 718, the amendments to §217.185 are proposed for a future
11 effective date of July 1, 2025.

12

13 Subchapter J. Performance Quality Recognition Program.

14 The proposed amendment to §217.205(e) would replace the current deadline of 90 calendar
15 days for the department’s decision to award or deny a service recognition in response to an application
16 from a county tax assessor-collector’s office by specifying a reoccurring annual deadline of December 31.
17 The proposed amendment would streamline the department’s process and allow the department more
18 flexibility to address all submitted applications in a timely and efficient manner without sacrificing the
19 quality of the review based on the current deadline structure.

20

21 Subchapter L. Assembled Vehicles

1 A proposed amendment to §217.404 (a) deletes the phrase “prior to applying for title” because
2 this phrase is unnecessary and to clarify that an application for title for an assembled vehicle is part of
3 the process for an applicant applying for title. A proposed amendment to §217.404 (b) would add the
4 phrase “under Transportation code, Chapter 731” to clarify that applications for assembled vehicles are
5 required to comply with that chapter.

6 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
7 has determined that for each year of the first five years the proposed amendments, new section and
8 repeals will be in effect, there will be no significant fiscal impact to state or local governments as a result
9 of the enforcement or administration of the proposal. The proposed amendments to §217.185(b), which
10 require the entity that processes a vehicle registration transaction under Transportation Code, §502.094
11 or §502.095 to remit \$0.50 of each processing and handling fee per transaction to the department, are
12 necessary to comply with Transportation Code, §502.356. The amendments would cause county tax
13 assessor-collectors state-wide to remit to the department a collective state-wide total of approximately
14 \$201,066.50 per year for approximately 402,133 transactions per year for the first five years the
15 amendments will be in effect. Although county tax assessor-collectors currently receive 100% of each
16 processing and handling fee for each vehicle registration transaction they process under Transportation
17 Code, §502.094 or §502.095, they would retain approximately 89% of each processing and handling fee
18 for such transactions under the proposed amendments to §217.185(b). The proposed amendments to
19 §217.185(b) regarding annual permits under Transportation Code, §502.093 would not impact county
20 tax assessor-collectors because only the department issues these annual permits.

21 Transportation Code, §502.1911(b) requires the board by rule to set the processing and handling fee for
22 vehicle registration transactions in an amount that includes the fee established under Transportation

1 Code, §502.356(a) and is sufficient to cover the expenses associated with collecting vehicle registration
2 fees. Transportation Code, §502.356 requires the board by rule to adopt a fee of not less than \$0.50 and
3 not more than \$1.00, which fee shall be collected in addition to other vehicle registration fees for a
4 license plate, set of license plates or other registration insignia. The department set the fee at \$0.50 (the
5 automation fee). Transportation Code, §502.356 also requires the department to deposit the collected
6 automation fee into a subaccount in the Texas Department of Motor Vehicles fund, and only authorizes
7 the department to use the collected automation fee for certain purposes, including the ongoing
8 modernization and maintenance of the department's Registration and Title System (RTS). Annette
9 Quintero, Director of the Vehicle Titles and Registration Division, has determined that there will be no
10 significant impact on local employment or the local economy as a result of the proposal.

11 **PUBLIC BENEFIT AND COST NOTE.** Ms. Quintero has also determined that for each year of the first five
12 years the proposed amended sections, new rule and repeals are in effect, the anticipated public benefit
13 as a result of enforcing or administering the amendments and repeals will be the simplification,
14 clarification, and streamlining of agency rules, a reduction in the opportunity for license plate fraud, and
15 a reduction in the opportunity for misuse of the confidential personal information captured in motor
16 vehicle records.

17 Anticipated Cost to Comply with the Proposal. Ms. Quintero anticipates that for the first five years the
18 rules are in effect, there will be costs to certain persons to comply with a few of the proposed
19 amendments, but no costs to comply with the new rule or the repeals.

20 Proposed amendments to §§217.5(a)(1)(A)(i) and (vi), which would require that the information on the
21 MCO include a manufacturer's name and, if the vehicle is a motor bus, the passenger seating capacity,
22 may create costs for manufacturers that rely on automated systems to fill out their manufacturer's

1 certificate of origin forms. These manufacturers initially may have to undertake a minor amount of
2 reprogramming for their automated forms, but those one-time costs are not expected to be significant.
3 These costs will be offset by clarity and consistency in MCO information, which will result in greater
4 efficiency and certainty in titling decisions by the department.

5 Proposed amendments to §217.8(b) would require a dealer who holds a GDN to submit a vehicle
6 transfer notification to the department upon the sale or transfer of a motor vehicle to the dealer. The
7 single-page form can be submitted by mail, in-person, or electronically through the department’s
8 website, and is expected to take approximately 10 minutes to complete. While GDN holders will incur
9 the small cost of staff time in completing the form, required submission of the vehicle transfer
10 notification will ensure more accurate recordkeeping for the department, to allow it to provide more
11 accurate vehicle ownership information to law enforcement and toll authorities.

12 Proposed amendments to §217.74(g) would require a motor vehicle dealer who has held a GDN for less
13 than six months or submitted fewer than 100 transactions in webDEALER to take department-provided
14 training on webDEALER by April 30, 2025. The training is free, offered online, and takes one hour to
15 complete. The proposed rule would cause GDN holders who are new or inexperienced with webDEALER
16 to incur the one-time cost of an hour of time. This cost is offset by improved efficiency and accuracy in
17 inputting transactions into webDEALER for dealers who have completed the training, and by improved
18 system-wide accuracy and security in webDEALER from eliminating access, data accuracy and
19 transaction efficiency issues caused by inexperienced and untrained webDEALER users.

20 Proposed amendments to §217.86(d) would require a person to fill out a form from the department
21 when a person transfers a motor vehicle to a metal recycler to be dismantled, scrapped or destroyed.

1 This form is expected to take approximately 10 minutes to complete, but would allow for more efficient
2 tracking of vehicles that are dismantled, salvaged, or destroyed to reduce the opportunity for title fraud.
3 Proposed amendments to §217.185(b), which would require the entity that processes a vehicle
4 registration transaction under Transportation Code, §502.094 or §502.095 to remit \$0.50 of each
5 processing and handling fee per transaction to the department as required by Transportation Code,
6 §502.356, would cause county tax assessor-collectors state-wide to remit to the department a collective
7 state-wide total of approximately \$201,066.50 per year for approximately 402,133 transactions per
8 year, and would cause full service deputies to remit to the department approximately \$58,089.50 per
9 year for approximately 116,179 registration transactions per year. These proposed costs required to
10 comply with Transportation Code, §502.356.

11 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** While the proposed
12 amendments to §217.185(b) would require county tax assessor-collectors to remit \$0.50 per transaction
13 to the department for registration transactions under Transportation Code, §502.094 and §502.095 as
14 stated above in the section titled Fiscal Note and Local Employment Impact Statement, the proposed
15 amendments will not impact rural communities because a county government does not fall within the
16 definition of "rural community" under Government Code, §2006.001(1-a), which defines the term as a
17 municipality with a population of less than 25,000. Also, counties are different jurisdictions than
18 municipalities, so the income or budget of a county does not necessarily impact the income or budget of
19 a municipality within the county.

20 The department has determined that the proposed amendments to §217.168(d) and §217.185(b) would
21 have an adverse economic effect on micro-businesses and small businesses under Government Code,
22 Chapter 2006. The impacted micro-businesses and small businesses are full service deputies that are

1 deputized by county tax assessor-collectors to perform vehicle registration services that include the
2 transactions subject to §217.168(d) and §217.185(b), which are registrations under Transportation Code,
3 §502.094 and §502.095. The proposed amendments to §217.185(b) regarding annual permits under
4 Transportation Code, §502.093 would not impact full service deputies because only the department
5 issues these annual permits. There are 24 full service deputies located throughout the state. The
6 department has determined that these full service deputies are for-profit businesses that are
7 independently owned and operated and have fewer than 100 employees. The proposed amendments to
8 §217.185(b), which would require full service deputies to remit \$0.50 per transaction to the department
9 for registration transactions under Transportation Code, §502.094 and §502.095, would cause full service
10 deputies collectively to remit to the department approximately \$58,089.50 per year for approximately
11 116,179 registration transactions per year, or approximately 22% of the registration transactions that are
12 estimated to be impacted by the proposed amendments to §217.185(b). Although full service deputies
13 currently receive 100% of each processing and handling fee for each vehicle registration transaction they
14 process under Transportation Code, §502.094 or §502.095, full service deputies would retain
15 approximately 89% of each processing and handling fee for such transactions under the proposed
16 amendments to §217.168(d) and §217.185(b).

17 It is possible that some or all of these full service deputies have 20 or fewer employees, so some or all of
18 the full service deputies might also be a micro-business as defined by Government Code, §2006.001(1).
19 However, the proposed amendments to §217.168(d) and §217.185(b) would not cause an adverse
20 economic effect on micro-businesses that is distinct from any adverse economic effect on small
21 businesses.

1 Some full service deputies will be impacted by the proposed amendments to §217.168(d) and
2 §217.185(b) more than others depending on the number of registration transactions performed by the
3 full service deputy under Transportation Code, §502.094 and §502.095. However, the department
4 determined that the estimated amount of revenue that would be remitted to the department under the
5 proposed amendments to §217.168(d) and §217.185(b) would cause an adverse economic impact to the
6 full service deputies given the small number of full service deputies that perform these transactions. In
7 drafting the proposed amendments to §217.168(d) and §217.185(b), the department attempted to
8 minimize the adverse economic impact on full service deputies by maintaining the automation fee
9 required by Transportation Code, §502.356 at \$0.50, which is the minimum amount provided in the
10 range of amounts set out in Transportation Code, §502.356.

11 Under Government Code, §2006.002, the department must perform a regulatory flexibility analysis. The
12 department considered the alternatives of not adopting the amendments to §217.168(d) and
13 §217.185(b), exempting small and micro-businesses from the amendments, requiring small and micro-
14 businesses to only remit a portion of the \$0.50 automation fee to the department, and increasing the
15 processing and handling fee for registration transactions under Transportation Code, §502.094 and
16 §502.095 to offset the return of the \$0.50 automation fee to the department on these registration
17 transactions. The department rejects all of these options. As explained above in the section titled Fiscal
18 Note and Local Employment Impact Statement, \$0.50 of each processing and handling fee collected shall
19 be deposited into a subaccount in the Texas Department of Motor Vehicles fund and may only be used
20 for an authorized purpose under Transportation Code, §502.356. The department must comply with
21 Transportation Code, §502.356 and §502.1911(b)(1).

1 Further, the department determined that it would be inconsistent with the economic welfare of the
2 state per Government Code, §2006.002(c-1) to increase the processing and handling fee by \$0.50 to
3 offset the fee reduction for full service deputies under the proposed amendments to §217.168(d) and
4 §217.185(b) for registration transactions under Transportation Code, §502.094 and §502.095. The
5 temporary vehicle registration options that are available under Transportation Code, §502.094 and
6 §502.095 foster commerce and economic growth in Texas.

7 Transportation Code, §502.094 authorizes the issuance of a 72-hour or a 144-hour registration permit for
8 a commercial motor vehicle, trailer, semitrailer, or motor bus that is owned by a resident of the United
9 States, Canada, or the United Mexican States that is subject to registration in Texas and is not authorized
10 to travel on a public highway in Texas because of the lack of registration in Texas or the lack of reciprocity
11 with a state or province in which the vehicle is registered. The 72-hour and 144-hour registration permits
12 are frequently purchased by or for motor carriers.

13 The one-trip license plate and the 30-day license plate that are authorized under Transportation Code,
14 §502.095 provide temporary vehicle registration options that allow a person to operate certain vehicles
15 in Texas that are subject to registration in Texas, but are not authorized to travel on a public highway in
16 Texas because of the lack of vehicle registration in Texas or the lack of reciprocity with a state or country
17 in which the vehicle is registered. Although the one-trip license plate and the 30-day license plate are
18 not authorized for transporting passengers or property in many cases, these temporary license plates
19 also foster commerce and economic growth in Texas because they provide vehicle registration options
20 for certain operators to travel on public roadways in Texas.

21 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests
22 are affected by this proposal and that this proposal does not restrict or limit an owner's right to property

1 that would otherwise exist in the absence of government action and, therefore, does not constitute a
2 taking or require a takings impact assessment under Government Code, §2007.043.

3 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the
4 first five years the proposed amendments, new rule and repeals are in effect, no government program
5 would be created or eliminated; no employee positions would be created or eliminated; there would be
6 no change in the amount of fees paid to the agency; the number of individuals subject to the rule's
7 applicability would not change; and the rule would have no significant impact on the state's economy.
8 With the exception of the proposed amendments to §217.5(a)(1)(A) to add two new requirements for a
9 manufacturer's certificate of origin, the proposed revisions do not expand or limit regulations; however,
10 the proposed revisions repeal regulations - specifically, §217.34 and §217.87. Proposed new §217.31
11 regarding HVUT clarifies current law and moves the HVUT requirements into a standalone rule to ensure
12 compliance with the HVUT requirements.

13 **REQUEST FOR PUBLIC COMMENT.** If you want to comment on the proposal, submit your written
14 comments by 5:00 p.m. CDT on August 12, 2024. A request for a public hearing must be sent separately
15 from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov
16 or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue,
17 Austin, Texas 78731. If a hearing is held, the department will consider written comments and public
18 testimony presented at the hearing.

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SUBCHAPTER A. MOTOR VEHICLE TITLES

43 TAC §§217.2-9, 217.11, AND 217.14-16

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; Transportation Code, §501.023, which authorizes the department to prescribe the process and procedures for applying for a motor vehicle title; Transportation Code, §501.0235, which authorizes the department to adopt rules requiring current personal identification from applicants requesting a motor vehicle title; Transportation Code, §501.0236, as amended by HB 718, which authorizes the department to adopt rules governing the issuance of a motor vehicle titles and permits to purchasers of a motor vehicle where a motor vehicle dealer goes out of business; Transportation Code, §501.025, which authorizes the department to specify the requirements for a manufacturer’s certificate of origin for issuance of a motor vehicle title; Transportation Code, §501.029, which authorizes the department to adopt rules to identify documents that are acceptable as proof of ownership of a motor vehicle for registration purposes only; Transportation Code, §501.030, which authorizes the department to adopt rules governing identification number inspections for motor vehicles brought into the state; Transportation Code, §501.0315, which authorizes the department to adopt rules governing the designation of a beneficiary by a motor vehicle owner; §501.0321; Transportation Code §501.0322, which provides the department with authority to adopt rules to establish an alternative identification number inspection; Transportation Code, §501.051(d), which gives the department authority to place a hold on

1 processing a title application for a motor vehicle if the department receives a request for a hold
2 accompanied by evidence of a legal action regarding ownership of or a lien interest in the motor vehicle
3 until a final, nonappealable judgment is entered in the action or the party requesting the hold requests
4 that the hold be removed; Transportation Code, §501.147, as amended by HB 718, which authorizes the
5 department to adopt rules governing vehicle the submission of transfer notifications to the department;
6 and Transportation Code, §1002.001, which authorizes the department to adopt rules that are necessary
7 and appropriate to implement the powers and the duties of the department, as well as the statutes
8 referenced throughout this preamble.

9 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
10 §§501.023, 501.0235, 501.025, 501.029, 501.030, §501.0315, §501.0321, §501.0322, 501.051, 501.053,
11 501.147, and 1002.001.

12

13 Text.

14 §217.2. Definitions.

15 The following words and terms, when used in this subchapter, shall have the following
16 meanings, unless the context clearly indicates otherwise.

17 (1) Alias--The name of a vehicle owner reflected on a title, when the name on the
18 title is different from the name of the legal owner of the vehicle.

19 (2) Alias title--A title document issued by the department for a vehicle that is used
20 by an exempt law enforcement agency in covert criminal investigations.

21 ~~[(3) All-terrain vehicle or ATV--A motor vehicle as defined by Transportation Code,~~
22 ~~§551A.001, and designed primarily for recreational use. The term does not include a "utility~~

1 vehicle" as defined by Transportation Code, §551A.001, or a self-propelled, motor-driven vehicle
2 designed or marketed by the manufacturer primarily for non-recreational uses.]

3 (3)[(4)] Bond release letter--Written notification from the United States
4 Department of Transportation authorizing United States Customs to release the bond posted for a
5 motor vehicle imported into the United States to ensure compliance with federal motor vehicle
6 safety standards.

7 (4) Current photo identification-- a government-issued photo identification that is
8 currently valid or is within 12 months of the expiration date, or a state-issued personal identification
9 certificate issued to a qualifying person if the identification states that it has no expiration.

10 (5) Date of sale--The date of the transfer of possession of a specific vehicle from a
11 seller to a purchaser.

12 (6) Division director--The director of the department's Vehicle Titles and
13 Registration Division.

14 (7) Executive administrator--The director of a federal agency, the director of a
15 Texas state agency, the sheriff of a Texas county, or the chief of police of a Texas city who by law
16 possesses the authority to conduct covert criminal investigations.

17 (8) Exempt agency--A governmental body exempt by law from paying title or
18 registration fees for motor vehicles.

19 (9) Federal motor vehicle safety standards--Motor vehicle safety requirements
20 promulgated by the United States Department of Transportation, National Highway Traffic Safety
21 Administration, set forth in Title 49, Code of Federal Regulations.

1 ~~[(10)] House moving dolly--An apparatus consisting of metal beams and axles used~~
2 ~~to move houses. House moving dollies, by nature of their construction and use, actually form large~~
3 ~~semitrailers.]~~

4 ~~[(11)] Implements of husbandry--Farm implements, machinery, and tools used in~~
5 ~~tilling the soil, including self-propelled machinery specifically designed or especially adapted for~~
6 ~~applying plant food materials or agricultural chemicals. This term does not include an implement~~
7 ~~unless it is designed or adapted for the sole purpose of transporting farm materials or chemicals.~~
8 ~~This term does not include any passenger car or truck. This term does include a towed vehicle that~~
9 ~~transports to the field and spreads fertilizer or agricultural chemicals; or a motor vehicle designed~~
10 ~~and adapted to deliver feed to livestock.]~~

11 (10) ~~[(12)]~~ Manufacturer's certificate of origin--A form prescribed by the
12 department showing the original transfer of a new motor vehicle from the manufacturer to the
13 original purchaser, whether importer, distributor, dealer, or owner and when presented with an
14 application for title showing on appropriate forms prescribed by the department, each subsequent
15 transfer between distributor and dealer, dealer and dealer, and dealer and owner.

16 (11)~~[(13)]~~ Moped--A motor vehicle as defined by Transportation Code, §541.201.

17 (12)~~[(14)]~~ Motor vehicle importation form--A declaration form prescribed by the
18 United States Department of Transportation and certified by United States Customs that relates to
19 any motor vehicle being brought into the United States and the motor vehicle's compliance with
20 federal motor vehicle safety standards.

21 (13)~~[(15)]~~ Non-United States standard motor vehicle--A motor vehicle not
22 manufactured in compliance with federal motor vehicle safety standards.

1 ~~[(16) Obligor--An individual who is required to make payments under the terms of a~~
2 ~~support order for a child.]~~

3 ~~[(17)] Off-highway vehicle--A motor vehicle as defined by Transportation Code,~~
4 ~~§551A.001.]~~

5 (14)~~[(18)]~~ Person--An individual, firm, corporation, company, partnership, or other
6 entity.

7 ~~[(19)] Recreational off-highway vehicle or ROV--A motor vehicle as defined by~~
8 ~~Transportation Code, §551A.001, and designed primarily for recreational use. The term does not~~
9 ~~include a "utility vehicle" as defined by Transportation Code, §551A.001, or a self-propelled,~~
10 ~~motor-driven vehicle designed or marketed by the manufacturer primarily for non-recreational~~
11 ~~uses.]~~

12 (15)~~[(20)]~~ Safety certification label--A label placed on a motor vehicle by a
13 manufacturer certifying that the motor vehicle complies with all federal motor vehicle safety
14 standards.

15 ~~[(21) Sand rail--A motor vehicle as defined by Transportation Code, §551A.001.]~~

16 (16)~~[(22)]~~ Statement of fact--A written declaration that supports an application for
17 a title, that is executed by an involved party to a transaction involving a motor vehicle, and that
18 clarifies an error made on a title or other negotiable evidence of ownership. An involved party is
19 the seller, or an agent of the seller involved in the motor vehicle transaction. When a written
20 declaration is necessary to correct an odometer disclosure error, the signatures of both the seller
21 and buyer when the error occurred are required.

22 (17)~~[(23)]~~ Title application--A form prescribed by the division director that reflects
23 the information required by the department to create a motor vehicle title record.

1 ~~[24] Utility vehicle or UTV--A motor vehicle as defined by Transportation Code,~~
2 ~~§551A.001, and designed primarily for utility use. The term does not include a "golf cart" as~~
3 ~~defined by Transportation Code, §551.401, or a self-propelled, motor-driven vehicle designed or~~
4 ~~marketed by the manufacturer primarily for non-utility uses.]~~

5 ~~(18)[(25)] Verifiable proof--Additional documentation required of a vehicle owner,~~
6 ~~lienholder, or agent executing an application for a certified copy of a title.~~

7 ~~[(A) Individual applicant. If the applicant is an individual, verifiable proof~~
8 ~~consists of a copy of a current photo identification issued by this state or by the United States or~~
9 ~~foreign passport.]~~

10 ~~[(B) Business applicant. If the applicant is a business, verifiable proof~~
11 ~~consists of an original or copy of a letter of signature authority on letterhead, a business card, or~~
12 ~~employee identification and a copy of current photo identification issued by this state or by the~~
13 ~~United States or foreign passport.]~~

14 ~~[(C) Power of attorney. If the applicant is a person in whose favor a power~~
15 ~~of attorney has been executed by the owner or lienholder, verifiable proof consists of the~~
16 ~~documentation required under subparagraph (A) or (B) of this paragraph both for the owner or~~
17 ~~lienholder and for the person in whose favor the power of attorney is executed.]~~

18
19 §217.3. Motor Vehicle Titles.

20 Unless otherwise exempted by law or this chapter, the owner of any motor vehicle that is
21 required to be titled, including any motor vehicle required to be registered in accordance with
22 Transportation Code Chapter 502, shall apply for a Texas title in accordance with Transportation
23 Code Chapter 501 or 731, or this subchapter.

1 (1) Motorcycles, autocycles, and mopeds.

2 [(A)] The title requirements for a motorcycle, autocycle, and moped are the
3 same requirements prescribed for any motor vehicle.

4 ~~[(B) A vehicle that meets the criteria for a moped under Transportation
5 Code §541.201(8).]~~

6 (2) Farm vehicles.

7 ~~[(A)The term "motor vehicle" does not apply to implements of husbandry,
8 which may not be titled.]~~

9 (A)~~[(B)]~~ Farm tractors owned by agencies exempt from registration fees in
10 accordance with Transportation Code §502.453, are required to be titled and registered with
11 "Exempt" license plates issued in accordance with Transportation Code §502.451.

12 (B)~~[(C)]~~ Tractors ~~[Farm tractors]~~ used as road tractors to mow rights of way
13 or used to move commodities over the highway for hire are required to be registered and titled.

14 ~~[(D) Owners of farm trailers and farm semitrailers with a gross weight of
15 34,000 pounds or less may apply for a Texas title. Owners of farm trailers and farm semitrailers
16 with a gross weight in excess of 34,000 pounds shall apply for a Texas title. If a farm trailer or farm
17 semitrailer with a gross weight of 34,000 pounds or less has been titled previously, any subsequent
18 owner shall apply for a Texas title for the farm trailer or farm semitrailer.]~~

19 (3) Neighborhood electric vehicles. The title requirements of a neighborhood
20 electric vehicle (NEV) are the same requirements prescribed for any motor vehicle.

21 (4) Trailers, semitrailers, and house trailers.~~[Owners of trailers and semitrailers
22 shall apply for a Texas title for any trailer or semitrailer with a gross weight in excess of 4,000
23 pounds. Owners of trailers and semitrailers with a gross weight of 4,000 pounds or less may apply~~

1 ~~for a Texas title.~~ If a trailer or semitrailer with a gross weight of 4,000 pounds or less has been
2 titled previously, any subsequent owner shall apply for a Texas title for the trailer or semitrailer.

3 Travel [House] trailer-type vehicles must meet the criteria outlined in subparagraph (C) of this
4 paragraph to be titled:

5 (A) The rated carrying capacity will not be less than one-third of its empty
6 weight.

7 (B) Mobile office trailers, mobile oil field laboratories, and mobile oil field
8 bunkhouses are not designed as dwellings, but are classified as commercial semitrailers and must
9 be registered and titled as commercial semitrailers if operated on the public streets and highways.

10 (C) House trailer-type vehicles and camper trailers must meet the following
11 criteria in order to be titled.

12 (i) A house trailer-type vehicle that is less than eight feet six inches
13 in width or less than 45 feet in length is classified as a travel trailer and shall be registered and
14 titled.

15 (ii) A camper trailer shall be titled as a house trailer and shall be
16 registered with travel trailer license plates.

17 (iii) A recreational park model type trailer that is primarily designed
18 as temporary living quarters for recreational, camping or seasonal use, is built on a single chassis,
19 and is 400 square feet or less when measured at the largest horizontal projection when in the set
20 up mode shall be titled as a house trailer and may be issued travel trailer license plates.

21 (5) Assembled vehicles. The title requirements for assembled vehicles are
22 prescribed in Subchapter L of this title (relating to Assembled Vehicles).

1 (6) Not Eligible for Title. The following are not eligible for a Texas title regardless of
2 the vehicle's previous title or registration in this or any other jurisdiction:

3 (A) vehicles that are missing or are stripped of their motor, frame, or body,
4 to the extent that the vehicle loses its original identity or makes the vehicle unsafe for on-road
5 operation as determined by the department;

6 (B) vehicles designed by the manufacturer for on-track racing only;

7 (C) vehicles designed or determined by the department to be for off-
8 highway use only, unless specifically defined as a "motor vehicle" in Transportation Code Chapter
9 501; or

10 (D) vehicles assembled, built, constructed, rebuilt, or reconstructed in any
11 manner with:

12 (i) a body or frame from a vehicle which is a "nonrepairable motor
13 vehicle" as that term is defined in Transportation Code §501.091(9); or

14 (ii) a motor or engine from a vehicle which is flood damaged, water
15 damaged, or any other term which may reasonably establish the vehicle from which the motor or
16 engine was obtained is a loss due to a water related event.

17

18 §217.4. Initial Application for Title.

19 (a) Time for application. A person must apply for the title not later than the 30th day after
20 the date of assignment, except:

21 (1) in a seller-financed sale, the title must be applied for not later than the 45th day
22 after the date the motor vehicle is delivered to the purchaser;

1 (2) a member of the armed forces or a member of a reserve component of the
2 United States, a member of the Texas National Guard or of the National Guard of another state
3 serving on active duty, must apply not later than the 60th day after the date of assignment of
4 ownership; or

5 (3) as otherwise provided by Transportation Code, Chapter 501.

6 (b) Place of application. Except as otherwise provided by Transportation Code, Chapters
7 501 and 502, and by §217.84(a) of this title (relating to Application for Nonrepairable or Salvage
8 Vehicle Title), when motor vehicle ownership is transferred, a title application must be filed with:

9 (1) the county tax assessor-collector in the county in which the applicant resides or
10 in the county in which the motor vehicle was purchased or encumbered; or

11 (2) a county tax assessor-collector of a county who is willing to accept the
12 application.

13 (c) Information to be included on application. An applicant for an initial title must file an
14 application on a form prescribed by the department. The form will at a minimum require the:

15 (1) motor vehicle description including, but not limited to, the motor vehicle:

16 (A) year;

17 (B) make;

18 (C) identification number;

19 (D) body style; and

20 (E) empty weight;

21 (2) license plate number, if the motor vehicle is subject to registration under
22 Transportation Code, Chapter 502;

1 (3) odometer reading and brand, or the word "exempt" if the motor vehicle is
2 exempt from federal and state odometer disclosure requirements;

3 (4) previous owner's legal name and municipality and state, if available;

4 (5) legal name as stated on the identification presented and complete address of
5 the applicant;

6 (6) name and mailing address of any lienholder and the date of lien, if applicable;

7 (7) signature of the seller of the motor vehicle or the seller's authorized agent and
8 the date the title application was signed; and

9 (8) signature of the applicant or the applicant's authorized agent and the date the
10 title application was signed.

11 (d) Accompanying documentation. The title application must be supported by, at a
12 minimum, the following documents:

13 (1) evidence of vehicle ownership, as described in §217.5 of this title (relating to
14 Evidence of Motor Vehicle Ownership);

15 (2) an odometer disclosure statement properly executed by the seller of the motor
16 vehicle and acknowledged by the purchaser, if applicable;

17 (3) proof of financial responsibility in the applicant's name, as required by
18 Transportation Code, §502.046, unless otherwise exempted by law;

19 (4) for a vehicle last registered or titled in another state, verification of the vehicle
20 identification number by a process prescribed on a form by the department for the applicant to
21 self-certify the vehicle identification number if the vehicle is not subject to Transportation Code,
22 Chapter 548 [inspection report if required by Transportation Code, Chapter 548, and
23 Transportation Code, §501.030, and if the vehicle is being titled and registered, or registered only];

1 (5) a release of any liens, provided that if any liens are not released, they will be
2 carried forward on the new title application;~~[with the following limitations:]~~

3 ~~[(A) A lien recorded on out-of-state evidence as described in §217.5 cannot~~
4 ~~be carried forward to a Texas title when there is a transfer of ownership, unless a release of lien or~~
5 ~~authorization from the lienholder is attached; and]~~

6 ~~[(B) A lien recorded on out-of-state evidence as described in §217.5 is not~~
7 ~~required to be released when there is no transfer of ownership from an out-of-state title and the~~
8 ~~same lienholder is being recorded on the Texas application as is recorded on the out-of-state title;]~~

9 and

10 (6) any documents required by §217.9 of this title (relating to Bonded Titles).

11

12 §217.5. Evidence of Motor Vehicle Ownership.

13 (a) Evidence of motor vehicle ownership properly assigned to the applicant must
14 accompany the title application. Evidence must include, but is not limited to, the following
15 documents.

16 (1) New motor vehicles. A manufacturer's certificate of origin assigned by the
17 manufacturer or the manufacturer's representative or distributor to the original purchaser is
18 required for a new motor vehicle that is sold or offered for sale.

19 (A) The manufacturer's certificate of origin must be in the form prescribed
20 by the department and must contain, at a minimum, the following information:

21 (i) manufacturer's name on the face of the manufacturer's
22 certificate of origin;

1 (ii)[(+)] motor vehicle description including, but not limited to, the
2 motor vehicle year, make, model, identification number, and body style;

3 (iii)[(++)] the empty or shipping weight;

4 (iv)[(+++)] the gross vehicle weight when the manufacturer's
5 certificate of origin is invoiced to a licensed Texas motor vehicle dealer and is issued for
6 commercial motor vehicles as that term is defined in Transportation Code, Chapter 502;

7 (v)[(iv)] a statement identifying a motor vehicle designed by the
8 manufacturer for off-highway use only; ~~and~~

9 (vi) if the vehicle is a motor bus, the manufacturer must show the
10 seating capacity (number of passengers) of the motor bus on the manufacturer's certificate; and

11 (vii)[(v)] if the vehicle is a "neighborhood electric vehicle," a
12 statement that the vehicle meets Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500)
13 for low-speed vehicles.

14 (B) When a motor vehicle manufactured in another country is sold directly
15 to a person other than a manufacturer's representative or distributor, the manufacturer's
16 certificate of origin must be assigned to the purchaser by the seller.

17 (2) Used motor vehicles. Applicants applying for title to a used motor vehicle must
18 relinquish as evidence of ownership one of the following documents: ~~[A title issued by the~~
19 ~~department, a title issued by another state if the motor vehicle was last registered and titled in~~
20 ~~another state, or other evidence of ownership must be relinquished in support of the title~~
21 ~~application for any used motor vehicle. A registration receipt is required from a vehicle owner~~
22 ~~coming from a state that no longer titles vehicles after a certain period of time.]~~

23 (A) A title issued by the department;

1 (A) the motor vehicle registration certificate or other verification issued by
2 a foreign country reflecting the name of the applicant as the motor vehicle owner, or reflecting
3 that legal evidence of ownership has been legally assigned to the applicant;

4 (B) the identification number inspection required under Transportation
5 Code §501.032(a)(2), except as provided in §501.032(b); and

6 (C) for motor vehicles that are less than 25 years old, proof of compliance
7 with United States Department of Transportation (USDOT) regulations including, but not limited to,
8 the following documents:

9 (i) the original bond release letter with all attachments advising that
10 the motor vehicle meets federal motor vehicle safety requirements or a letter issued by the
11 USDOT, National Highway Traffic Safety Administration, verifying the issuance of the original bond
12 release letter;

13 (ii) a legible copy of the motor vehicle importation form validated
14 with a ~~[an original United States Customs stamp, date, and]~~signature as filed with the USDOT
15 confirming the exemption from the bond release letter required in clause (i) of this subparagraph,
16 or a copy thereof certified by United States Customs;

17 (iii) a verification of motor vehicle inspection by United States
18 Customs certified on its letterhead and signed by its agent verifying that the motor vehicle
19 complies with USDOT regulations;

20 (iv) a written confirmation that a physical inspection of the safety
21 certification label has been made by the department and that the motor vehicle meets United
22 States motor vehicle safety standards;

1 (v) the original bond release letter, verification thereof, or written
2 confirmation from the previous state verifying that a bond release letter issued by the USDOT was
3 relinquished to that jurisdiction, if the non-United [~~non-United~~] States standard motor vehicle was
4 last titled or registered in another state for one year or less; or

5 (vi) verification from the vehicle manufacturer on its letterhead
6 stationery.

7 (b) Alterations to documentation. An alteration to a registration receipt, title,
8 manufacturer's certificate, or other evidence of ownership constitutes a valid reason for the
9 rejection of any transaction to which altered evidence is attached.

10 (1) Altered lien information on any surrendered evidence of ownership requires a
11 release from the original lienholder or a statement from the proper authority of the state in which
12 the lien originated. The statement must verify the correct lien information.

13 (2) A strikeover that leaves any doubt about the legibility of any digit in any
14 document will not be accepted.

15 (3) A corrected manufacturer's certificate of origin will be required if the
16 manufacturer's certificate of origin contains an:

17 (A) incomplete or altered vehicle identification number;

18 (B) alteration or strikeover of the vehicle's model year;

19 (C) alteration or strikeover to the body style, or omitted body style on the
20 manufacturer's certificate of origin; or

21 (D) alteration or strikeover to the weight.

1 (4) A statement[Statement] of fact[Fact] may be requested to explain errors,
2 corrections, or conditions from which doubt does or could arise concerning the legality of any
3 instrument. A statement[Statement] of fact[Fact] will be required in all cases:

4 (A) in which the date of sale on an assignment has been erased or altered in
5 any manner; or

6 (B) of alteration or erasure on a Dealer's Reassignment of Title.

7 (c) Rights of survivorship. A signed "rights of survivorship" agreement may be executed by
8 a natural person acting in an individual capacity in accordance with Transportation Code,
9 §501.031.

10 (d) Identification required.

11 (1) An application for title is not acceptable unless the applicant presents a current
12 photo identification of the owner containing a unique identification number[~~and expiration date~~].

13 The current photo identification [~~document~~] must be a:

14 (A) driver's license or state identification certificate issued by a state or
15 territory of the United States;

16 (B) United States or foreign passport;

17 (C) United States military identification card;

18 (D) North Atlantic Treaty Organization identification or identification issued
19 under a Status of Forces Agreement;

20 (E) United States Department of Homeland Security, United States
21 Citizenship and Immigration Services, or United States Department of State identification
22 document; or

1 (F)~~[concealed handgun license or]~~license to carry a handgun issued by the
2 Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

3 (2) If the motor vehicle is titled in:

4 (A) more than one name, then the identification of one owner must be
5 presented;

6 (B) the name of a leasing company, then:

7 (i) proof of the Federal Employer Identification Number/Employee
8 Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the
9 application, and can be entered into the department's titling system. The number must correspond
10 to the name of the leasing company in which the vehicle is being titled; and

11 (ii) the leasing company may submit:

12 (I) a government issued photo identification, required under
13 paragraph (1) of this subsection, of the lessee listed as the registrant; or

14 (II) a government issued photo identification, required under
15 paragraph (1) of this subsection, of the employee or authorized agent who signed the application
16 for the leasing company, and the employee's or authorized agent's employee identification, letter
17 of authorization written on the lessor's letterhead, or a printed business card. The printed business
18 card, employee identification, or letter of authorization written on the lessor's letterhead must
19 contain the name of the lessor, and the employee's or authorized agent's name must match the
20 name on the government issued photo identification;

21 (C) the name of a trust, then a government issued photo identification,
22 required under paragraph (1) of this subsection, of a trustee must be presented; or

23 (D) the name of a business, government entity, or organization, then:

1 (i) proof of the Federal Employer Identification Number/Employee
2 Identification Number (FEIN/EIN) of the business, government entity, or organization must be
3 submitted, written on the application, and can be entered into the department's titling system.
4 The number must correspond to the name of the business, government entity, or organization in
5 which the vehicle is being titled;

6 (ii) the employee or authorized agent must present a government
7 issued photo identification, required under paragraph (1) of this subsection; and

8 (iii) the employee's or authorized agent's employee identification;
9 letter of authorization written on the business', government entity's, or organization's letterhead;
10 or a printed business card. The printed business card, employee identification, or letter of
11 authorization written on the business', government entity's, or organization's letterhead must
12 contain the name of the business, governmental entity, or organization, and the employee's or
13 authorized agent's name must match the name on the government issued photo identification.

14 (3) In addition to the requirements of paragraphs (1) and (2) of this subsection, if a
15 power of attorney is being used to apply for a title, then the applicant must show:

16 (A) identification, required under paragraph (1) of this subsection, matching
17 the person named as power of attorney; or

18 (B) identification, required under paragraph (1) of this subsection, and
19 employee identification or a printed business card or authorization written on the letterhead of
20 the entity named as power of attorney that matches the identification of the employee if the
21 power of attorney names an entity.

1 ~~[(4) Within this subchapter, "current" is defined as not to exceed 12 months after~~
2 ~~the expiration date, except that a state-issued personal identification certificate issued to a~~
3 ~~qualifying person is considered current if the identification states that it has no expiration.]~~

4 (4)[(5)] Within this subsection, an identification document such as a printed
5 business card, letter of authorization, or power of attorney, may be an original or a photocopy.

6 (5)[(6)] A person who holds a general distinguishing number issued under
7 Transportation Code, Chapter 503 [~~or Occupations Code, Chapter 2301~~] is exempt from submitting
8 to the county tax assessor-collector, but must retain:

9 (A) the owner's identification, as required under paragraph (1) of this
10 subsection; and

11 (B) authorization to sign, as required under paragraph (2) of this subsection.

12 (6)[(7)] A person who holds a general distinguishing number issued under
13 Transportation Code, Chapter 503 [~~or Occupations Code, Chapter 2301,~~] is not required to submit
14 photo identification or authorization for an employee or agent signing a title assignment with a
15 secure power of attorney.

16

17 §217.6. Title Issuance.

18 (a) Issuance. The department or its designated agent will issue a receipt and process the
19 application for title on receipt of:

20 (1) a completed application for title;

21 (2) required accompanying documentation;

22 (3) the statutory fee for a title application, unless exempt under:

23 (A) Transportation Code, §501.138; or

1 (B) Government Code, §437.217 and copies of official military orders are
2 presented as evidence of the applicant's active duty status and deployment orders to a hostile fire
3 zone; and

4 (4) any other applicable fees.

5 (b) Titles. The department will issue and mail or deliver a title to the applicant or, in the
6 event that there is a lien disclosed in the application, to the first lienholder unless the title is an
7 electronic record of title.

8 (c) Receipt. The receipt issued at the time of application for title may be used only as
9 evidence of title and may not be used to transfer any interest or ownership in a motor vehicle or to
10 establish a new lien.

11 (d) Temporary hold. The department shall place a hold on processing a title application for
12 a motor vehicle if the department receives a request for a hold accompanied by evidence of a legal
13 action regarding ownership of or a lien interest in the motor vehicle. The hold shall continue until a
14 final, nonappealable judgment is entered in the action or the party requesting the hold requests
15 that the hold be removed.

16 (1) Evidence of a legal action regarding ownership of or a lien interest in a motor
17 vehicle means evidence showing a legal action regarding ownership of or a lien interest in a motor
18 vehicle filed in a district, county, statutory probate court, or bankruptcy court.

19 (2) Legal actions filed in justice of the peace or municipal courts do not qualify as
20 evidence for purposes of this section unless the case is related to Chapter 47, Code of Criminal
21 Procedure, or Section 27.031, Government Code.

22 (3) Legal actions regarding ownership of or a lien interest in a motor vehicle must
23 be active on a court's docket. If the evidence presented in support of a request for a hold is a legal

1 action that has been resolved through a final nonappealable judgment, additional evidence of
2 post-judgment legal actions must be presented to place a hold on processing a title.

3 (4) The department shall place a ten-day temporary hold on processing a title if a
4 party seeking to obtain a 10-day temporary hold presents the VIN of the vehicle for which the hold
5 is sought, and attests that the hold is being requested in order to commence a legal action
6 disputing a title or lien interest in a motor vehicle and not for purposes of delay.

7 (5) For the purposes of this subsection, a final nonappealable judgment is a
8 judgment for which 30 days have passed from the day the judgment was entered without a notice
9 of appeal being filed.

10

11 §217.7. Replacement of Title.

12 (a) Lost or destroyed title. If a title is lost or destroyed, the department will issue a certified
13 copy of the title to the owner, the lienholder, or a verified agent of the owner or lienholder in
14 accordance with Transportation Code, Chapter 501, on proper application and payment of the
15 appropriate fee to the department.

16 (b) Identification required.

17 (1) An owner or lienholder may not apply for a certified copy of title unless the
18 applicant presents a current photo identification of the owner or lienholder containing a unique
19 identification number and expiration date. The current photo identification [~~document~~] must be a:

20 (A) driver's license or state identification certificate issued by a state or
21 territory of the United States;

22 (B) United States or foreign passport;

23 (C) United States military identification card;

1 (D) North Atlantic Treaty Organization identification or identification issued
2 under a Status of Forces Agreement;

3 (E) United States Department of Homeland Security, United States
4 Citizenship and Immigration Services, or United States Department of State identification
5 document; or

6 (F) ~~concealed handgun license or~~ license to carry a handgun issued by the
7 Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

8 (2) If the motor vehicle is titled in:

9 (A) more than one name, then the identification for each owner must be
10 presented;

11 (B) the name of a leasing company, then the lessor's employee or
12 authorized agent who signed the application for the leasing company must present:

13 (i) a government issued photo identification, required under
14 paragraph (1) of this subsection; and

15 (ii) employee identification, letter of authorization written on the
16 lessor's letterhead, or a printed business card. The printed business card, employee identification,
17 or letter of authorization written on the lessor's letterhead must contain the name of the lessor,
18 and the employee's or authorized agent's name must match the name on the government issued
19 photo identification;

20 (C) the name of a trust, then a government issued photo identification,
21 required under paragraph (1) of this subsection, of a trustee must be presented; or

22 (D) the name of a business, government entity, or organization, then:

1 (i) the employee or authorized agent must present a government
2 issued photo identification, required under paragraph (1) of this subsection; and

3 (ii) the employee's or authorized agent's employee identification;
4 letter of authorization written on the business', government entity's, or organization's letterhead;
5 or a printed business card. The printed business card, employee identification, or letter of
6 authorization written on the business', government entity's, or organization's letterhead must
7 contain the name of the business, governmental entity, or organization, and the employee's or
8 authorized agent's name must match the name on the government issued photo identification.

9 (3) In addition to the requirements of paragraphs (1) and (2) of this subsection, if a
10 power of attorney is being used to apply for a certified copy of title, then the applicant must show:

11 (A) current photo identification, required under paragraph (1) of this
12 subsection, matching the person named as power of attorney;

13 (B) current photo identification, required under paragraph (1) of this
14 subsection, and employee identification or a printed business card or authorization written on the
15 letterhead of the entity named as power of attorney that matches the identification of the
16 employee if the power of attorney names an entity; or

17 (C) current photo identification, required under paragraph (1) of this
18 subsection, of the owner or lienholder.

19 ~~[(4) Within this subchapter, "current" is defined as within 12 months after the~~
20 ~~expiration date, except that a state-issued personal identification certificate issued to a qualifying~~
21 ~~person is considered current if the identification states that it has no expiration.]~~

22 ~~(4)~~[(5)] Within this subsection, an identification document, such as a printed
23 business card, letter of authorization, or power of attorney, may be an original or a photocopy.

1 (c) Issuance. An application for a certified copy must be properly executed and supported
2 by appropriate verifiable proof of the vehicle owner, lienholder, or agent regardless of whether
3 the application is submitted in person or by mail. A certified copy will not be issued until after the
4 14th day that the original title was issued.

5 (d) Denial. If issuance of a certified copy is denied, the applicant may resubmit the request
6 with the required verifiable proof or may pursue the privileges available in accordance with
7 Transportation Code, §501.052 and §501.053.

8 (e) Additional copies. An additional certified copy will not be issued until 30 days after
9 issuance of the previous certified copy.

10 (f) Fees. The fee for obtaining a certified copy of a title is \$2 if the application is submitted
11 to the department by mail and \$5.45 if the application is submitted in person for expedited
12 processing at one of the department's regional offices.

13

14 §217.8. Second-Hand Vehicle Transfers.

15 (a) Voluntary notification. A transferor, other than a dealer who holds a general
16 distinguishing number, of a motor vehicle may voluntarily make written notification to the
17 department of the sale of the vehicle, in accordance with Transportation Code, §501.147. The
18 written notification may be submitted to the department by mail, in person at one of the
19 department's regional offices, or electronically through the department's Internet website.

20 (b) Required notification. A dealer who holds a general distinguishing number is required to
21 submit a written vehicle transfer notification to the department including the information required
22 under Transportation Code, §501.147(b) upon the sale or transfer of a motor vehicle to the dealer.

1 The written notification may be submitted to the department by mail, in person at one of the
2 department's regional offices, or electronically through the department's Internet website.

3 ~~(c)~~ Records. On receipt of written notice of transfer from the transferor of a motor
4 vehicle or dealer who holds a general distinguishing number, the department will mark its records
5 to indicate the date of transfer and will maintain a record of the information provided on the
6 written notice of transfer.

7 ~~(d)~~ Title issuance. A title will not be issued in the name of a transferee until the
8 transferee files an application for the title as described in this subchapter.

9
10 §217.9. Bonded Titles

11 (a) Who may file. A person who has an interest in a motor vehicle to which the department
12 has refused to issue a title or has suspended or revoked a title may request issuance of a title from
13 the department on a prescribed form if the vehicle is in the possession of the applicant; and

14 (1) there is a record that indicates a lien that is less than ten years old and the
15 applicant provides a [surety bonding company ensures lien satisfaction or] release of all liens and a
16 bond [lien];

17 (2) there is a record that indicates there is not a lien or the lien is ten or more years
18 old; or

19 (3) the department has no previous motor vehicle record.

20 (b) Administrative fee. The applicant must pay the department a \$15 administrative fee in
21 addition to any other required fees.

22 (c) Value. The amount of the bond must be equal to one and one-half times the value of
23 the vehicle as determined under Tax Code §152.0412 regarding Standard Presumptive Value (SPV).

1 If the SPV is not available, then a national reference guide will be used. If the value cannot be
2 determined by the department through either source, then the person may obtain an appraisal. If
3 a motor vehicle is 25 years or older, a person may obtain an appraisal to determine the value
4 instead of using a national reference guide.

5 (1) The appraisal must be on a form specified by the department from a Texas
6 licensed motor vehicle dealer for the categories of motor vehicles that the dealer is licensed to sell
7 or a Texas licensed insurance adjuster who may appraise any type of motor vehicle.

8 (2) The appraisal must be dated and be submitted to the department within 30 days
9 of the appraisal.

10 (3) If the motor vehicle is 25 years or older and the appraised value of the vehicle is
11 less than \$4,000, the bond amount will be established from a value of \$4,000.

12 (4) If the motor vehicle is a trailer or semitrailer, the person may, as an alternative
13 to an appraisal, have the bond amount established from a value of:

14 (A) \$4,000, if under 20 feet in length, or

15 (B) \$7,000, if 20 or more feet in length.

16 (d) Vehicle identification number inspection. If the department has no motor vehicle record
17 for the vehicle, the vehicle identification number must be verified by an inspection under
18 Transportation Code §501.0321.

19 (e) Required documentation. An applicant may apply for a bonded title if the applicant
20 submits:

21 (1) any evidence of ownership;

22 (2) the original bond within 30 days of issuance;

1 (3) the notice of determination within one year of issuance and the receipt for \$15
2 paid to the department;

3 (4) the documentation determining the value of the vehicle;

4 (5) proof of the vehicle identification number inspection, as described in subsection
5 (d) of this section, if the department has no motor vehicle record for the vehicle;

6 (6) a weight certificate if the weight cannot otherwise be determined;

7 (7) ~~[a certification of lien satisfaction by the surety bonding company, or]~~ a release
8 of lien, if the ~~[notice of determination letter states that there may be a]~~ lien is less than ten years
9 old; and

10 (8) any other required documentation and fees.

11 (f) Report of Judgment. The bond must require that the surety report payment of any
12 judgment to the department within 30 days.

13

14 §217.11. Rescission, Cancellation or Revocation by Affidavit.

15 (a) Under Transportation Code §501.051(b), the ~~[The]~~ department may rescind, cancel, or
16 revoke an existing title or application for a title if a notarized or county stamped affidavit is
17 completed and presented to the department within 90 days of initial sale containing all of the
18 information required by Transportation Code §501.051(b)(1)-(4).~~[:]~~

19 ~~[(1) a statement that the vehicle involved was a new motor vehicle in the process of~~
20 ~~a first sale;]~~

21 ~~[(2) a statement that the dealer, the applicant, and any lienholder have canceled~~
22 ~~the sale;]~~

23 ~~[(3) a statement that the vehicle was:]~~

1 ~~[(A) never in possession of the title applicant; or]~~
2 ~~[(B) in the possession of the title applicant;]~~
3 ~~[(4) the signatures of the dealer, the applicant, and any lienholder as principal to~~
4 ~~the document; and]~~
5 ~~(b)[(5)] An affidavit must be accompanied by an odometer disclosure statement~~
6 ~~executed by the purchaser of the motor vehicle and acknowledged by the dealer if the vehicle was~~
7 ~~ever in the possession of the title applicant. [by the dealer if a statement is made pursuant to~~
8 ~~paragraph (3)(B) of this subsection to be used for the purpose of determining usage subsequent to~~
9 ~~sale.]~~

10 ~~[(b) A rescission, cancellation, or revocation containing the statement authorized under~~
11 ~~subsection (a)(3)(B) of this section does not negate the fact that the vehicle has been subject to a~~
12 ~~previous retail sale.]~~

13
14 217.14. Exemptions from Title.

15 Vehicles eligible for machinery license plates and permit license plates in accordance with
16 Transportation Code, §502.146 ~~[registered with the following distinguishing license plates]~~ may
17 not be titled under Transportation Code, Chapter 501.[:]

18 ~~[(1) vehicles eligible for machinery license plates and permit license plates in~~
19 ~~accordance with Transportation Code, §502.146; and]~~

20 ~~[(2) vehicles eligible for farm trailer license plates in accordance with~~
21 ~~Transportation Code, §502.433, unless the owner chooses to title a farm semitrailer with a gross~~
22 ~~weight of more than 4,000 pounds that is registered in accordance with §502.146, as provided by~~
23 ~~Transportation Code, §501.036.]~~

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§217.15. Title Issuance to Government Agency for Travel Trailer.

(a) A government agency may apply to the department for a title to a travel trailer purchased by or transferred to the government agency if the travel trailer is being used as temporary housing in response to a natural disaster or other declared emergency.

(b) A government agency applying for a title under subsection (a) of this section must comply with §217.4(a), (c), and (d) of this title (relating to Initial Application for Title).

(c) The department will issue a title to a government agency under this section without payment of a fee if the government agency is not applying for registration at the same time. If the government agency is also applying for registration, the government agency must pay any applicable ~~[state inspection]~~ fee under Transportation Code, Chapter 548 to the department at the time of application.

§217.16. Application for Title When Dealer Goes Out of Business.

(a) A person who purchased a vehicle from a dealer who is required to apply for a title on the purchaser's behalf under Transportation Code, §501.0234 may apply for title as prescribed by this section if the dealer has gone out of business and did not apply for title.

(b) For purposes of this section, a dealer has gone out of business if:

- (1) the dealer's license has been closed or has expired; or
- (2) operations have ceased at the licensed location as determined by the department.

1 (c) For purposes of this section, a person must obtain a letter on department letterhead
2 stating a dealer has gone out of business. A person may request the letter by contacting the
3 department, including a Regional Service Center, or a county tax assessor-collector's office.

4 (d) An application under subsection (a) of this section must meet the requirements of
5 §217.4 of this title (relating to Initial Application for Title) except the applicant:

6 (1) must provide the sales contract, retail installment agreement, or buyer's order
7 in lieu of evidence of vehicle ownership as described in §217.5(a) of this title (relating to Evidence
8 of Motor Vehicle Ownership);

9 (2) must provide the letter described by subsection (c) of this section; and

10 (3) is not required to provide a release of lien if the only recorded lienholder is the
11 dealer that has gone out of business.

12 (e) If a title application under this section does not include a properly completed odometer
13 disclosure statement, as required by Transportation Code, §501.072, the odometer brand will be
14 recorded as "NOT ACTUAL MILEAGE."

15 (f) The department will waive the payment of the following fees if the applicant can
16 provide evidence showing the fee was paid to the dealer:

17 (1) a title application fee under Transportation Code, §501.138;

18 (2) delinquent transfer penalty under Transportation Code, §501.146;

19 (3) all fees under Transportation Code, Chapter 502; and

20 (4) the fee associated with the issuance of a license plate or set of license plates

21 [~~buyer's temporary tag fee~~] under Transportation Code, §503.063.

22

23

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

1 standards for uniformity and service quality for counties conducting registration and titling services;
2 Transportation Code §520.0055, as created by HB 718, gives the department authority to mandate
3 motor vehicle dealers use a department designated electronic system to submit title and registration
4 applications to county tax assessor-collectors for motor vehicle transactions; and Transportation Code
5 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
6 the powers and the duties of the department, as well as the statutes referenced throughout the this
7 preamble.

8 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
9 §§502.0021, 502.0024, 502.040, 502.059, 502.095, 502.1911, 502.451(c), 502.451(f), 504.0011, 540.010,
10 520.003, 520.004, 520.0055, and 1002.

11
12 Text.

13 §217.22. Definitions.

14 The following words and terms, when used in this subchapter, shall have the following
15 meanings, unless the context clearly indicates otherwise.

16 (1) Affidavit for alias exempt registration--A form prescribed by the director that
17 must be executed by an exempt law enforcement agency to request the issuance of exempt
18 registration in the name of an alias.

19 (2) Agent--A duly authorized representative possessing legal capacity to act for an
20 individual or legal entity.

21 (3) Alias--The name of a vehicle registrant reflected on the registration, different
22 than the name of the legal owner of the vehicle.

1 (4) Alias exempt registration--Registration issued under an alias to a specific vehicle
2 to be used in covert criminal investigations by a law enforcement agency.

3 (5) Axle load--The total load transmitted to the road by all wheels whose centers
4 may be included between two parallel transverse vertical planes 40 inches apart, extending across
5 the full width of the vehicle.

6 (6) Border commercial zone--A commercial zone established under Title 49, C.F.R.,
7 Part 372 that is contiguous to the border with Mexico.

8 (7) Bus--A motor vehicle used to transport persons and designed to accommodate
9 more than 10 passengers, including the operator; or a motor vehicle, other than a taxicab,
10 designed and used to transport persons for compensation.

11 (8) Carrying capacity--The maximum safe load that a commercial vehicle may carry,
12 as determined by the manufacturer.

13 (9) Character--A numeric or alpha symbol displayed on a license plate.

14 (10) County or city civil defense agency--An agency authorized by a commissioner's
15 court order or by a city ordinance to provide protective measures and emergency relief activities in
16 the event of hostile attack, sabotage, or natural disaster.

17 (11) Current photo identification-- a government-issued photo identification that is
18 currently valid or is within 12 months of the expiration date, or a state-issued personal identification
19 certificate issued to a qualifying person if the identification states that it has no expiration.

20 (12)[(11)] Digital license plate--As defined in Transportation Code, §504.151.

21 (13)[(12)] Digital license plate owner--A digital license plate owner is a person who
22 purchases or leases a digital license plate from a department-approved digital license plate
23 provider.

1 ~~(14)~~~~(13)~~ Director--The director of the Vehicle Titles and Registration Division,
2 Texas Department of Motor Vehicles.

3 ~~(15)~~~~(14)~~ Division--Vehicle Titles and Registration Division.

4 ~~(16)~~~~(15)~~ Executive administrator--The director of a federal agency, the director of
5 a Texas state agency, the sheriff of a Texas county, or the chief of police of a Texas city that by law
6 possesses the authority to conduct covert criminal investigations.

7 ~~(17)~~~~(16)~~ Exempt agency--A governmental body exempted by statute from paying
8 registration fees when registering motor vehicles.

9 ~~(18)~~~~(17)~~ Exempt license plates--Specially designated license plates issued to
10 certain vehicles owned or controlled by exempt agencies.

11 ~~(19)~~~~(18)~~ Exhibition vehicle--

12 (A) An assembled complete passenger car, truck, or motorcycle that:

13 (i) is a collector's item;

14 (ii) is used exclusively for exhibitions, club activities, parades, and
15 other functions of public interest;

16 (iii) does not carry advertising; and

17 (iv) has a frame, body, and motor that is at least 25-years old; or

18 (B) A former military vehicle as defined in Transportation Code, §504.502.

19 ~~(20)~~~~(19)~~ Fire-fighting equipment--Equipment mounted on fire-fighting vehicles
20 used in the process of fighting fires, including, but not limited to, ladders and hoses.

21 ~~(21)~~~~(20)~~ Foreign commercial motor vehicle--A commercial motor vehicle, as
22 defined by 49 C.F.R. §390.5, that is owned by a person or entity that is domiciled in or a citizen of a
23 country other than the United States.

1 ~~(22)~~~~((21))~~ GPS-- A global positioning system tracking device that can be used to
2 determine the location of a digital license plate through data collection by means of a receiver in a
3 digital license plate.

4 ~~(23)~~~~((22))~~ Highway construction project--That section of the highway between the
5 warning signs giving notice of a construction area.

6 ~~(24)~~~~((23))~~ International symbol of access--The symbol adopted by Rehabilitation
7 International in 1969 at its Eleventh World Congress of Rehabilitation of the Disabled.

8 ~~[(24) Legally blind—Having not more than 20/200 visual acuity in the better eye
9 with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of
10 vision such that the widest diameter of the visual field subtends an angle no greater than 20
11 degrees.]~~

12 (25) Legend--A name, motto, slogan, or registration expiration notification that is
13 centered horizontally at the bottom of the license plate.

14 (26) Make--The trade name of the vehicle manufacturer.

15 (27) Metal license plate--A non-digital license plate issued by the department under
16 Transportation Code Chapter 502, 503, or Chapter 504.

17 (28) Nonprofit organization--An unincorporated association or society or a
18 corporation that is incorporated or holds a certificate of authority under the Business
19 Organizations Code.

20 (29) Nominating State Agency--A state agency authorized to accept and distribute
21 funds from the sale of a specialty plate as designated by the nonprofit organization (sponsoring
22 entity).

1 (30) Optional digital license plate information--Any information authorized to be
2 displayed on a digital license plate in addition to required digital license plate information when
3 the vehicle is in park, including:

4 (A) an emergency alert or other public safety alert issued by a governmental
5 entity, including an alert authorized under Subchapter L, M, or P of Government Code Chapter 411;

6 (B) vehicle manufacturer safety recall notices;

7 (C) advertising; or

8 (D) a parking permit.

9 (31) Park--As defined in Transportation Code, §541.401.

10 (32) Political subdivision--A county, municipality, local board, or other body of this
11 state having authority to provide a public service.

12 (33) Primary region of interest--The field on a metal or digital license plate with
13 alphanumeric characters representing the plate number. The primary region of interest
14 encompasses a field of 5.75 inches in width by 1.75 inches in height on metal license plates
15 manufactured for motorcycles, mopeds, golf carts, or off-highway vehicles. The primary region of
16 interest encompasses a field of 8.375 inches in width by 2.5625 inches in height on metal license
17 plates manufactured for all other vehicles.

18 (34) Registration period--A designated period during which registration is valid. A
19 registration period begins on the first day of a calendar month and ends on the last day of a
20 calendar month.

21 (35) Required digital license plate information--The minimum information required
22 to be displayed on a digital license plate: the registration expiration month and year (unless the
23 vehicle is a token trailer as defined by Transportation Code, §502.001), the alphanumeric

1 characters representing the plate number, the word "Texas," the registration expiration
2 notification if the registration for the vehicle has expired; and the legend (if applicable).

3 (36) Secondary region of interest--The field on a metal or digital license plate with
4 the word "Texas" centered horizontally at the top of the plate. The secondary region of interest
5 encompasses a field of 2.5 inches in width by 0.5625 inches in height on metal license plates
6 manufactured for motorcycles, mopeds, golf carts, or off-highway vehicles. The secondary region
7 of interest encompasses a field of 6 inches in width by 1.9375 inches in height on metal license
8 plates manufactured for all other vehicles.

9 (37) Service agreement--A contractual agreement that allows individuals or
10 businesses to access the department's vehicle registration records.

11 (38) Specialty license plate--A special design license plate issued by the department
12 [~~under SA~~].

13 (39) Specialty license plate fee--Statutorily or department required fee payable on
14 submission of an application for a specialty license plate, symbol, tab, or other device, and
15 collected in addition to statutory motor vehicle registration fees.

16 (40) Sponsoring entity--An institution, college, university, sports team, or any other
17 non-profit individual or group that desires to support a particular specialty license plate by
18 coordinating the collection and submission of the prescribed applications and associated license
19 plate fees or deposits for that particular license plate.

20 (41) Street or suburban bus--A vehicle, other than a passenger car, used to
21 transport persons for compensation exclusively within the limits of a municipality or a suburban
22 addition to a municipality.

1 (42) Tandem axle group--Two or more axles spaced 40 inches or more apart from
2 center to center having at least one common point of weight suspension.

3 (43) Unconventional vehicle--A vehicle built entirely as machinery from the ground
4 up, that is permanently designed to perform a specific function, and is not designed to transport
5 property.

6 (44) Vehicle classification--The grouping of vehicles in categories for the purpose of
7 registration, based on design, carrying capacity, or use.

8 (45) Vehicle description--Information regarding a specific vehicle, including, but not
9 limited to, the vehicle make, model year, body style, and vehicle identification number.

10 (46) Vehicle identification number--A number assigned by the manufacturer of a
11 motor vehicle or the department that describes the motor vehicle for purposes of identification.

12 ~~[(47) Vehicle inspection sticker--A sticker issued by the Texas Department of Public
13 Safety signifying that a vehicle has passed all applicable safety and emissions tests.]~~

14 ~~(47)~~(48) Vehicle registration insignia--A license plate, symbol, tab, or other device
15 issued by the department evidencing that all applicable fees have been paid for the current
16 registration period and allowing the vehicle to be operated on the public highways.

17 ~~(48)~~(49) Vehicle registration record--Information contained in the department's
18 files that reflects, but is not limited to, the make, vehicle identification number, model year, body
19 style, license number, and the name of the registered owner.

20 ~~(49)~~(50) Volunteer fire department--An association that is organized for the
21 purpose of answering fire alarms, extinguishing fires, and providing emergency medical services.

22

23 §217.23. Initial Application for Vehicle Registration.

1 (a) An applicant for initial vehicle registration must file an application on a form prescribed
2 by the department. The form will at a minimum require:

3 (1) the signature of the owner;

4 (2) the motor vehicle description, including, but not limited to, the motor vehicle's
5 year, make, model, vehicle identification number, body style, carrying capacity for commercial
6 motor vehicles, and empty weight;

7 (3) the license plate number;

8 (4) the odometer reading, or the word "exempt" if the motor vehicle is exempt
9 from federal and state odometer disclosure requirements;

10 (5) the name and complete address of the applicant; and

11 (6) the name, mailing address, and date of any liens.

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

13 (1) evidence of vehicle ownership as specified in §217.5 of this title (relating to
14 Evidence of Motor Vehicle Ownership) [~~Transportation Code, §501.030~~], unless the vehicle has
15 been issued a nonrepairable or salvage vehicle title in accordance with Transportation Code,
16 Chapter 501, Subchapter E;

17 (2) registration fees prescribed by law;

18 (3) any local fees or other fees prescribed by law and collected in conjunction with
19 registering a vehicle;

20 (4) evidence of financial responsibility required by Transportation Code, §502.046,
21 unless otherwise exempted by law;

22 (5) the processing and handling fee prescribed by §217.183 of this title (relating to
23 Fee Amount); and

1 (6) any other documents or fees required by law.

2 (c) An initial application for registration must be filed with the tax assessor-collector of the
3 county in which the owner resides or any county tax assessor-collector who is willing to accept the
4 application, except as provided in subsection (d) of this section.

5 (d) An application for registration, as a prerequisite to filing an application for title, may be
6 filed with the county tax assessor-collector in the county in which:

7 (1) the owner resides;

8 (2) the motor vehicle is purchased or encumbered; or

9 (3) a county tax assessor-collector who is willing to accept the application.

10

11 §217.25. Out-of-State Vehicles.

12 A vehicle brought to Texas from out-of-state must be registered within 30 days of the date
13 on which the owner establishes residence or secures gainful employment, except as provided by
14 Transportation Code, §502.090 and Transportation Code, §502.145. Accompanying a completed
15 application, an applicant must provide:

16 (1) an application for title as required by Transportation Code, Chapter 501, if the
17 vehicle to be registered has not been previously titled in this state; and

18 (2) any other documents or fees required by law.

19

20 §217.26. Identification Required.

21 (a) An application for initial registration is not acceptable unless the applicant presents a
22 current photo identification of the owner containing a unique identification number and expiration
23 date. The current photo identification [~~document~~] must be a:

1 (1) driver's license or state identification certificate issued by a state or territory of
2 the United States;

3 (2) United States or foreign passport;

4 (3) United States military identification card;

5 (4) North Atlantic Treaty Organization identification or identification issued under a
6 Status of Forces Agreement;

7 (5) United States Department of Homeland Security, United States Citizenship and
8 Immigration Services, or United States Department of State identification document; or

9 (6) ~~concealed handgun license or~~ license to carry a handgun issued by the Texas
10 Department of Public Safety under Government Code, Chapter 411, Subchapter H.

11 (b) If the motor vehicle is titled in:

12 (1) more than one name, then the identification of one owner must be presented;

13 (2) the name of a leasing company, then:

14 (A) proof of the Federal Employer Identification Number/Employee
15 Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the
16 application, and can be entered into the department's titling system. The number must correspond
17 to the name of the leasing company in which the vehicle is being titled; and

18 (B) the leasing company may submit:

19 (i) a current ~~[government-issued]~~ photo identification, required
20 under this section, of the lessee listed as the registrant; or

21 (ii) a current ~~[government-issued]~~ photo identification, required
22 under this section, of the employee or authorized agent who signed the application for the leasing
23 company, and the employee's or authorized agent's employee identification, letter of

1 authorization written on the lessor's letterhead, or a printed business card. The printed business
2 card, employee identification, or letter of authorization written on the lessor's letterhead must
3 contain the name of the lessor, and the employee's or authorized agent's name must match the
4 name on the current [~~government issued~~] photo identification;

5 (3) the name of a trust, then a current [~~government issued~~] photo identification,
6 required under this section, of a trustee must be presented; or

7 (4) the name of a business, government entity, or organization, then:

8 (A) proof of the Federal Employer Identification Number/Employee
9 Identification Number (FEIN/EIN) of the business, government entity, or organization must be
10 submitted, written on the application, and can be entered into the department's titling system.

11 The number must correspond to the name of the business, government entity, or organization in
12 which the vehicle is being titled;

13 (B) the employee or authorized agent must present a current [~~government~~
14 ~~issued~~] photo identification, required under this section; and

15 (C) the employee's or authorized agent's employee identification; letter of
16 authorization written on the business', government entity's, or organization's letterhead; or a
17 printed business card. The printed business card, employee identification, or letter of
18 authorization written on the business', government entity's, or organization's letterhead must
19 contain the name of the business, governmental entity, or organization, and the employee's or
20 authorized agent's name must match the name on the current [~~government issued~~] photo
21 identification.

1 ~~[(c) Within this section, "current" is defined as not to exceed 12 months after the~~
2 ~~expiration date, except that a state-issued personal identification certificate issued to a qualifying~~
3 ~~person is considered current if the identification states that it has no expiration.]~~

4 (c)[(d)] Within this section, an identification document such as a printed business card,
5 letter of authorization, or power of attorney, may be an original or photocopy.

6 (d)[(e)] A person who holds a general distinguishing number issued under Transportation
7 Code, Chapter 503 ~~[or Occupations Code, Chapter 2301,]~~ is exempt from submitting to the county
8 tax assessor-collector, but must retain:

- 9 (1) the owner's identification, as required under this section; and
10 (2) authorization to sign, as required under this section.

11 (e)[(f)] A person who holds a general distinguishing number issued under Transportation
12 Code, Chapter 503 ~~[or Occupations Code, Chapter 2301,]~~ is not required to submit photo
13 identification or authorization for an employee or agent signing a title assignment with a secure
14 power of attorney.

15 (f)[(g)] This section does not apply to non-titled vehicles.

16
17 §217.27. Vehicle Registration Insignia.

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

21 (1) If the vehicle has a windshield, the vehicle registration insignia~~[the symbol, tab,~~
22 ~~or other device prescribed by and issued by the department]~~ shall be attached to the inside lower

1 left corner of the vehicle's front windshield in a manner that will not obstruct the vision of the
2 driver, unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1.

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

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

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

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

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

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

21 (1) must display two license plates that are clearly visible, readable, and legible,
22 one at the exterior front and one at the exterior rear of the vehicle that are securely fastened at
23 the exterior front and rear of the vehicle in an upright horizontal position of not less than 12

1 inches from the ground, measuring from the bottom[, ~~except that a vehicle described by~~
2 ~~Transportation Code, §621.2061 may place the rear plate so that it is clearly visible, readable, and~~
3 ~~legible~~]; or

4 (2) must display one plate that is securely fastened at or as close as practical to the
5 exterior rear of the vehicle in a position not less than 12 inches from the ground, measuring from
6 the bottom if the vehicle is a road tractor, motorcycle, trailer or semitrailer, except that a vehicle
7 described by Transportation Code, §621.2061 may place the rear plate so that it is clearly visible,
8 readable, and legible.

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

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

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

13 (A) vehicles described by Transportation Code, §502.0024 [~~trailers,~~
14 ~~semitrailers, or pole trailers not subject to inspection under §548.052(3)~~] may obtain a registration
15 insignia for a period consisting of 12, 24, 36, 48 or 60 consecutive months on payment of all fees
16 for each full year of registration; and

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

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

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

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

10 (1) The license plate number [~~alphanumeric pattern~~] conflicts with the
11 department's current or proposed general issue [~~regular~~] license plate numbering system.

12 (2) The director or the director's designee finds that the personalized license plate
13 number [~~alphanumeric pattern~~] may be considered objectionable. An objectionable license plate
14 number [~~alphanumeric pattern~~] may include words, [~~or~~] phrases, or slang in any language;
15 phonetic, numeric, or reverse spelling; acronyms; patterns viewed in mirror image; or code that
16 only a small segment of the community may be able to readily decipher. An objectionable pattern
17 may be viewed as:

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

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

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

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

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

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

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

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

17 (3) The license plate number [~~alphanumeric pattern~~] is currently on a license plate
18 issued to another owner.

19 (e) Notwithstanding the provisions of this section, the department may issue license plates
20 with personalized license plate numbers [~~alphanumeric patterns~~] that refer to:

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

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

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

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

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

20

21 §217.28. Vehicle Registration Renewal.

1 (a) To renew vehicle registration, a vehicle owner must apply to the tax assessor-collector
2 of the county in which the owner resides or a county tax assessor-collector who is willing to accept
3 the application.

4 (b) The department will send a registration renewal notice, indicating the proper
5 registration fee and the month and year the registration expires, to each vehicle owner prior to the
6 expiration of the vehicle's registration.

7 (c) The registration renewal notice should be returned by the vehicle owner to the county
8 tax assessor-collector in the county in which the owner resides or a county tax assessor-collector
9 who is willing to accept the application, or to that tax assessor-collector's deputy, either in person
10 or by mail, unless the vehicle owner renews via the Internet. The renewal notice must be
11 accompanied by the following documents and fees:

12 (1) registration renewal fees prescribed by law;

13 (2) any local fees or other fees prescribed by law and collected in conjunction with
14 registration renewal; and

15 (3) evidence of financial responsibility required by Transportation Code, §502.046,
16 unless otherwise exempted by law.

17 (d) If a registration renewal notice is lost, destroyed, or not received by the vehicle owner,
18 the vehicle may be registered if the owner presents personal identification acceptable to the
19 county tax assessor-collector or via the Internet. Failure to receive the notice does not relieve the
20 owner of the responsibility to renew the vehicle's registration.

21 (e) Renewal of expired vehicle registrations.

1 ~~[(1) In accordance with Transportation Code, §502.407, a vehicle with an expired~~
2 ~~registration may not be operated on the highways of the state after the fifth working day after the~~
3 ~~date a vehicle registration expires.]~~

4 (1)[(2)] If the owner has been arrested or cited for operating the vehicle without
5 valid registration then a 20% delinquency penalty is due when registration is renewed, the full
6 annual fee will be collected, and the vehicle registration expiration month will remain the same.

7 (2)[(3)] If the county tax assessor-collector or the department determines that a
8 registrant has a valid reason for being delinquent in registration, the vehicle owner will be
9 required to pay for 12 months' registration. Renewal will establish a new registration expiration
10 month that will end on the last day of the eleventh month following the month of registration
11 renewal.

12 (3)[(4)] If the county tax assessor-collector or the department determines that a
13 registrant does not have a valid reason for being delinquent in registration, the full annual fee will
14 be collected and the vehicle registration expiration month will remain the same.

15 (4)[(5)] Specialty license plates, symbols, tabs, or other devices may be prorated as
16 provided in §217.45(d)(2) of this title (relating to Specialty License Plates, Symbols, Tabs, and
17 Other Devices).

18 (5)[(6)] Evidence of a valid reason may include receipts, passport dates, and military
19 orders. Valid reasons may include:

- 20 (A) extensive repairs on the vehicle;
- 21 (B) the person was out of the country;
- 22 (C) the vehicle is used only for seasonal use;
- 23 (D) military orders;

- 1 (E) storage of the vehicle;
- 2 (F) a medical condition such as an extended hospital stay; and
- 3 (G) any other reason submitted with evidence that the county tax assessor-
- 4 collector or the department determines is valid.

5 (6) The operation of a vehicle with an expired registration that has been stored or

6 otherwise not in operation that is driven only to an inspection station for the purpose of obtaining

7 an inspection, if applicable, required for registration, will not affect the determination of whether

8 the registrant has a valid or invalid reason for being delinquent.

9 (f) For purposes of Transportation Code §502.407(c), the county tax assessor-collector's

10 office of the county in which the owner resides is closed for a protracted period of time if the

11 county tax assessor-collector's office has notified the department that it is closed or will be closed

12 for more than one week.

13

14 §217.29. Vehicle Registration Renewal via Internet.

15 (a) Internet registration renewal program. The department will maintain a uniform Internet

16 registration renewal process. This process will provide for the renewal of vehicle registrations via

17 the Internet and will be in addition to vehicle registration procedures provided for in §217.28 of

18 this title (relating to Vehicle Registration Renewal). The Internet registration renewal program will

19 be facilitated by a third-party vendor.

20 (b) County participation in program. All county tax assessor-collectors shall process

21 registration renewals through an online system designated by the department.

1 (c) Eligibility of individuals for participation. To be eligible to renew a vehicle's registration
2 via the Internet, the vehicle owner must meet all criteria for registration renewal outlined in this
3 subchapter and in Transportation Code, Chapter 502.

4 ~~[(d) Fees. This subsection applies to vehicle registrations expiring prior to January 1, 2017~~
5 ~~that are submitted for renewal prior to July 1, 2017. A vehicle owner who renews registration via~~
6 ~~the Internet must pay:]~~

7 ~~[(1) registration fees prescribed by law;]~~

8 ~~[(2) any local fees or other fees prescribed by law and collected in conjunction with~~
9 ~~registering a vehicle;]~~

10 ~~[(3) a fee of \$1 for the processing of a registration renewal by mail in accordance~~
11 ~~with Transportation Code, §502.197(a); and]~~

12 ~~[(4) a convenience fee of \$2 for the processing of an electronic registration renewal~~
13 ~~paid by a credit card payment in accordance with Transportation Code, §1001.009.]~~

14 (d)~~[(e)]~~ Information to be submitted by vehicle owner. A vehicle owner who renews
15 registration via the Internet must submit or verify the following information:

16 (1) registrant information, including the vehicle owner's name and county of
17 residence;

18 (2) vehicle information, including the license plate number of the vehicle to be
19 registered;

20 (3) insurance information, including the name of the insurance company, the name
21 of the insurance company's agent (if applicable), the telephone number of the insurance company
22 or agent (local or toll free number serviced Monday through Friday 8:00 a.m. to 5:00 p.m.), the
23 insurance policy number, and representation that the policy meets all applicable legal standards;

1 (4) credit card information, including the type of credit card, the name appearing
2 on the credit card, the credit card number, and the expiration date; and

3 (5) other information prescribed by rule or statute.

4 ~~[(f) Duties of the county. For vehicle registrations that expire prior to January 1, 2017 that
5 are submitted for renewal prior to July 1, 2017, a county tax assessor-collector shall:]~~

6 ~~[(1) accept electronic payment for vehicle registration renewal via the Internet;]~~

7 ~~[(2) execute an agreement with the department as provided by the director;]~~

8 ~~[(3) process qualified Internet registration renewal transactions as submitted by the
9 third-party vendor;]~~

10 ~~[(4) communicate with the third-party vendor and applicants via email, regular
11 mail, or other means, as specified by the director;]~~

12 ~~[(5) promptly mail renewal registration validation stickers and license plates to
13 applicants;]~~

14 ~~[(6) ensure that all requirements for registration renewal are met, including all
15 requirements set forth in this subchapter, and in Transportation Code, Chapter 502;]~~

16 ~~[(7) reject applications that do not meet all requirements set forth in this chapter,
17 and in Transportation Code, Chapter 502; and]~~

18 ~~[(8) register each vehicle for a 12-month period.]~~

19 ~~(e)[(g)] Duties of the county. [For vehicle registrations that expire on or after January 1,
20 2017, and registrations that expired prior to January 1, 2017 that are submitted for renewal on or
21 after July 1, 2017,] A[a] county tax assessor-collector shall:~~

22 (1) accept electronic payment for vehicle registration renewal via the Internet;

23 (2) execute an agreement with the department as provided by the director;

1 (3) process qualified Internet registration renewal transactions as submitted by the
2 third-party vendor;

3 (4) communicate with the third-party vendor and applicants via email, regular mail,
4 or other means, as specified by the director;

5 (5) reject applications that do not meet all requirements set forth in this chapter,
6 and in Transportation Code, Chapter 502; and

7 (6) register each vehicle for a 12-month period.

8 ~~(f)(h)~~ Duties of the department. For vehicle registration renewals [~~registrations~~] that are
9 submitted via the Internet, the department and its centralized third-party vendor shall promptly
10 facilitate and mail vehicle registration insignias to applicants [~~expire on or after January 1, 2017,~~
11 ~~and registrations that expired prior to January 1, 2017 that are submitted for renewal on or after~~
12 ~~July 1, 2017, the department shall promptly mail renewal registration validation stickers and~~
13 ~~license plates to applicants~~].

14

15 §217.31. Heavy Vehicle Use Tax.

16 (a) As applicable, an applicant must provide proof of payment of the heavy vehicle use tax
17 imposed by 26 U.S.C. §4481, et seq. and 26 C.F.R. Part 41 with an application under this chapter as
18 required by 26 C.F.R. §41.6001-2.

19 (b) The department adopts by reference 26 C.F.R. §41.6001-2.

20

21 §217.33. Commercial Farm Motor Vehicles, Farm Trailers, and Farm Semitrailers.

22 (a) An applicant must provide a properly completed application for farm license plates.

23 Except as provided by subsection (d) of this section, the application must be accompanied by proof

1 of the applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas
2 Comptroller of Public Accounts. Proof of the registration number must be:

3 (1) legible;

4 (2) current; and

5 (3) in the name of the person or dba in which the vehicle is or will be registered,
6 pursuant to Transportation Code, §502.146 and §502.433.

7 (b) A registration renewal of farm license plates must be accompanied by proof of the
8 applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas
9 Comptroller of Public Accounts.

10 (c) In accordance with Transportation Code, §502.146 and §502.433, an applicant's Texas
11 Agriculture or Timber Exemption Registration Number may be verified through the online system
12 established by the Comptroller.

13 (d) A farmers' cooperative society incorporated under Agriculture Code, Chapter 51, or a
14 marketing association organized under Agriculture Code, Chapter 52 applying for or renewing the
15 registration of farm license plates under this section is not required to submit proof of the
16 applicant's Texas Agriculture or Timber Exemption Registration issued by the Texas Comptroller of
17 Public Accounts.

18

19 §217.36. Refusal to Register by Local Government and Record Notation.

20 (a) Enforcement of traffic warrant. A municipality may enter into a contract with the
21 department under Government Code, Chapter 791, to indicate in the state's motor vehicle records
22 that the owner of the vehicle is a person for whom a warrant of arrest is outstanding for failure to
23 appear or who has failed to pay a fine on a complaint involving a violation of a traffic law. In

1 accordance with Transportation Code, §702.003, a county tax assessor-collector may refuse to
2 register a motor vehicle if such a failure is indicated in the motor vehicle record for that motor
3 vehicle. A municipality is responsible for obtaining the agreement of the county in which the
4 municipality is located to refuse to register motor vehicles for failure to pay civil penalties imposed
5 by the municipality.

6 (b) Refusal to register vehicle in certain counties. A county may enter into a contract with
7 the department under Government Code, Chapter 791 to indicate in the state's motor vehicle
8 records that the owner of the vehicle has failed to pay a fine, fee, or tax that is past due. In
9 accordance with Transportation Code, §502.010, a county tax assessor-collector may refuse to
10 register a motor vehicle if such a failure is indicated in the motor vehicle record for that motor
11 vehicle.

12 (c) Record notation. A contract between the department and a county, municipality, or
13 local authority entered into under Transportation Code §502.010 or Transportation Code §702.003
14 will contain the terms set out in this subsection.

15 (1) To place or remove a registration denial flag on a vehicle record, the contracting
16 entity must submit data electronically by secure file transfer protocol [~~a magnetic tape~~] or other
17 acceptable submission medium as determined by the department in a format prescribed by the
18 department.

19 (2) The information submitted by the contracting entity will include, at a minimum,
20 the vehicle identification number and the license plate number of the affected vehicle.

21 (3) If the contracting entity data submission contains bad or corrupted data, the
22 submission medium will be returned to the contracting entity with no further action by the
23 department.

1 (4) The secure file transfer protocol [~~magnetic tape~~] or other submission medium
2 must be submitted to the department from a single source within the contracting entity.

3 (5) The submission of a secure file transfer protocol [~~magnetic tape~~] or other
4 submission medium to the department by a contracting entity constitutes a certification by that
5 entity that it has complied with all applicable laws.

6

7 §217.37. Fees.

8 [~~(a)~~] The department and the county will charge required fees, and only those fees
9 provided by statute or rule.

10 [~~(b) A \$2 fee for a duplicate registration receipt will be charged if a receipt is printed for~~
11 ~~the customer.~~]

12

13 §217.40. Special Registrations.

14 (a) Purpose and scope. Transportation Code, Chapter 502, Subchapters C and I, charge the
15 department with the responsibility of issuing special registration permits and special registration
16 license plates, which shall be recognized as legal registration for the movement of motor vehicles
17 not authorized to travel on Texas public highways for lack of registration or for lack of reciprocity
18 with the state or country in which the vehicles are registered. For the department to efficiently
19 and effectively perform these duties, this section prescribes the policies and procedures for the
20 application and the issuance of special [~~temporary~~] registration permits and special registration
21 license plates.

22 (b) Permit categories. The department will issue the following categories of special
23 registration permits.

1 (1) Additional weight permits in accordance with Transportation Code, §502.434.

2 ~~[The owner of a truck, truck tractor, trailer, or semitrailer may purchase temporary additional~~
3 ~~weight permits for the purpose of transporting the owner's own seasonal agricultural products to~~
4 ~~market or other points for sale or processing in accordance with Transportation Code, §502.434. In~~
5 ~~addition, such vehicles may be used for the transportation without charge of seasonal laborers~~
6 ~~from their place of residence, and materials, tools, equipment, and supplies from the place of~~
7 ~~purchase or storage, to a farm or ranch exclusively for use on such farm or ranch.]~~

8 ~~[(A) Additional weight permits are valid for a limited period of less than one~~
9 ~~year.]~~

10 ~~[(B) An additional weight permit will not be issued for a period of less than~~
11 ~~one month or extended beyond the expiration of a license plate issued under Transportation Code,~~
12 ~~Chapter 502.]~~

13 ~~[(C) The statutory fee for an additional weight permit is based on a~~
14 ~~percentage of the difference between the owner's annual registration fee and the annual fee for~~
15 ~~the desired gross vehicle weight computed as follows:]~~

16 ~~[(i) one month (or 30 consecutive days) 10%;]~~

17 ~~[(ii) one quarter (three consecutive months) 30%;]~~

18 ~~[(iii) two quarters (six consecutive months) 60%; or]~~

19 ~~[(iv) three quarters (nine consecutive months) 90%.]~~

20 ~~[(D) Additional weight permits are issued for calendar quarters with the first~~
21 ~~quarter to begin on April 1st of each year.]~~

22 ~~(A)~~(E) A permit will not be issued unless the registration fee for hauling
23 the additional weight has been paid prior to the actual hauling.

1 ~~(B)~~~~(F)~~ An applicant must provide proof of the applicant's Texas Agriculture
2 or Timber Exemption Registration Number issued by the Texas Comptroller of Public Accounts.

3 Proof of the registration number must be:

4 (i) legible;

5 (ii) current;

6 (iii) in the name of the person or dba in which the vehicle is or will
7 be registered; and

8 (iv) verifiable through the online system established by the
9 Comptroller.

10 (2) Annual permits in accordance with Transportation Code, §502.093.

11 (A) ~~[Transportation Code, §502.093 authorizes the department to issue~~
12 ~~annual permits to provide for the movement of foreign commercial vehicles that are not~~
13 ~~authorized to travel on Texas highways for lack of registration or for lack of reciprocity with the~~
14 ~~state or country in which the vehicles are registered.]~~ The department will issue annual permits:

15 (i) for a 12-month period designated by the department which
16 begins on the first day of a calendar month and expires on the last day of the last calendar month
17 in that annual registration period; and

18 (ii) to each vehicle or combination of vehicles for the registration
19 fee prescribed by weight classification in Transportation Code, §502.253 and §502.255.

20 ~~[(B) The department will not issue annual permits for the importation of~~
21 ~~citrus fruit into Texas from a foreign country except for foreign export or processing for foreign~~
22 ~~export.]~~

1 ~~(B)~~~~(C)~~ The following exemptions apply to vehicles displaying annual
2 permits.

3 ~~(i)~~ Currently registered foreign semitrailers having a gross weight
4 in excess of 6,000 pounds used or to be used in combination with commercial motor vehicles or
5 truck tractors having a gross vehicle weight in excess of 10,000 pounds are exempted from the
6 requirements to pay the token fee and display the associated distinguishing license plate provided
7 for in Transportation Code, §502.255. An annual permit is required for the power unit only. For
8 vehicles registered in combination, the combined gross weight may not be less than 18,000
9 pounds.

10 ~~(ii) Vehicles registered with annual permits are not subject to the~~
11 ~~optional county registration fee under Transportation Code, §502.401; the optional county fee for~~
12 ~~transportation projects under Transportation Code, §502.402; or the optional registration fee for~~
13 ~~child safety under Transportation Code, §502.403.]~~

14 (C) Upon approval of an application, the department will issue one license
15 plate for a trailer, semitrailer, or foreign commercial motor vehicle as defined in Transportation
16 Code, §648.001(4). The license plate issued to a truck-tractor shall be installed on the front of the
17 truck-tractor. For other types of vehicles, the license plate issued shall displayed as required by
18 §217.27(b) of this title (relating to Vehicle Registration Insignia).

19 (3) 72-hour permits and 144-hour permits in accordance with Transportation Code,
20 §502.094.

21 ~~(A) In accordance with Transportation Code, §502.094, the department will~~
22 ~~issue a permit valid for 72 hours or 144 hours for the movement of commercial motor vehicles,~~

1 trailers, semitrailers, and motor buses owned by residents of the United States, Mexico, or
2 Canada.]

3 [(B) A 72-hour permit or a 144-hour permit is valid for the period of time
4 stated on the permit beginning with the effective day and time as shown on the permit registration
5 receipt.]

6 [(C) Vehicles displaying 72-hour permits or 144-hour permits are subject to
7 vehicle safety inspection in accordance with Transportation Code, §548.051, except for:]

8 [(i) vehicles currently registered in another state of the United
9 States, Mexico, or Canada; and]

10 [(ii) mobile drilling and servicing equipment used in the production
11 of gas, crude petroleum, or oil, including, but not limited to, mobile cranes and hoisting
12 equipment, mobile lift equipment, forklifts, and tugs.]

13 [(D) The department will not issue a 72-hour permit or a 144-hour permit to
14 a commercial motor vehicle, trailer, semitrailer, or motor bus apprehended for violation of Texas
15 registration laws. Apprehended vehicles must be registered under Transportation Code, Chapter
16 502.]

17 [(4) Temporary agricultural permits.]

18 [(A) Transportation Code, §502.092 authorizes the department to issue a
19 30-day temporary nonresident registration permit to a nonresident for any truck, truck tractor,
20 trailer, or semitrailer to be used in the movement of all agriculture products produced in Texas:]

21 [(i) from the place of production to market, storage, or railhead not
22 more than 75 miles from the place of production; or]

1 ~~[(ii) to be used in the movement of machinery used to harvest~~
2 ~~Texas-produced agricultural products.]~~

3 ~~[(B) The department will issue a 30-day temporary nonresident registration~~
4 ~~permit to a nonresident for any truck, truck tractor, trailer, or semitrailer used to move or harvest~~
5 ~~farm products, produced outside of Texas, but:]~~

6 ~~[(i) marketed or processed in Texas; or]~~

7 ~~[(ii) moved to points in Texas for shipment from the point of entry~~
8 ~~into Texas to market, storage, processing plant, railhead or seaport not more than 80 miles from~~
9 ~~such point of entry into Texas.]~~

10 ~~[(C) The statutory fee for temporary agricultural permits is one-twelfth of~~
11 ~~the annual Texas registration fee prescribed for the vehicle for which the permit is issued.]~~

12 ~~[(D) The department will issue a temporary agricultural permit only when~~
13 ~~the vehicle is legally registered in the nonresident's home state or country for the current~~
14 ~~registration year.]~~

15 ~~[(E) The number of temporary agricultural permits is limited to three~~
16 ~~permits per nonresident owner during any one vehicle registration year.]~~

17 ~~[(F) Temporary agricultural permits may not be issued to farm licensed~~
18 ~~trailers or semitrailers.]~~

19 (c) License plate categories. The department will issue the following categories of special
20 registration license plates.

21 ~~(1)~~~~[(5)] One-trip license plates in accordance with [permits]Transportation Code,~~
22 §502.095_ ~~[authorizes the department to temporarily register any unladen vehicle upon application~~
23 ~~to provide for the movement of the vehicle for one trip, when the vehicle is subject to Texas~~

1 ~~registration and not authorized to travel on the public roadways for lack of registration or lack of~~
2 ~~registration reciprocity.]~~

3 ~~[(A) Upon receipt of the \$5 fee, registration will be valid for one trip only~~
4 ~~between the points of origin and destination and intermediate points as may be set forth in the~~
5 ~~application and registration receipt.]~~

6 ~~[(B) The department will issue a one-trip permit to a bus which is not~~
7 ~~covered by a reciprocity agreement with the state or country in which it is registered to allow for~~
8 ~~the transit of the vehicle only. The vehicle should not be used for the transportation of any~~
9 ~~passenger or property, for compensation or otherwise, unless such bus is operating under charter~~
10 ~~from another state or country.]~~

11 ~~[(C) A one-trip permit is valid for a period up to 15 days from the effective~~
12 ~~date of registration.]~~

13 ~~(A)[(D)] A one-trip license plate[permit] may not be issued for a trip which~~
14 ~~both originates and terminates outside Texas.~~

15 ~~(B)[(E)] A laden motor vehicle or a laden commercial vehicle cannot display~~
16 ~~a one-trip license plate[permit]. If the vehicle is unregistered, it must operate with a 72-hour or~~
17 ~~144-hour permit.~~

18 ~~(C) A one-trip license plate must be displayed as required by §217.27(b) of~~
19 ~~this title (relating to Vehicle Registration Insignia).~~

20 ~~(2)[(6)] 30-day license plates in accordance with [temporary registration~~
21 ~~permits]Transportation Code, §502.095 [authorizes the department to issue a temporary~~
22 ~~registration permit valid for 30 days for a \$25 fee.~~

1 (A) A vehicle operated on a 30-day license plate [~~temporary permit~~] is not
2 restricted to a specific route. The 30-day license plate [~~permit~~] is available for:
3 (i) [~~(A)~~] passenger vehicles;
4 [~~(B) motorcycles;~~]
5 (ii) [~~(C)~~] private buses;
6 (iii) [~~(D)~~] trailers and semitrailers with a gross weight not exceeding
7 10,000 pounds;
8 (iv) [~~(E)~~] light commercial vehicles not exceeding a gross weight of
9 10,000 pounds; and
10 (v) [~~(F)~~] a commercial vehicle exceeding 10,000 pounds, provided the
11 vehicle is operated unladen.

12 (B) A 30-day license plate must be displayed as required by §217.27(b) of
13 this title (relating to Vehicle Registration Insignia).

14 (d) [~~(e)~~] Application process.

15 (1) Procedure. An owner who wishes to apply for a special [~~temporary~~] registration
16 permit or special registration license plate for a vehicle which is otherwise required to be
17 registered in accordance with this subchapter, must do so on a form prescribed by the
18 department.

19 (2) Form requirements. The application form will at a minimum require:

20 (A) the signature of the owner;

21 (B) the name and complete address of the applicant; and

22 (C) the vehicle description.

23 (3) Fees and documentation. The application must be accompanied by:

1 (A) statutorily prescribed fees, [~~unless the applicant is exempt from fees~~
2 ~~under Transportation Code, §501.0236 and provides the letter specified in §217.16(c) of this title~~
3 ~~(relating to Application for Title When Dealer Goes Out of Business);~~]

4 (B) evidence of financial responsibility:

5 (i) as required by Transportation Code, Chapter 502, Subchapter B,
6 provided that all policies written for the operation of motor vehicles must be issued by an
7 insurance company or surety company authorized to write motor vehicle liability insurance in
8 Texas; or

9 (ii) if the applicant is a motor carrier as defined by §218.2 of this
10 title (relating to Definitions), indicating that the vehicle is registered in compliance with Chapter
11 218, Subchapter B of this title (relating to Motor Carrier Registration); and

12 (C) any other documents or fees required by law.

13 (4) Place of application.

14 (A) All applications for annual permits must be submitted directly to the
15 department for processing and issuance.

16 (B) Additional weight permits [~~and temporary agricultural permits~~] may be
17 obtained by making application with the department through the county tax assessor-collectors'
18 offices.

19 (C) 72-hour and 144-hour permits, one-trip license plates [~~permits~~], and 30-
20 day license plates [~~temporary registration permits~~] may be obtained by making application either
21 with the department or the county tax assessor-collectors' offices.

22 (e)[~~(d)~~] Receipt for special registration permit or special registration license plate in lieu of
23 registration. A receipt will be issued for each special registration permit or special registration

1 license plate in lieu of registration to be carried in the vehicle during the time the special
2 registration permit or special registration license plate is valid. [~~A one-trip or 30-day trip permit~~
3 ~~must be displayed as required by Transportation Code, §502.095(f).~~] If the receipt is lost or
4 destroyed, the owner must obtain a duplicate from the department or from the county office. The
5 fee for the duplicate receipt is the same as the fee required by Transportation Code, §502.058.

6 (f)[(e)] Transfer of special registration [~~temporary~~] permits or special registration license
7 plates.

8 (1) Special registration [~~Temporary~~] permits and special registration license plates
9 are non-transferable between vehicles and/or owners.

10 (2) If the owner of a vehicle displaying a special registration [~~temporary~~] permit or a
11 special registration license plate disposes of the vehicle during the time the permit or license plate
12 is valid, the permit or license plate must be returned to the county tax assessor-collector office or
13 department immediately.

14 (g)[(f)] Replacement permits. Vehicle owners displaying annual permits may obtain
15 replacement permits if an annual permit is lost, stolen, or mutilated.

16 (1) The fee for a replacement annual permit is the same as for a replacement
17 number plate, symbol, tab, or other device as provided by Transportation Code, §502.060.

18 (2) The owner shall apply directly to the department in writing for the issuance of a
19 replacement annual permit. Such request should include a copy of the registration receipt
20 and replacement fee.

21 (h)[(g)] Agreements with other jurisdictions. In accordance with Transportation Code,
22 §502.091, and Chapter 648, the executive director of the department may enter into a written
23 agreement with an authorized officer of a state, province, territory, or possession of a foreign

1 country to provide for the exemption from payment of registration fees by nonresidents, if
2 residents of this state are granted reciprocal exemptions. The executive director may enter into
3 such agreement only upon:

4 (1) the approval of the governor; and

5 (2) making a determination that the economic benefits to the state outweigh all
6 other factors considered.

7 (i)~~(h)~~ Border commercial zones.

8 (1) Texas registration required. A vehicle located in a border commercial zone must
9 display a valid Texas registration if the vehicle is owned by a person who:

10 (A) owns a leasing facility or a leasing terminal located in Texas; and

11 (B) leases the vehicle to a foreign motor carrier.

12 (2) Exemption for trips of short duration. Except as provided by paragraph (1) of
13 this subsection, a foreign commercial vehicle operating in accordance with Transportation Code,
14 Chapter 648 is exempt from the display of a temporary registration permit if:

15 (A) the vehicle is engaged solely in the transportation of cargo across the
16 border into or from a border commercial zone;

17 (B) for each load of cargo transported the vehicle remains in this state for:

18 (i) not more than 24 hours; or

19 (ii) not more than 48 hours, if:

20 (I) the vehicle is unable to leave this state within 24 hours
21 because of circumstances beyond the control of the motor carrier operating the vehicle; and

22 (II) all financial responsibility requirements applying to this
23 vehicle are satisfied;

1 (C) the vehicle is registered and licensed as required by the country in which
2 the person that owns the vehicle is domiciled or is a citizen as evidenced by a valid metal license
3 plate attached to the front or rear exterior of the vehicle; and

4 (D) the country in which the person who owns the vehicle is domiciled or is
5 a citizen provides a reciprocal exemption for commercial motor vehicles owned by residents of
6 Texas.

7 (3) Exemption due to reciprocity agreement. Except as provided by paragraph (1) of
8 this subsection, a foreign commercial motor vehicle in a border commercial zone in this state is
9 exempt from the requirement of obtaining a Texas registration if the vehicle is currently registered
10 in another state of the United States or a province of Canada with which this state has a reciprocity
11 agreement that exempts a vehicle that is owned by a resident of this state and that is currently
12 registered in this state from registration in the other state or province.

13

14 §217.41. Disabled Person License Plates and Disabled Parking Placards.

15 (a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with the
16 responsibility for issuing specially designed license plates and disabled parking placards for
17 disabled persons. For the department to perform these duties efficiently and effectively, this
18 section prescribes the policies and procedures for the application, issuance, and renewal of
19 disabled person license plates and disabled parking placards.

20 (b) Issuance.

21 (1) For purposes of this section, "disabled person" means a person eligible for
22 issuance of a license plate bearing the International Symbol of Access under Transportation Code
23 §504.201, including a qualifying disabled veteran under §504.202(b-1).

1 (2) Disabled person license plates.

2 (A) Eligibility. In accordance with Transportation Code §504.201 and
3 §504.202(b-1) and (b-2), the department will issue specially designed license plates displaying the
4 International Symbol of Access to permanently disabled persons or their transporters instead of
5 general issue [~~regular motor vehicle~~] license plates. As satisfactory proof of eligibility, an
6 organization that transports disabled veterans who would qualify for license plates issued under
7 Transportation Code §504.202(b-1) must provide a written statement from the veteran's county
8 service officer of the county in which a vehicle described by Transportation Code §504.202(c) is
9 registered or by the Department of Veterans Affairs that:

10 (i) the vehicle is used exclusively to transport veterans of the United
11 States armed forces who have suffered, as a result of military service, a service-connected
12 disability;

13 (ii) the vehicle regularly transports veterans who are eligible to
14 receive license plates under Subsection (b-1); and

15 (iii) the veterans are not charged for the transportation.

16 (B) Specialty license plates. The department will issue disabled person
17 specialty license plates displaying the International Symbol of Access that can accommodate the
18 identifying insignia and that are issued in accordance with §217.43 or §217.45 of this title.

19 (C) License plate number. Disabled person license plates will bear a license
20 plate number assigned by the department or will bear a personalized license plate number issued
21 in accordance with §217.43 or §217.45 of this title.

22 (3) Windshield disabled parking placards.

1 (A) Issuance. The department will issue removable windshield disabled
2 parking placards to temporarily or permanently disabled persons and to the transporters of
3 permanently disabled persons, as provided under Transportation Code §§504.201, 504.202 (b-1)
4 and (b-2), and 681.004.

5 (B) Display. A person who has been issued a windshield disabled parking
6 placard shall hang the placard from a vehicle's rearview mirror when the vehicle is parked in a
7 disabled person parking space or shall display the placard on the center portion of the dashboard if
8 the vehicle does not have a rearview mirror.

9 (c) Renewal of disabled person license plates. Disabled person license plates are valid for a
10 period of 12 months from the date of issuance and are renewable as specified in §§217.28, 217.43,
11 and 217.45 of this title.

12 (d) Replacement.

13 (1) License plates. If a disabled person metal license plate is lost, stolen, or
14 mutilated, the owner may obtain a replacement metal license plate by applying with a county tax
15 assessor-collector.

16 (A) Accompanying documentation. To replace disabled person metal license
17 plates, the owner must present the current year's registration receipt and personal identification
18 acceptable to the county tax assessor-collector.

19 (B) Absence of accompanying documentation. If the current year's
20 registration receipt is not available and the county tax assessor-collector cannot verify that the
21 disabled person metal license plates were issued to the owner, the owner must reapply in
22 accordance with this section.

1 (2) Disabled parking placards. If a disabled parking placard becomes lost, stolen, or
2 mutilated, the owner may obtain a new disabled parking placard in accordance with this section.

3 (e) Transfer of disabled person license plates and disabled parking placards.

4 (1) License plates.

5 (A) Transfer between persons. Disabled person license plates may not be
6 transferred between persons. An owner who sells or trades a vehicle to which disabled person
7 license plates have been issued shall remove the disabled person license plates from the vehicle.
8 The owner shall return the license plates to the department and shall obtain appropriate
9 replacement license plates to place on the vehicle prior to any transfer of ownership.

10 (B) Transfer between vehicles. Disabled person license plates may be
11 transferred between vehicles if the county tax assessor-collector or the department can verify the
12 plate ownership and the owner of the vehicle is a disabled person or the vehicle is used to
13 transport a disabled person.

14 (i) Plate ownership verification may include:

15 (I) a Registration and Title System (RTS) inquiry;

16 (II) a copy of the department application for disabled person
17 license plates; or

18 (III) the owner's current registration receipt.

19 (ii) An owner who sells or trades a vehicle with disabled person
20 license plates must remove the plates from the vehicle.

21 (iii) The department will provide a form that persons may use to
22 facilitate a transfer of disabled person license plates between vehicles.

23 (2) Disabled parking placards.

1 (A) Transfer between vehicles. Disabled parking placards may be displayed
2 in any vehicle driven by the disabled person or in which the disabled person is a passenger.

3 (B) Transfer between persons. Disabled parking placards may not be
4 transferred between persons.

5 (f) Seizure and revocation of disabled parking placard.

6 (1) If a law enforcement officer seizes and destroys a disabled parking placard
7 under Transportation Code §681.012, the officer shall notify the department by email.

8 (2) The person to whom the seized disabled parking placard was issued may apply
9 for a new disabled parking placard by submitting an application to the county tax assessor-
10 collector of the county in which the person with the disability resides or in which the applicant is
11 seeking medical treatment.

12

13 §217.43. Military Specialty License Plates.

14 (a) Purpose and Scope. Transportation Code, Chapter 504 authorizes the department to
15 issue military specialty license plates. This section prescribes the policies and procedures for the
16 application, issuance, and renewal of military specialty license plates.

17 (b) Classification and fees. The department will issue specialty license plates for the
18 military and charge fees as authorized by Transportation Code, §504.202 and Chapter 504,
19 Subchapter D.

20 (c) Application. Applications for military specialty license plates must be made to the
21 department and include evidence of eligibility. The evidence of eligibility may include, but is not
22 limited to:

23 (1) an official document issued by a governmental entity;

- 1 (2) a letter issued by a governmental entity on that agency's letterhead;
- 2 (3) discharge papers;
- 3 (4) a death certificate; or
- 4 (5) an identification card issued by any branch of the military under the jurisdiction
- 5 of the United States Department of Defense or the United States Department of Homeland
- 6 Security indicating that the member is retired.

7 (d) Period. Military specialty license plates shall be valid for 12 months from the month of
8 issuance or for a prorated period of at least 12 months coinciding with the expiration of
9 registration and may be replaced in accordance with §217.32 of this title (relating to Replacement
10 of License Plates, Symbols, Tabs, and Other Devices).

11 (e) Assignment and Transfer. Military license plates may not be assigned and may only be
12 transferred to another vehicle owned by the same vehicle owner.

13 (f) Applicability. Section 217.45 of this title (relating to Specialty License Plates, Symbols,
14 Tabs, and Other Devices) applies to military license plates, symbols, tabs, or other devices as to:

- 15 (1) what is considered one set of license plates per vehicle as determined by vehicle
- 16 type;
- 17 (2) issuance of validation tabs and insignia;
- 18 (3) stolen or replaced license plates;
- 19 (4) payment of other applicable fees;
- 20 (5) personalization, except that Congressional Medal of Honor license plates may
- 21 not be personalized;

1 (6) renewal, except that the owner of a vehicle with Congressional Medal of Honor
2 license plates must return the documentation and specialty license plate fee, if any, directly to the
3 department;

4 (7) refunds; and

5 (8) expiration.

6

7 §217.45. Specialty License Plates, Symbols, Tabs, and Other Devices.

8 (a) Purpose and Scope. Transportation Code, Chapters 504, 551, and 551A charge the
9 department with providing specialty license plates, symbols, tabs, and other devices. For the
10 department to perform these duties efficiently and effectively, this section prescribes the policies
11 and procedures for the application, issuance, and renewal of specialty license plates, symbols,
12 tabs, and other devices, through the county tax assessor-collectors, and establishes application
13 fees, expiration dates, and registration periods for certain specialty license plates. This section
14 does not apply to military license plates except as provided by §217.43 of this title (relating to
15 Military Specialty License Plates).

16 (b) Initial application for specialty license plates, symbols, tabs, or other devices.

17 (1) Application Process.

18 (A) Procedure. An owner of a vehicle registered as specified in this
19 subchapter who wishes to apply for a specialty license plate, symbol, tab, or other device must do
20 so on a form prescribed by the director.

21 (B) Form requirements. The application form shall at a minimum require the
22 name and complete address of the applicant.

23 (2) Fees and Documentation.

1 (A) The application must be accompanied by the prescribed registration fee,
2 unless exempted by statute.

3 (B) The application must be accompanied by the statutorily prescribed
4 specialty license plate fee. [~~If a registration period is greater than 12 months, the expiration date~~
5 ~~of a specialty license plate, symbol, tab, or other device will be aligned with the registration period~~
6 ~~and the specialty plate fee will be adjusted to yield the appropriate fee. If the statutory annual fee~~
7 ~~for a specialty license plate is \$5 or less, it will not be prorated.]~~

8 (C) Specialty license plate fees will not be refunded after an application is
9 submitted and the department has approved issuance of the license plate.

10 (D) The application must be accompanied by prescribed local fees or other
11 fees that are collected in conjunction with registering a vehicle, with the exception of vehicles
12 bearing license plates that are exempt by statute from these fees.

13 (E) The application must include evidence of eligibility for any specialty
14 license plates. The evidence of eligibility may include, but is not limited to:

15 (i) an official document issued by a governmental entity; or
16 (ii) a letter issued by a governmental entity on that agency's
17 letterhead.

18 (F) Initial applications for license plates for display on Exhibition Vehicles
19 must include a photograph of the completed vehicle.

20 (3) Place of application. Applications for specialty license plates may be made
21 directly to the county tax assessor-collector of the county in which the owner resides or a county
22 tax assessor-collector who is willing to accept the application, except that applications for the
23 following license plates must be made directly to the department:

- 1 (A) County Judge;
- 2 (B) Federal Administrative Law Judge;
- 3 (C) State Judge;
- 4 (D) State Official;
- 5 (E) U.S. Congress--House;
- 6 (F) U.S. Congress--Senate; and
- 7 (G) U.S. Judge.

8 (4) Gift plates.

9 (A) A person may purchase general distribution specialty license plates as a
10 gift for another person if the purchaser submits an application for the specialty license plates that
11 provides:

12 (i) the name and address of the person who will receive the license
13 plates; and

14 (ii) the vehicle identification number of the vehicle on which the
15 license plates will be displayed.

16 (B) To be valid for use on a motor vehicle, the recipient of the license plates
17 must file an application with the county tax assessor-collector and pay the statutorily required
18 registration fees in the amount as provided by Transportation Code, Chapter 502 and this
19 subchapter.

20 (c) Initial issuance of specialty license plates, symbols, tabs, or other devices.

21 (1) Issuance. On receipt of a completed initial application for registration,
22 accompanied by the prescribed documentation and fees, the department will issue specialty
23 license plates, symbols, tabs, or other devices to be displayed on the vehicle for which the license

1 plates, symbols, tabs, or other devices were issued for the current registration period. If the
2 vehicle for which the specialty license plates, symbols, tabs, or other devices are issued is currently
3 registered, the owner must surrender the license plates currently displayed on the vehicle, along
4 with the corresponding license receipt, before the specialty license plates may be issued.

5 (2) Classic Motor Vehicles, Classic Travel Trailers, Custom Vehicles, Street Rods, and
6 Exhibition Vehicles.

7 (A) License plates. Texas license plates that were issued the same year as
8 the model year of a Classic Motor Vehicle, Travel Trailer, Street Rod, or Exhibition Vehicle may be
9 displayed on that vehicle under Transportation Code, §504.501 and §504.502, unless:

10 (i) the license plate's original use was restricted by statute to
11 another vehicle type;

12 (ii) the license plate is a qualifying plate type that originally required
13 the owner to meet one or more eligibility requirements, except for a plate issued under
14 Transportation Code, §504.202; or

15 (iii) the license plate number [~~alpha-numeric pattern~~] is already in
16 use on another vehicle.

17 (B) Validation stickers and tabs. The department will issue validation
18 stickers and tabs for display on license plates that are displayed as provided by subparagraph (A) of
19 this paragraph.

20 (3) Number of license plates issued.

21 (A) Two license plates. Unless otherwise listed in subparagraph (B) of this
22 paragraph, two specialty license plates, each bearing the same license plate number, will be issued
23 per vehicle.

1 (B) One license plate. One license plate will be issued per vehicle for all
2 motorcycles and for the following specialty license plates:

3 (i) Antique Vehicle (includes Antique Auto, Antique Truck, Antique
4 Motorcycle, and Antique Bus);

5 (ii) Classic Travel Trailer;

6 (iii) Rental Trailer;

7 (iv) Travel Trailer;

8 (v) Cotton Vehicle;

9 (vi) Disaster Relief;

10 (vii) Forestry Vehicle;

11 (viii) Golf Cart;

12 (ix) Log Loader;

13 (x) Military Vehicle;

14 (xi) Package Delivery Vehicle;

15 (xii) Fertilizer; and

16 (xiii) Off-highway Vehicle.

17 (C) Registration number. The identification number assigned by the military
18 may be approved as the registration number instead of displaying Military Vehicle license plates on
19 a former military vehicle.

20 (4) Assignment of license plates.

21 (A) Title holder. Unless otherwise exempted by law or this section, the
22 vehicle on which specialty license plates, symbols, tabs, or other devices is to be displayed shall be
23 titled in the name of the person to whom the specialty license plates, symbols, tabs, or other

1 devices is assigned, or a title application shall be filed in that person's name at the time the
2 specialty license plates, symbols, tabs, or other devices are issued.

3 (B) Non-owner vehicle. If the vehicle is titled in a name other than that of
4 the applicant, the applicant must provide evidence of having the legal right of possession and
5 control of the vehicle.

6 (C) Leased vehicle. In the case of a leased vehicle, the applicant must
7 provide a copy of the lease agreement verifying that the applicant currently leases the vehicle.

8 (5) Classification of neighborhood electric vehicles. The registration classification of
9 a neighborhood electric vehicle, as defined by §217.3(3) of this title (relating to Motor Vehicle
10 Titles) will be determined by whether it is designed as a 4-wheeled truck or a 4-wheeled passenger
11 vehicle.

12 (6) Number of vehicles. An owner may obtain specialty license plates, symbols,
13 tabs, or other devices for an unlimited number of vehicles, unless the statute limits the number of
14 vehicles for which the specialty license plate may be issued.

15 (7) Personalized license plate numbers.

16 (A) Issuance. The department will issue a personalized license plate number
17 subject to the exceptions set forth in this paragraph.

18 (B) Character limit. A personalized license plate number may contain no
19 more than six alpha or numeric characters or a combination of characters. Depending upon the
20 specialty license plate design and vehicle class, the number of characters may vary. Spaces,
21 hyphens, periods, hearts, stars, the International Symbol of Access, or silhouettes of the state of
22 Texas may be used in conjunction with the license plate number.

1 (C) Personalized license plates not approved. A personalized license plate
2 number will not be approved by the executive director if the license plate number [~~alpha-numeric~~
3 ~~pattern~~]:

4 (i) conflicts with the department's current or proposed general issue
5 [~~regular~~] license plate numbering system;

6 (ii) would violate §217.27 of this title (relating to Vehicle
7 Registration Insignia), as determined by the executive director; or

8 (iii) is currently issued to another owner.

9 (D) Classifications of vehicles eligible for personalized license plates. Unless
10 otherwise listed in subparagraph (E) of this paragraph, personalized license plates are available for
11 all classifications of vehicles.

12 (E) Categories of license plates for which personalized license plates are not
13 available. Personalized license plate numbers are not available for display on the following
14 specialty license plates:

15 (i) Amateur Radio (other than the official call letters of the vehicle
16 owner);

17 (ii) Antique Motorcycle;

18 (iii) Antique Vehicle (includes Antique Auto, Antique Truck, and
19 Antique Bus);

20 (iv) Apportioned;

21 (v) Cotton Vehicle;

22 (vi) Disaster Relief;

23 (vii) Farm Trailer (except Go Texan II);

- 1 (viii) Farm Truck (except Go Texan II);
- 2 (ix) Farm Truck Tractor (except Go Texan II);
- 3 (x) Fertilizer;
- 4 (xi) Forestry Vehicle;
- 5 (xii) Log Loader;
- 6 (xiii) Machinery;
- 7 (xiv) Permit;
- 8 (xv) Rental Trailer;
- 9 (xvi) Soil Conservation;
- 10 (xvii) Texas Guard;
- 11 (xviii) Golf Cart;
- 12 (xix) Package Delivery Vehicle; and
- 13 (xx) Off-highway Vehicle.

14 (F) Fee. Unless specified by statute, a personalized license plate fee of \$40
15 will be charged in addition to any prescribed specialty license plate fee.

16 (G) Priority. Once a personalized license plate number has been assigned to
17 an applicant, the owner shall have priority to that number for succeeding years if a timely renewal
18 application is submitted to the county tax assessor-collector each year in accordance with
19 subsection (d) of this section.

20 (d) Specialty license plate renewal.

21 (1) Renewal deadline. If a personalized license plate is not renewed within 60 days
22 after its expiration date, a subsequent renewal application will be treated as an application for
23 new personalized license plates.

1 (2) Length of validation. Except as provided by Transportation Code, §§504.401,
2 504.4061, or 504.502, all specialty license plates, symbols, tabs, or other devices shall be valid for
3 12 months from the month of issuance or for a prorated period of at least 12 months coinciding
4 with the expiration of registration.

5 (3) Renewal.

6 (A) Renewal notice. Approximately 60 days before the expiration date of a
7 specialty license plate, symbol, tab, or other device, the department will send each owner a
8 renewal notice that includes the amount of the specialty license plate fee and the registration fee.

9 (B) Return of notice. The owner must return the fee and any prescribed
10 documentation to the tax assessor-collector of the county in which the owner resides or a county
11 tax assessor-collector who is willing to accept the application, except that the owner of a vehicle
12 with one of the following license plates must return the documentation, and specialty license plate
13 fee, if applicable, directly to the department and submit the registration fee to a county tax
14 assessor-collector:

15 (i) County Judge;

16 (ii) Federal Administrative Law Judge;

17 (iii) State Judge;

18 (iv) State Official;

19 (v) U.S. Congress--House;

20 (vi) U.S. Congress--Senate; and

21 (vii) U.S. Judge.

22 (C) Expired license plate numbers. The department will retain a specialty
23 license plate number for 60 days after the expiration date of the license plates if the license plates

1 are not renewed on or before their expiration date. After 60 days the number may be reissued to a
2 new applicant. All specialty license plate renewals received after the expiration of the 60 days will
3 be treated as new applications.

4 (D) Issuance of validation insignia. On receipt of a completed license plate
5 renewal application and prescribed documentation, the department will issue registration
6 validation insignia as specified in §217.27 unless this section or other law requires the issuance of
7 new license plates to the owner.

8 (E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed,
9 or not received by the vehicle owner, the specialty license plates, symbol, tab, or other device may
10 be renewed if the owner provides acceptable personal identification along with the appropriate
11 fees and documentation to the tax assessor-collector of the county in which the owner resides or a
12 county tax assessor-collector who is willing to accept the application. Failure to receive the notice
13 does not relieve the owner of the responsibility to renew the vehicle's registration.

14 (e) Transfer of specialty license plates.

15 (1) Transfer between vehicles.

16 (A) Transferable between vehicles. The owner of a vehicle with specialty
17 license plates, symbols, tabs, or other devices may transfer the specialty license plates between
18 vehicles by filing an application through the county tax assessor-collector in which the owner
19 resides or a county tax assessor-collector who is willing to accept the application, if the vehicle to
20 which the license plates are transferred:

21 (i) is titled or leased in the owner's name; and

22 (ii) meets the vehicle classification requirements for that particular
23 specialty license plate, symbol, tab, or other device.

1 (B) Non-transferable between vehicles. The following specialty license
2 plates, symbols, tabs, or other devices are non-transferable between vehicles:

3 (i) Antique Vehicle license plates (includes Antique Auto, Antique
4 Truck, and Antique Bus), Antique Motorcycle license plates, and Antique tabs;

5 (ii) Classic Auto, Classic Truck, Classic Motorcycle, Classic Travel
6 Trailer, Street Rod, and Custom Vehicle license plates;

7 (iii) Forestry Vehicle license plates;

8 (iv) Log Loader license plates;

9 (v) Golf Cart license plates;

10 (vi) Package Delivery Vehicle license plates; and

11 (vii) Off-highway Vehicle license plates.

12 (C) New specialty license plates. If the department creates a new specialty
13 license plate under Transportation Code, §504.801, the department will specify at the time of
14 creation whether the license plate may be transferred between vehicles.

15 (2) Transfer between owners.

16 (A) Non-transferable between owners. Specialty license plates, symbols,
17 tabs, or other devices issued under Transportation Code, Chapter 504, Subchapters C, E, and F are
18 not transferable from one person to another except as specifically permitted by statute.

19 (B) New specialty license plates. If the department creates a new specialty
20 license plate under Transportation Code, §504.801, the department will specify at the time of
21 creation whether the license plate may be transferred between owners.

22 (3) Simultaneous transfer between owners and vehicles. Specialty license
23 plates, symbols, tabs, or other devices are transferable between owners and vehicles

1 simultaneously only if the owners and vehicles meet all the requirements in both paragraphs (1)
2 and (2) of this subsection.

3 (f) Replacement.

4 (1) Application. When specialty license plates, symbols, tabs, or other devices are
5 lost, stolen, or mutilated, the owner shall apply directly to a county tax assessor-collector for the
6 issuance of replacements.

7 (2) Temporary registration insignia. If the specialty license plate, symbol, tab, or
8 other device is lost, destroyed, or mutilated to such an extent that it is unusable, and if issuance of
9 a replacement license plate would require that it be remanufactured, the owner must pay the
10 statutory replacement fee, and the department will issue a temporary tag for interim use. The
11 owner's new specialty license plate number will be shown on the temporary tag unless it is a
12 personalized license plate, in which case the same personalized license plate number will be
13 shown.

14 (3) Stolen specialty license plates.

15 (A) The department or county tax assessor-collector will not approve the
16 issuance of replacement license plates with the same personalized license plate number if the
17 department's records indicate either the vehicle displaying the personalized license plates or the
18 license plates are reported as stolen to law enforcement. The owner will be directed to contact the
19 department for another personalized license plate choice.

20 (B) The owner may select a different personalized number to be issued at
21 no charge with the same expiration as the stolen specialty license plate. On recovery of the stolen
22 vehicle or license plates, the department will issue, at the owner's or applicant's request,
23 replacement license plates, bearing the same personalized number as those that were stolen.

1 (g) License plates created after January 1, 1999. In accordance with Transportation Code,
2 §504.702, the department will begin to issue specialty license plates authorized by a law enacted
3 after January 1, 1999, only if the sponsoring entity for that license plate submits the following
4 items before the fifth anniversary of the effective date of the law.

5 (1) The sponsoring entity must submit a written application. The application must
6 be on a form approved by the director and include, at a minimum:

7 (A) the name of the license plate;

8 (B) the name and address of the sponsoring entity;

9 (C) the name and telephone number of a person authorized to act for the
10 sponsoring entity; and

11 (D) the deposit.

12 (2) A sponsoring entity is not an agent of the department and does not act for the
13 department in any matter, and the department does not assume any responsibility for fees or
14 applications collected by a sponsoring entity.

15 (h) Assignment procedures for state, federal, and county officials.

16 (1) State Officials. State Official license plates contain the distinguishing prefix "SO."
17 Members of the state legislature may be issued up to three sets of State Official specialty license
18 plates with the distinguishing prefix "SO," or up to three sets of State Official specialty license
19 plates that depict the state capitol, and do not display the distinguishing prefix "SO." An
20 application by a member of the state legislature, for a State Official specialty license plate, must
21 specify the same specialty license plate design for each applicable vehicle. State Official license
22 plates are assigned in the following order:

23 (A) Governor;

- 1 (B) Lieutenant Governor;
- 2 (C) Speaker of the House;
- 3 (D) Attorney General;
- 4 (E) Comptroller;
- 5 (F) Land Commissioner;
- 6 (G) Agriculture Commissioner;
- 7 (H) Secretary of State;
- 8 (I) Railroad Commission;
- 9 (J) Supreme Court Chief Justice followed by the remaining justices based on
10 their seniority;
- 11 (K) Criminal Court of Appeals Presiding Judge followed by the remaining
12 judges based on their seniority;
- 13 (L) Members of the State Legislature, with Senators assigned in order of
14 district number followed by Representatives assigned in order of district number, except that in
15 the event of redistricting, license plates will be reassigned; and
- 16 (M) Board of Education Presiding Officer followed by the remaining
17 members assigned in district number order, except that in the event of redistricting, license plates
18 will be reassigned.
- 19 (2) Members of the U.S. Congress.
- 20 (A) U.S. Senate license plates contain the prefix "Senate" and are assigned
21 by seniority; and
- 22 (B) U.S. House license plates contain the prefix "House" and are assigned in
23 order of district number, except that in the event of redistricting, license plates will be reassigned.

1 (3) Federal Judge.

2 (A) Federal Judge license plates contain the prefix "USA" and are assigned
3 on a seniority basis within each court in the following order:

4 (i) Judges of the Fifth Circuit Court of Appeals;

5 (ii) Judges of the United States District Courts;

6 (iii) United States Bankruptcy Judges; and

7 (iv) United States Magistrates.

8 (B) Federal Administrative Law Judge license plates contain the prefix "US"
9 and are assigned in the order in which applications are received.

10 (C) A federal judge who retired on or before August 31, 2003, and who held
11 license plates expiring in March 2004 may continue to receive federal judge license plates. A
12 federal judge who retired after August 31, 2003, is not eligible for U.S. Judge license plates.

13 (4) State Judge.

14 (A) State Judge license plates contain the prefix "TX" and are assigned
15 sequentially in the following order:

16 (i) Appellate District Courts;

17 (ii) Presiding Judges of Administrative Regions;

18 (iii) Judicial District Courts;

19 (iv) Criminal District Courts; and

20 (v) Family District Courts and County Statutory Courts.

21 (B) A particular alpha-numeric combination will always be assigned to a
22 judge of the same court to which it was originally assigned.

1 (C) A state judge who retired on or before August 31, 2003, and who held
2 license plates expiring in March 2004 may continue to receive state judge plates. A state judge
3 who retired after August 31, 2003, is not eligible for State Judge license plates.

4 (5) County Judge license plates contain the prefix "CJ" and are assigned by county
5 number.

6 (6) In the event of redistricting or other license plate reallocation, the department
7 may allow a state official to retain that official's plate number if the official has had the number for
8 five or more consecutive years.

9 (i) Development of new specialty license plates.

10 (1) Procedure. The following procedure governs the process of authorizing new
11 specialty license plates under Transportation Code, §504.801, whether the new license plate
12 originated as a result of an application or as a department initiative.

13 (2) Applications for the creation of new specialty license plates. An applicant for the
14 creation of a new specialty license plate, other than a vendor specialty plate under §217.52 of this
15 title (relating to Marketing of Specialty License Plates through a Private Vendor), must submit a
16 written application on a form approved by the executive director. The application must include:

17 (A) the applicant's name, address, telephone number, and other identifying
18 information as directed on the form;

19 (B) certification on Internal Revenue Service letterhead stating that the
20 applicant is a not-for-profit entity;

21 (C) a draft design of the specialty license plate;

22 (D) projected sales of the license plate, including an explanation of how the
23 projected figure was established;

1 (E) a marketing plan for the license plate, including a description of the
2 target market;

3 (F) a licensing agreement from the appropriate third party for any
4 intellectual property design or design element;

5 (G) a letter from the executive director of the sponsoring state agency
6 stating that the agency agrees to receive and distribute revenue from the sale of the specialty
7 license plate and that the use of the funds will not violate a statute or constitutional provision; and

8 (H) other information necessary for the board to reach a decision regarding
9 approval of the requested specialty license plate.

10 (3) Review process. The board:

11 (A) will not consider incomplete applications;

12 (B) may request additional information from an applicant if necessary for a
13 decision; and

14 (C) will consider specialty license plate applications that are restricted by
15 law to certain individuals or groups of individuals (qualifying license plates) using the same
16 procedures as applications submitted for license plates that are available to everyone (non-
17 qualifying license plates).

18 (4) Request for additional information. If the board determines that additional
19 information is needed, the applicant must return the requested information not later than the
20 requested due date. If the additional information is not received by that date, the board will return
21 the application as incomplete unless the board:

22 (A) determines that the additional requested information is not critical for
23 consideration and approval of the application; and

1 (B) approves the application, pending receipt of the additional information
2 by a specified due date.

3 (5) Board decision. The board's decision will be based on:

4 (A) compliance with Transportation Code, §504.801;

5 (B) the proposed license plate design, including:

6 (i) whether the design appears to meet the legibility and reflectivity
7 standards established by the department;

8 (ii) whether the design meets the standards established by the
9 department for uniqueness;

10 (iii) other information provided during the application process;

11 (iv) the criteria designated in §217.27 as applied to the design; and

12 (v) whether a design is similar enough to an existing plate design
13 that it may compete with the existing license plate sales; and

14 (C) the applicant's ability to comply with Transportation Code, §504.702
15 relating to the required deposit or application that must be provided before the manufacture of a
16 new specialty license plate.

17 (6) Public comment on proposed design. All proposed license plate designs will be
18 considered by the board as an agenda item at a regularly or specially called open meeting. Notice
19 of consideration of proposed license plate designs will be posted in accordance with Office of the
20 Secretary of State meeting notice requirements. Notice of each license plate design will be posted
21 on the department's Internet website to receive public comment at least 25 days in advance of the
22 meeting at which it will be considered. The department will notify all other specialty license plate
23 organizations and the sponsoring agencies who administer specialty license plates issued in

1 accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on
2 the proposed design can be submitted in writing through the mechanism provided on the
3 department's Internet website for submission of comments. Written comments are welcome and
4 must be received by the department at least 10 days in advance of the meeting. Public comment
5 will be received at the board's meeting.

6 (7) Final approval.

7 (A) Approval. The board will approve or disapprove the specialty license
8 plate application based on all of the information provided pursuant to this subchapter at an open
9 meeting.

10 (B) Application not approved. If the application is not approved under
11 subparagraph (A) of this paragraph, the applicant may submit a new application and supporting
12 documentation for the design to be considered again by the board if:

13 (i) the applicant has additional, required documentation; or

14 (ii) the design has been altered to an acceptable degree.

15 (8) Issuance of specialty license plates.

16 (A) If the specialty license plate is approved, the applicant must comply with
17 Transportation Code, §504.702 before any further processing of the license plate.

18 (B) Approval of the license plate does not guarantee that the submitted
19 draft license plate design will be used. The board has final approval authority of all specialty
20 license plate designs and may adjust or reconfigure the submitted draft design to comply with the
21 format or license plate specifications.

1 (C) If the board, in consultation with the applicant, adjusts or reconfigures
2 the design, the adjusted or reconfigured design will not be posted on the department's website for
3 additional comments.

4 (9) Redesign of specialty license plate.

5 (A) Upon receipt of a written request from the applicant, the department
6 will allow redesign of a specialty license plate.

7 (B) A request for a redesign must meet all application requirements and
8 proceed through the approval process of a new specialty license plate as required by this
9 subsection.

10 (C) An approved license plate redesign does not require the deposit
11 required by Transportation Code, §504.702, but the applicant must pay a redesign cost to cover
12 administrative expenses.

13 (j) Golf carts.

14 (1) A county tax assessor-collector may issue golf cart license plates as long as the
15 requirements under Transportation Code, §551.403 or §551.404 are met.

16 (2) A county tax assessor-collector may only issue golf cart license plates to
17 residents or property owners of the issuing county.

18 (3) A golf cart license plate may not be used as a registration insignia, and a golf
19 cart may not be registered for operation on a public highway.

20 (4) The license plate fee for a golf cart license plate is \$10.

21 (k) Off-highway vehicle.

22 (1) A county tax assessor-collector may issue off-highway vehicle license plates as
23 long as the requirements under Transportation Code, §551A.053 or §551A.055 are met.

1 (2) An off-highway vehicle license plate may not be used as a registration insignia,
2 and an off-highway vehicle may not be registered for operation on a public highway.

3 (3) The license plate fee for an off-highway vehicle license plate is \$10.

4 (l) Package delivery vehicle.

5 (1) A county tax assessor-collector may issue package delivery license plates as long
6 as the requirements under Transportation Code, §§551.453, 551.454, and 551.455 are met.

7 (2) The license plate fee for a package delivery license plate is \$25 to be paid on an
8 annual basis.

9

10 §217.46. Commercial Vehicle Registration.

11 (a) Eligibility. A motor vehicle is required to be registered as a commercial motor vehicle if
12 it meets the definition of a commercial motor vehicle under Transportation Code, §502.001(7). [A
13 ~~motor vehicle, other than a motorcycle or moped, designed or used primarily for the~~
14 ~~transportation of property, including any passenger car that has been reconstructed to be used,~~
15 ~~and is being used, primarily for delivery purposes, with the exception of a passenger car used in~~
16 ~~the delivery of the United States mail, must be registered as a commercial vehicle.]~~

17 (b) Commercial vehicle registration classifications.

18 (1) Apportioned license plates. Apportioned license plates are issued in lieu of
19 Combination, Motor Bus, or Truck license plates to Texas carriers who proportionally register their
20 fleets in other states, in conformity with §217.56 of this title (relating to Registration Reciprocity
21 Agreements).

22 (2) City bus license plates. A street or suburban bus shall be registered with license
23 plates bearing the legend "City Bus."

1 (3) Combination license plates.

2 (A) Specifications. A truck or truck-tractor with a gross weight in excess of
3 10,000 pounds used or to be used in combination with a semitrailer having a gross weight in excess
4 of 6,000 pounds, may be registered with combination license plates. Such vehicles must be
5 registered for a gross weight equal to the combined gross weight of all the vehicles in the
6 combination, but not less than 18,000 pounds. Only one combination license plate is required and
7 must be displayed on the front of the truck or truck-tractor. When displaying a combination license
8 plate, a truck or truck-tractor is not restricted to pulling a semitrailer licensed with a Token Trailer
9 license plate and may legally pull semitrailers ~~and full trailers~~ displaying other types of Texas
10 license plates or license plates issued out of state; however, a truck or truck-tractor displaying a
11 combination license plate issued under Transportation Code, §502.255 may only pull a semitrailer
12 issued a license plate from another state to the extent authorized under a registration reciprocity
13 agreement under Transportation Code, §502.091. The following vehicles may not be registered in
14 combination:

15 (i) trucks or truck-tractors having a gross weight of ~~less than~~
16 10,000 pounds or less or trucks or truck-tractors to be used exclusively in combination with
17 semitrailers having gross weights not exceeding 6,000 pounds;

18 (ii) semitrailers with gross weights of 6,000 pounds or less, or
19 semitrailers that are to be operated exclusively with trucks or truck-tractors having gross weight of
20 ~~less than~~ 10,000 pounds or less;

21 (iii) trucks or truck-tractors used exclusively in combination with
22 semitrailer-type vehicles displaying Machinery, Permit, or Farm Trailer license plates;

1 (iv) trucks or truck-tractors used exclusively in combination with
2 travel trailers and manufactured housing;

3 (v) trucks or truck-tractors to be registered with Farm Truck or Farm
4 Truck Tractor license plates;

5 (vi) trucks or truck-tractors and semitrailers to be registered with
6 disaster relief license plates;

7 (vii) trucks or truck-tractors and semitrailers to be registered with
8 Soil Conservation license plates;

9 (viii) trucks or truck-tractors and semitrailers to be registered with
10 U.S. Government license plates or Exempt license plates issued by the State of Texas; and

11 (ix) vehicles that are to be issued special registration ~~[temporary]~~
12 permits, such as 72-Hour Permits, 144-Hour Permits, or special registration license plates, such as
13 One Trip license plates,~~[Permits,]~~ or 30-Day license plates~~[Permits]~~ in accordance with
14 Transportation Code, §502.094 and §502.095.

15 (B) Converted semitrailers. Semitrailers that are converted to ~~[full]~~ trailers
16 by means of auxiliary axle assemblies will retain their semitrailer status, and such semitrailers are
17 subject to the combination and token trailer registration requirements.

18 (C) Axle assemblies. Various types of axle assemblies that are specially
19 designed for use in conjunction with other vehicles or combinations of vehicles may be used to
20 increase the load capabilities of such vehicles or combinations.

21 (i) Auxiliary axle assemblies such as trailer axle converters, jeep
22 axles, and drag axles, which are used in conjunction with truck-tractor and semitrailer
23 combinations, are not required to be registered; however, the additional weight that is acquired by

1 the use of such axle assemblies must be included in the combined gross weight of the
2 combination.

3 (ii) Ready-mixed concrete trucks that have an auxiliary axle assembly
4 installed for the purpose of increasing a load capacity of such vehicles must be registered for a
5 weight that includes the axle assembly.

6 (D) Exchange of Combination license plates. Combination license plates
7 shall not be exchanged for another type of registration during the registration year, except that:

8 (i) if a major permanent reconstruction change occurs, Combination
9 license plates may be exchanged for Truck license plates, provided that a corrected title is applied
10 for;

11 (ii) if the department initially issues Combination license plates in
12 error, the plates will be exchanged for license plates of the proper classification;

13 (iii) if the department initially issues Truck or Trailer license plates in
14 error to vehicles that should have been registered in combination, such license plates will be
15 exchanged for Combination and Token Trailer license plates; or

16 (iv) if a Texas apportioned carrier acquires a combination license
17 power unit, the Combination license plates will be exchanged for Apportioned license plates.

18 (4) Cotton Vehicle license plates. The department will issue Cotton Vehicle license
19 plates in accordance with Transportation Code, §504.505 and §217.45 of this title (relating to
20 Specialty License Plates, Symbols, Tabs, and Other Devices).

21 (5) Forestry Vehicle license plates. The department will issue Forestry Vehicle
22 license plates in accordance with Transportation Code, §504.507 and §217.45 of this title.

1 ~~[(6) In Transit license plates. The department may issue an In Transit license plate~~
2 ~~annually to any person, firm, or corporation engaged in the primary business of transporting and~~
3 ~~delivering by means of the full mount, saddle mount, tow bar, or any other combination, new~~
4 ~~vehicles and other vehicles from the manufacturer or any other point of origin to any point of~~
5 ~~destination within the State. Each new vehicle being transported, delivered, or moved under its~~
6 ~~own power in accordance with this paragraph must display an In Transit license plate in~~
7 ~~accordance with Transportation Code, §503.035.]~~

8 (6)[(7)] Motor Bus license plates. A motor bus as well as a taxi and other vehicles
9 that transport passengers for compensation or hire, must display Motor Bus license plates when
10 operated outside the limits of a city or town, or adjacent suburb, in which its company is
11 franchised to do business.

12 (7)[(8)] Token Trailer license plates.

13 (A) Qualification. The department will issue Token Trailer license plates for
14 semitrailers that are authorized ~~[required]~~ to be registered in combination.

15 (B) Validity. A Token Trailer license plate is valid only when it is displayed on
16 a semitrailer that is being pulled by a truck or a truck-tractor that has been properly registered
17 with Forestry Vehicle (in accordance with Transportation Code, §504.507), Combination (in
18 accordance with Transportation Code, §502.255), or Apportioned (in accordance with
19 Transportation Code, §502.091) license plates for combined gross weights that include the weight
20 of the semitrailer, except as authorized under Transportation Code, Chapters 621 through 623.~~[,~~
21 ~~unless exempted by Transportation Code, §502.094 and §623.011.]~~

22 (C) House-moving dollies. House-moving dollies are to be registered with
23 Token Trailer license plates and titled as semitrailers; however, only one such dolly in a

1 combination is required to be registered and titled. The remaining dolly (or dollies) is permitted to
2 operate unregistered, since by the nature of its construction, it is dependent upon another such
3 vehicle in order to function. The pulling unit must display a Combination or Apportioned license
4 plate.

5 (D) Trailers. ~~[Full trailers.]~~ The department shall ~~[will]~~ not issue a Token
6 Trailer license plate for a ~~[full]~~ trailer.

7 ~~(8)~~~~(9)~~ Tow Truck license plates. A Tow Truck license plate must be obtained for all
8 tow trucks operating and registered in this state. The department will not issue a Tow Truck license
9 plate unless the Texas Department of Licensing and Regulation has issued a permit for the tow
10 truck under Occupations Code, Chapter 2308, Subchapter C.

11 (c) Application for commercial vehicle registration.

12 (1) Application form. An applicant shall apply for commercial license plates through
13 the appropriate county tax assessor-collector or the department, as applicable, upon forms
14 prescribed by the director and shall require, at a minimum, the following information:

15 (A) owner name and complete address;

16 (B) complete description of vehicle, including empty weight; and

17 (C) vehicle identification number or serial number.

18 (2) Empty weight determination.

19 (A) The weight of a Motor Bus shall be the empty weight plus carrying
20 capacity, in accordance with Transportation Code, §502.055.

21 (B) The weight of a vehicle cannot be lowered below the weight indicated
22 on a Manufacturer's Certificate of Origin unless a corrected Manufacturer's Certificate of Origin is
23 obtained.

1 (C) In all cases where the department questions the empty weight of a
2 particular vehicle, the applicant should present a weight certificate from a public weight scale or
3 the Department of Public Safety.

4 (3) Gross weight.

5 (A) Determination of Weight. The combined gross weight of vehicles
6 registering for combination license plates shall be determined by the empty weight of the truck or
7 truck-tractor combined with the empty weight of the heaviest semitrailer or semitrailers used or to
8 be used in combination therewith, plus the heaviest net load to be carried on such combination
9 during the motor vehicle registration year, provided that in no case may the combined gross
10 weight be less than 18,000 pounds.

11 (B) Restrictions. The following restrictions apply to combined gross weights.

12 (i) After a truck or truck-tractor is registered for a combined gross
13 weight, such weight cannot be lowered at any subsequent date during the registration year. The
14 owner may, however, lower the gross weight when registering the vehicle for the following
15 registration year, provided that the registered combined gross weight is sufficient to cover the
16 heaviest load to be transported during the year and provided that the combined gross weight is
17 not less than 18,000 pounds.

18 (ii) A combination of vehicles is restricted to a total gross weight not
19 to exceed 80,000 pounds; however, all combinations may not qualify for 80,000 pounds unless
20 such weight can be properly distributed in accordance with axle load limitations, and distance
21 between axles, in accordance with Transportation Code, §621.101 or another section in
22 Transportation Code, Chapters 621 through 623. [~~§623.011.~~]

1 (4) Vehicle identification number or serial number. Ownership may [~~must~~] be
2 established by a court order or by securing a bond if no vehicle identification number or serial
3 number can be identified. Once ownership has been established, the department will assign a
4 number upon payment of the fee.

5 (5) Accompanying documentation. Unless otherwise exempted by law, completed
6 applications for commercial license plates shall be accompanied by:

7 (A) prescribed registration fees;

8 (B) prescribed local fees or other fees that are collected in conjunction with
9 registering a vehicle;

10 (C) evidence of financial responsibility as required by Transportation Code,
11 §502.046; however, if the applicant is a motor carrier as defined by §218.2 of this title (relating to
12 Definitions), proof of financial responsibility may be in the form of a registration listing [~~or an~~
13 ~~international stamp~~] indicating that the vehicle is registered in compliance with Chapter 218,
14 Subchapter B of this title (relating to Motor Carrier Registration);

15 (D) an application for Texas Title in accordance with Subchapter A of this
16 chapter, or other proof of ownership;

17 (E) proof of payment of the Federal Heavy Vehicle Use Tax, if applicable;

18 (F) an original or certified copy of the current permit issued in accordance
19 with Occupations Code, Chapter 2308, Subchapter C, if application is being made for Tow Truck
20 license plates; and

21 (G) other documents or fees required by law.

22 ~~[(6) Proof of payment required. Proof of payment of the Federal Heavy Vehicle Use~~
23 ~~Tax is required for vehicles with a gross registration weight of 55,000 pounds or more, or in cases~~

1 ~~where the vehicle's gross weight is voluntarily increased to 55,000 pounds or more. Proof of~~
2 ~~payment shall consist of an original or photocopy of the Schedule 1 portion of Form 2290 received~~
3 ~~by the Internal Revenue Service (IRS), or a copy of the Form 2290 with Schedule 1 attached as filed~~
4 ~~with the IRS, along with a photocopy of the front and back of the canceled check covering the~~
5 ~~payment to the IRS.]~~

6 [(7) Proof of payment not required. Proof of payment of the Federal Heavy Vehicle
7 Use Tax is not required:]

8 [(A) for new vehicles when an application for title and registration is
9 supported by a Manufacturer's Certificate of Origin;]

10 [(B) on used vehicles when an application for title and registration is filed
11 within 60 days from the date of transfer to the applicant as reflected on the assigned title, except
12 that proof of payment will be required when an application for Texas title and registration is
13 accompanied by an out-of-state title that is recorded in the name of the applicant;]

14 [(C) when a vehicle was previously wrecked, in storage, or otherwise out of
15 service and, therefore, not registered or operated during the current registration year or during
16 the current tax year, provided that a non-use affidavit is signed by the operator; and]

17 [(D) as a prerequisite to registration of vehicles apprehended for operating
18 without registration or reciprocity or when an owner or operator purchases temporary operating
19 permits or additional weight.]

20 (d) Renewal of commercial license plates.

21 (1) Registration period. The department will establish the registration period for
22 commercial vehicles, unless specified by statute. Commercial license plates are issued for
23 established annual registration periods. ~~[as follows.]~~

1 ~~[(A) March expiration. If a fleet under §217.54 of this title (relating to~~
2 ~~Registration of Fleet Vehicles) contains a vehicle with a combination license plate, the established~~
3 ~~annual registration period for the fleet is April 1st through March 31st.]~~

4 ~~[(B) Five-year registration with March 31st expiration. The following license~~
5 ~~plates are available with a five-year registration period. Registration fees for the license plates~~
6 ~~listed below may be paid on an annual basis, or may be paid up front for the entire five-year~~
7 ~~period:]~~

8 ~~[(i) Five-year Rental Trailer license plates issued for rental trailers~~
9 ~~that are part of a rental fleet; and]~~

10 ~~[(ii) Five-year Token Trailer license plates, available to owners of~~
11 ~~semitrailers to be used in combination with truck tractors displaying Apportioned or Combination~~
12 ~~license plates.]~~

13 (2) Registration Renewal Notice. The department will send a registration renewal
14 notice, indicating the proper registration fee and the month and year the registration expires, to
15 each vehicle owner approximately six to eight weeks prior to the expiration of the vehicle's
16 registration.

17 (3) Return of registration renewal notices. Except for authorized online renewals,
18 registration renewal notices should be returned by the vehicle owner to the department or the
19 appropriate county tax assessor-collector, as indicated on the registration renewal notice. Unless
20 otherwise exempted by law, registration renewal notices may be returned either in person or by
21 mail, and shall be accompanied by:

22 (A) statutorily prescribed registration renewal fees;

1 (B) prescribed local fees or other fees that are collected in conjunction with
2 registration renewal;

3 (C) evidence of financial responsibility as required by Transportation Code,
4 §502.046; and

5 (D) other prescribed documents or fees.

6 (4) Lost or destroyed registration renewal notice. If a registration renewal notice is
7 lost, destroyed, or not received by the vehicle owner, the vehicle may be registered if the owner
8 presents personal identification acceptable to the county tax assessor-collector. Failure to receive
9 the notice does not relieve the owner of the responsibility to renew the vehicle's registration.

10 (e) Transfer of commercial vehicle license plates.

11 (1) Transfer between persons. With the exceptions noted in paragraph (3) of this
12 subsection, when ownership of a vehicle displaying commercial vehicle license plates is
13 transferred, application for transfer of such license plates shall be made with the county tax
14 assessor-collector in the county in which the purchaser resides or a county tax assessor-collector
15 who is willing to accept the application. If the purchaser does not intend to use the vehicle in a
16 manner that would qualify it for the license plates issued to that vehicle, such license plates must
17 be exchanged for the appropriate license plates.

18 (2) Transfer between vehicles. Commercial vehicle license plates are non-
19 transferable between vehicles.

20 (3) Transfer of Apportioned and Tow Truck license plates. Apportioned and Tow
21 Truck license plates are non-transferable between persons or vehicles, and become void if the
22 vehicle to which the license plates were issued is sold.

1 (f) Replacement of lost, stolen, or mutilated commercial vehicle license plates. An owner of
2 lost, stolen, or mutilated commercial vehicle license plates may obtain replacement license plates
3 by filing an Application for Replacement Plates and remitting the prescribed fee to the county tax
4 assessor-collector or from the department.

5

6 217.50. Equipment and Vehicles Within Road Construction Projects.

7 Road construction equipment (machinery type vehicles) operating laden or unladen within
8 the limits of a project are not required to display the \$5 machinery license plate, regardless of the
9 intermingling of regular vehicular traffic; however, conventional commercial vehicles operating
10 within the limits of a project shall be required to be registered with regular commercial license
11 plates whenever traffic is allowed to intermingle. [~~A highway construction project is that section of~~
12 ~~the highway between the warning signs giving notice of a construction area.]~~

13

14 §217.51. Change of Classification: Trucks and Truck-Tractors.

15 When a truck is converted into a truck-tractor and the registration classification is changed
16 from "truck" to "combination," an exchange of license plates is required; however, if a truck-
17 tractor is converted into a truck and the registration classification is changed from "combination"
18 to "truck" the license plates shall not be exchanged, unless the change involves a major permanent
19 reconstruction change, such as when the frame of a truck-tractor is altered to accommodate the
20 installation of a different type bed or body. In this instance, the owner must exchange license
21 plates and file an application for corrected title. Under no circumstances will a refund in
22 registration fees be authorized when a combination plate is exchanged for truck license plates as
23 the result of a reconstruction change.

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§217.52. Marketing of Specialty License Plates through a Private Vendor.

(a) Purpose and scope. The department will enter into a contract with a private vendor to market department-approved specialty license plates in accordance with Transportation Code, Chapter 504, Subchapter J. This section sets out the procedure for approval of the design, purchase, and replacement of vendor specialty license plates. In this section, the license plates marketed by the vendor are referred to as vendor specialty license plates.

(b) Application for approval of vendor specialty license plate designs.

(1) Approval required. The vendor shall obtain the approval of the board for each license plate design the vendor proposes to market in accordance with this section and the contract entered into between the vendor and the department.

(2) Application. The vendor must submit a written application on a form approved by the executive director to the department for approval of each license plate design the vendor proposes to market. The application must include:

(A) a draft design of the specialty license plate;

(B) projected sales of the license plate, including an explanation of how the projected figure was determined;

(C) a marketing plan for the license plate including a description of the target market;

(D) a licensing agreement from the appropriate third party for any design or design element that is intellectual property; and

(E) other information necessary for the board to reach a decision regarding approval of the requested vendor specialty license plate.

1 (c) Review and approval process. The board will review vendor specialty license plate
2 applications. The board:

3 (1) will not consider incomplete applications; and

4 (2) may request additional information from the vendor to reach a decision.

5 (d) Board decision.

6 (1) Decision. The decision of the board will be based on:

7 (A) compliance with Transportation Code, Chapter 504, Subchapter J;

8 (B) the proposed license plate design, including:

9 (i) whether the design meets the legibility and reflectivity standards
10 established by the department;

11 (ii) whether the design meets the standards established by the
12 department for uniqueness to ensure that the proposed license plate complies with Transportation
13 Code, §504.852(c);

14 (iii) whether the license plate design can accommodate the
15 International Symbol of Access (ISA) as required by Transportation Code, §504.201(f);

16 (iv) the criteria designated in §217.27 of this title (relating to Vehicle
17 Registration Insignia) as applied to the design;

18 (v) whether a design is similar enough to an existing license plate
19 design that it may compete with the existing license plate sales; and

20 (vi) other information provided during the application process.

21 (2) Public comment on proposed design. All proposed license plate designs will be
22 considered by the board as an agenda item at a regularly or specially called open meeting. Notice

23 of consideration of proposed license plate designs will be posted in accordance with Office of the
06/27/2024

1 Secretary of State meeting notice requirements. Notice of each license plate design will be posted
2 on the department's Internet web site to receive public comment at least 25 days in advance of
3 the meeting at which it will be considered. The department will notify all specialty license plate
4 organizations and the sponsoring agencies who administer specialty license plates issued in
5 accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on
6 the proposed design can be submitted in writing through the mechanism provided on the
7 department's Internet web site for submission of comments. Written comments are welcome and
8 must be received by the department at least 10 days in advance of the meeting. Public comment
9 will be received at the board's meeting.

10 (e) Final approval and specialty license plate issuance.

11 (1) Approval. The board will approve or disapprove the specialty license plate
12 application based on all of the information provided pursuant to this subchapter in an open
13 meeting.

14 (2) Application not approved. If the application is not approved, the applicant may
15 submit a new application and supporting documentation for the design to be considered again by
16 the board if:

17 (A) the applicant has additional, required documentation; or

18 (B) the design has been altered to an acceptable degree.

19 (3) Issuance of approved specialty license plates.

20 (A) If the vendor's specialty license plate is approved, the vendor must
21 submit the non-refundable start-up fee before any further design and processing of the specialty
22 license plate.

1 (B) Approval of the specialty license plate does not guarantee that the
2 submitted draft specialty license plate design will be used. The board has final approval of all
3 specialty license plate designs and will provide guidance on the submitted draft design to ensure
4 compliance with the format and specialty license plate specifications.

5 (f) Redesign of vendor specialty license plates.

6 (1) On receipt of a written request from the vendor, the department will allow a
7 redesign of a vendor specialty license plate.

8 (2) The vendor must pay the redesign administrative costs as provided in the
9 contract between the vendor and the department.

10 (g) Multi-year vendor specialty license plates. Purchasers will have the option of purchasing
11 vendor specialty license plates for a one-year, a three-year, or a five-year period.

12 (h) License plate categories and associated fees. The categories and the associated fees for
13 vendor specialty license plates are set out in this subsection.

14 (1) Custom license plates. Custom license plates include license plates with a
15 variety of pre-approved background and character color combinations that may be personalized
16 with either three alpha and two or three numeric characters or two or three numeric and three
17 alpha characters. Generic license plates on standard white sheeting with the word "Texas" that
18 may be personalized with up to six alphanumeric characters are considered custom license plates
19 before December 2, 2010. The fees for issuance of Custom and Generic license plates are \$150 for
20 one year, \$400 for three years, and \$450 for five years.

21 (2) T-Plates (Premium) license plates. T-Plates (Premium) license plates may be
22 personalized with up to seven alphanumeric characters, including the "T," on colored backgrounds

1 or designs approved by the department. The fees for issuance of T-Plates (Premium) license plates
2 are \$150 for one year, \$400 for three years, and \$450 for five years.

3 (3) Luxury license plates. Luxury license plates may be personalized with up to six
4 alphanumeric characters on colored backgrounds or designs approved by the department. The fees
5 for issuance of luxury license plates are \$150 for one year, \$400 for three years, and \$450 for five
6 years.

7 (4) Freedom license plates. Freedom license plates include license plates with a
8 variety of pre-approved background and character color combinations that may be personalized
9 with up to seven alphanumeric characters. The fees for issuance of freedom license plates are
10 \$195 for one year, \$445 for three years, and \$495 for five years.

11 (5) Background-only license plates. Background-only license plates include non-
12 personalized license plates with a variety of pre-approved background and character color
13 combinations and may be embossed or non-embossed.

14 (A) The fees for issuance of non-embossed, background only license plates are
15 \$50 for one year, \$130 for three years, and \$175 for five years.

16 (B) Except as stated in subsection (h)(9)(C), the fees for embossed, background-only
17 license plates are \$125 for one year, \$205 for three years, and \$250 for five years.

18 (6) Vendor souvenir license plates. Vendor souvenir license plates are replicas of
19 vendor specialty license plate designs that may be personalized with up to 24 alphanumeric
20 characters. Vendor souvenir license plates are not street legal or legitimate insignias of vehicle
21 registration. The fee for issuance of souvenir license plates is \$40.

22 (7) Auction~~[of alphanumeric patterns]~~. The vendor may auction department-
23 approved license plate numbers~~[alphanumeric patterns]~~ for one, three, or five year terms with

1 options to renew indefinitely at the current price established for a one, three, or five year luxury
2 category license plate. The purchaser of the auction license plate number [~~pattern~~] may select from
3 the vendor background designs, including any embossed license plate designs, at no additional
4 charge at the time of initial issuance. The auction license plate number [~~pattern~~] may be moved from
5 one vendor design plate to another vendor design license plate as provided in subsection (n)(1) of
6 this section. The auction license plate number [~~pattern~~] may be transferred from owner to owner as
7 provided in subsection (l)(2) of this section.

8 (8) Embossed, personalized specialty license plates. The vendor may sell embossed,
9 personalized specialty license plates with a variety of pre-approved background and character color
10 combinations that may be personalized with up to seven alphanumeric characters. Except as stated in
11 subsection (h)(7) of this section, the fees for issuance of embossed, personalized specialty license plates
12 are \$270 for one year, \$520 for three years, and \$570 for five years. Except as stated in subsection
13 (h)(9)(C) of this section, the fees under subsection (h)(9) of this section do not apply to an embossed,
14 personalized specialty license plate.

15 (9) Personalization and specialty license plate fees.

16 (A) The fee for the personalization of license plates applied for prior to
17 November 19, 2009 is \$40 if the license plates are renewed annually.

18 (B) The personalization fee for license plates applied for after November 19,
19 2009 is \$40 if the license plates are issued pursuant to Transportation Code, Chapter 504,
20 Subchapters G and I.

21 (C) If the license plates are renewed annually, the personalization and
22 specialty license plate fees remain the same fee as at the time of issuance if a sponsor of a
23 specialty license plate authorized under Transportation Code, Chapter 504, Subchapters G and I

1 signs a contract with the vendor in accordance with Transportation Code, Chapter 504, Subchapter
2 J, even if the board approves the specialty license plate to be an embossed specialty license plate
3 design.

4 (i) Payment of fees.

5 (1) Payment of specialty license plate fees. The fees for issuance of vendor specialty
6 license plates will be paid directly to the state through vendor and state systems for the license
7 plate category and period selected by the purchaser. A person who purchases a multi-year vendor
8 specialty license plate must pay upon purchase the full fee which includes the renewal fees.

9 (2) Payment of statutory registration fees. To be valid for use on a motor vehicle,
10 the license plate owner is required to pay, in addition to the vendor specialty license plate fees,
11 any statutorily required registration fees in the amount as provided by Transportation Code,
12 Chapter 502, and this subchapter.

13 (j) Refunds. Fees for vendor specialty license plate fees will not be refunded after an
14 application is submitted to the vendor and the department has approved issuance of the license
15 plate.

16 (k) Replacement.

17 (1) Application. An owner must apply directly to the county tax assessor-collector
18 for the issuance of replacement vendor specialty license plates and must pay the fee described in
19 paragraphs [paragraph] (2) or (3) of this subsection, whichever applies.

20 (2) Lost or mutilated vendor specialty license plates. To replace vendor specialty
21 license plates that are lost or mutilated, the owner must pay the statutory replacement fee
22 provided in Transportation Code, §504.007.

1 (3) Optional replacements. An owner of a vendor specialty license plate may
2 replace vendor specialty license plates by submitting a request to the county tax assessor-collector
3 accompanied by the payment of a \$6 fee.

4 (4) Interim replacement tags. If the vendor specialty license plates are lost or
5 mutilated to such an extent that they are unusable, replacement specialty license plates ~~may~~ ~~[will~~
6 ~~need to]~~ be remanufactured. The county tax assessor-collector will issue interim replacement tags for
7 use until the replacements are available. The owner's vendor specialty license plate number will be
8 shown on the interim replacement tags.

9 (5) Stolen vendor specialty license plates. The county tax assessor-collector will not
10 approve the issuance of replacement vendor specialty license plates with the same license plate
11 number if the department's records indicate that the vehicle displaying that license plate number
12 was reported stolen or the license plates themselves were reported stolen to law enforcement.

13 (I) Transfer of vendor specialty license plates.

14 (1) Transfer between vehicles. The owner of a vehicle with vendor specialty license
15 plates may transfer the specialty license plates between vehicles by filing an application through
16 the county tax assessor-collector if the vehicle to which the specialty license plates are
17 transferred:

18 (A) is titled or leased in the owner's name; and

19 (B) meets the vehicle classification requirements for that ~~[particular]~~
20 specialty license plate.

21 (2) Transfer between owners. Vendor specialty license plates may not be
22 transferred between persons unless the specialty license plate number ~~[pattern]~~ was initially
23 purchased through auction as provided in subsection (h)(7) of this section. An auctioned license plate

1 number [~~alphanumeric pattern~~] may be transferred as a specialty license plate or as a virtual pattern to
2 be manufactured on a new background as provided under the restyle option in subsection (n)(1) of this
3 section. In addition to the fee paid at auction, the new owner of an auctioned license plate number
4 [~~alphanumeric pattern~~] or plate will pay the department a fee of \$25 to cover the cost of the transfer,
5 and complete the department's prescribed application at the time of transfer.

6 (m) Gift license plates.

7 (1) A person may purchase license plates as a gift for another person if the
8 purchaser submits a statement that provides:

9 (A) the purchaser's name and address;

10 (B) the name and address of the person who will receive the license plates;

11 and

12 (C) the vehicle identification number of the vehicle on which the license
13 plates will be displayed or a statement that the license plates will not be displayed on a vehicle.

14 (2) To be valid for use on a motor vehicle, the recipient of the license plates must
15 file an application with the county tax assessor-collector and pay the statutorily required
16 registration fees in the amount as provided by Transportation Code, Chapter 502, and this
17 subchapter.

18 (n) Restyled vendor specialty license plates. A person who has purchased a multi-year
19 vendor specialty license plate may request a restyled license plate at any time during the term of
20 the plate.

21 (1) For the purposes of this subsection, "restyled license plate" is a vendor specialty
22 license plate that has a different style from the originally purchased vendor specialty license plate
23 but:

1 (A) is within the same price category, except if the license plate number was
2 purchased through auction [~~pattern is an auction pattern~~] and has the same alpha-numeric
3 characters and expiration date as the previously issued multi-year license plates; or

4 (B) is restyling from a non-embossed specialty license plate style to an
5 embossed specialty license plate style and has the same alpha-numeric characters and expiration
6 date as the previously issued multi-year license plates.

7 (2) The fee for each restyled license plate is:

8 (A) \$50 for restyling under subsection (n)(1)(A) of this section; or

9 (B) \$75 for restyling under subsection (n)(1)(B) of this section.

10

11 §217.53. Disposition [~~Removal~~] of License Plates and Registration Insignia upon Sale or Transfer of
12 Motor Vehicle.

13 (a) Upon the sale or transfer of a motor vehicle to a dealer that holds a general distinguishing
14 number (dealer), general issue license plates shall be removed and retained for issuance to a subsequent
15 retail purchaser of that motor vehicle and the registration insignia shall be removed and disposed of by
16 the dealer as provided in Transportation Code, §502.491, §504.901, and §215.158 of this title (relating to
17 General Requirements for Buyer’s License Plates). If a dealer transfers a motor vehicle in a transaction
18 other than a retail sale, the removed general issue license plates shall transfer with the motor vehicle.

19 [~~Purpose. Transportation Code, Chapter 502, Subchapter L and Chapter 504, Subchapter K, provide~~
20 ~~for the removal of the license plates and registration insignia when a motor vehicle is sold or~~
21 ~~transferred. Motor vehicles eligible for this process are limited to a passenger car or a light truck,~~
22 ~~as those terms are defined in Transportation Code, §502.001-]~~

1 (b) Upon the sale or transfer of a motor vehicle in which neither party is a dealer, the
2 registration insignia and the general issue license plates remain with the motor vehicle as provided in
3 Transportation Code, §502.491(b) and §504.901. [~~Disposition of removed license plates. License~~
4 ~~plates removed from a motor vehicle by a licensed motor vehicle dealer or by a motor vehicle~~
5 ~~owner in a private transaction as provided in Transportation Code, §502.491, may be:}]~~

6 [~~(1) transferred to another vehicle:]~~

7 [~~(A) that is titled or will be titled in the same owner name as the vehicle~~
8 ~~from which the license plates were removed;}]~~

9 [~~(B) that is of the same vehicle classification (passenger car or light truck) as~~
10 ~~the vehicle from which the license plates were removed; and]~~

11 [~~(C) upon acceptance of a request to transfer the license plate by the county~~
12 ~~tax assessor-collector in which the application is filed as provided by Transportation Code,~~
13 ~~§501.023 or §502.040, whichever applies;}]~~

14 [~~(2) disposed of in a manner that renders the license plates unusable or that~~
15 ~~ensures the license plates will not be available for fraudulent use on a motor vehicle; or]~~

16 [~~(3) retained by the owner of the motor vehicle from which the license plates were~~
17 ~~removed.}]~~

18 (c) A license plate other than a general issue license plate shall be removed by the owner of a
19 motor vehicle that is sold or transferred. Removed license plates may be transferred if eligible;
20 otherwise, must be disposed of in a manner that renders the license plates unusable or that ensures the
21 license plates will not be available for fraudulent use on a motor vehicle.

22 [~~(c) Vehicle transit permit.~~]

1 ~~[(1) Obtaining a vehicle transit permit. A person who obtains a motor vehicle in a~~
2 ~~private transaction may obtain one vehicle transit permit (temporary single-trip permit), through~~
3 ~~the department's website at www.txdmv.gov if the seller or transferor has removed the license~~
4 ~~plates and registration insignia.]~~

5 ~~[(2) Restrictions. The permit, which is valid only for the period shown on the~~
6 ~~permit, may be used for operation of the motor vehicle only as provided in Transportation Code,~~
7 ~~§502.492, and must be carried in the vehicle at all times. The permit may only be used on~~
8 ~~passenger vehicles 6,000 pounds or less and light trucks with a gross vehicle weight of 10,000~~
9 ~~pounds or less.]~~

10 (d) If the purchaser at a retail sale chooses to obtain replacement general issue license plates,
11 the replaced license plates must be disposed of in a manner that renders the license plates unusable or
12 that ensures the license plates will not be available for fraudulent use on a motor vehicle.

13
14 §217.54. Registration of Fleet Vehicles.

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

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

21 (1) No fewer than 12 vehicles will be registered as a fleet;

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

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

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

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

5 (c) Application.

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

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

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

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

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

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

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

18 (B) registration fees prescribed by law for the entire registration period
19 selected by the registrant;

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

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

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

2 (F) any fees that are required to be collected at the time of registration

3 under Transportation Code, §548.509 for the first year of registration under Transportation Code,

4 §502.0023; [the state's portion of the vehicle inspection fee;] and

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

6 (d) Registration period.

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

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

11 (e) Registration receipt and fleet license plates.

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

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

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

18 (f) Fleet composition.

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

22 (2) A registrant may remove a vehicle from a fleet at any time during the
23 registration period. After a vehicle is removed from the fleet, the fleet registrant shall either

1 return the metal fleet license plates for that vehicle to the department or provide the department
2 with acceptable proof that the metal fleet license plates for that vehicle have been destroyed.
3 Credit for any vehicle removed from the fleet for the remaining full year increments can be applied
4 to any vehicle added to the fleet or at the time of renewal. No refunds will be given if credit is not
5 used or the account is closed.

6 (3) If the number of vehicles in an account falls below 12 during the registration
7 period, fleet registration will remain in effect. If the number of vehicles in an account is below 12
8 at the end of the registration period, fleet registration will be canceled. In the event of
9 cancellation, each vehicle shall be registered separately. The registrant shall immediately either
10 return all metal fleet license plates to the department or provide the department with acceptable
11 proof that the metal fleet license plates have been destroyed.

12 (g) Fees.

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

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

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

1 (4) In addition to the registration fees prescribed by Transportation Code, Chapter
2 502, an owner registering a fleet under this section must pay a one-time fee of \$10 per motor
3 vehicle, semitrailer, or trailer in the fleet. This fee is also due as follows:

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

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

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

8 (i) Cancellation.

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

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

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

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

18 (A) complying with the requirements for which the department canceled
19 the registration;

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

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

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

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

5 (A) is not entitled to a credit or refund of any registration fees for the
6 vehicle; and

7 (B) must immediately either return the metal fleet license plates to the
8 department or provide the department with acceptable proof that the metal fleet license plates
9 have been destroyed.

10 (j) Inspection fee. The registrant must pay the department by the deadline listed in the
11 department's invoice for any fees that are required to be collected at the time of registration
12 under Transportation Code, §548.509 on an annual basis under Transportation Code, §502.0023.
13 [~~the state's portion of the vehicle inspection fee.~~]

14
15 §217.55. Exempt and Alias Vehicle Registration.

16 (a) Exempt license plate registration.

17 (1) Issuance. Pursuant to Transportation Code, §502.453 or §502.456, certain
18 vehicles owned by and used exclusively in the service of a governmental agency, owned by a
19 commercial transportation company and used exclusively for public school transportation services,
20 designed and used for fire-fighting or owned by a volunteer fire department and used in the
21 conduct of department business, privately owned and used in volunteer county marine law
22 enforcement activities, used by law enforcement under an alias for covert criminal investigations,
23 owned by units of the United States Coast Guard Auxiliary headquartered in Texas and used

1 exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and
2 operations, or owned or leased by a non-profit emergency medical service provider are exempt
3 from payment of a registration fee and are eligible for exempt plates.

4 (2) Application for exempt registration.

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

8 (i) vehicle description;

9 (ii) name of the exempt agency;

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

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

18 (B) Emergency medical service vehicle.

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

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

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

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

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

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

16 (E) United States Coast Guard Auxiliary vehicle. The application for exempt
17 registration of a vehicle owned by units of the United States Coast Guard Auxiliary headquartered
18 in Texas and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary
19 business and operation, including search and rescue, emergency communications, and disaster
20 operations, must include a statement by a person having authority to act for the United States
21 Coast Guard Auxiliary that the vehicle or trailer is used exclusively in fulfillment of an authorized
22 mission of the United States Coast Guard or Coast Guard Auxiliary, including search and rescue,
23 emergency communications, or disaster operations.

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

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

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

11 (B) If the applicant is exempt from the inscription requirements under
12 Transportation Code, §721.003, the applicant must present a certification that each vehicle listed
13 on the application is exempt from inscription requirements under Transportation Code, §721.003.
14 The applicant must also provide a citation to the section that exempts the vehicle.

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

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

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

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

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

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

13 (5) The affidavit for alias exempt registration must be accompanied by an [by a
14 title] application required by the department to create the alias record of vehicle registration and
15 title as outlined in §217.13 of this title (relating to Alias Certificate of Title)[under §217.103 of this
16 title (relating to Restitution Liens)]. The application must contain the information required by the
17 department to create the alias record of vehicle registration and title.

18 (c) Replacement of exempt registration.

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

22 (2) An application for replacement metal exempt license plates must contain the
23 vehicle description, original license number, and the sworn statement that the license plates

1 furnished for the vehicle have been lost, stolen, or mutilated and will not be used on any other
2 vehicle.

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

5 (e) Extended Registration of County Fleet Vehicles.

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

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

11 (A) vehicle description;

12 (B) name of the exempt agency;

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

15 (D) a certification that each vehicle listed on the application has the name
16 of the exempt agency printed on each side of the vehicle in letters that are at least two inches high
17 or in an emblem that is at least 100 square inches in size and of a color sufficiently different from
18 the body of the vehicle as to be clearly legible from a distance of 100 feet, unless the applicant
19 complies with the requirements under this section for each vehicle that is exempt by law from the
20 inscription requirements; and

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

1 (3) The application for exempt county fleet registration must be accompanied by
2 any fees that are required to be collected at the time of registration under Transportation Code,
3 §548.509 for the first year of registration under Transportation Code, §502.0025. [~~the state's~~
4 ~~portion of the vehicle inspection fees.]~~

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

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

17 (6) An owner must pay the department by the deadline listed in the department's
18 invoice for any fees that are required to be collected at the time of registration under
19 Transportation Code, §548.509 on an annual basis under Transportation Code, §502.0025. [~~the~~
20 ~~state's portion of the vehicle inspection fee.]~~ Payment shall be made in the manner prescribed by
21 the department.

22 (7) The department may cancel registration on an exempt county fleet or any
23 vehicle in an exempt county fleet on the anniversary date of the registration if the vehicle is not in

1 compliance with Transportation Code §502.0025, this subsection, the inspection requirements
2 under Transportation Code Chapter 548, or the inspection requirements in the rules of the Texas
3 Department of Public Safety. A vehicle with a canceled registration may not be operated on a
4 public highway.

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

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

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

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

1 (A) a certification that the previously issued metal exempt county fleet
2 license plate furnished for the vehicle has been lost, stolen, or mutilated and that the new metal
3 exempt county 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.

6

7 §217.56. Registration Reciprocity Agreements.

8 (a) Purpose. To promote and encourage the fullest possible use of the highway system and
9 contribute to the economic development and growth of the State of Texas and its residents, the
10 department is authorized by Transportation Code, §502.091 to enter into agreements with duly
11 authorized officials of other jurisdictions, including any state of the United States, the District of
12 Columbia, a foreign country, a state or province of a foreign country, or a territory or possession of
13 either the United States or of a foreign country, and to provide for the registration of vehicles by
14 Texas residents and nonresidents on an allocation or distance apportionment basis, and to grant
15 exemptions from the payment of registration fees by nonresidents if the grants are reciprocal to
16 Texas residents.

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

19 (1) Cab card--The apportioned vehicle registration receipt that contains, but is not
20 limited to, the vehicle description and the registered weight at which the vehicle may operate in
21 each jurisdiction.

22 (2) Department--The Texas Department of Motor Vehicles.

1 (3) Director--The director of the Motor Carrier Division, Texas Department of Motor
2 Vehicles.

3 (4) Executive director--The chief executive officer of the department.

4 (5) Regional Service Center--A department office which provides specific services to
5 the public, including replacement titles, bonded title notices of determination [~~rejection letters~~],
6 and apportioned registration under the International Registration Plan (IRP).

7 (6) Temporary cab card--A temporary registration [~~permit~~] authorized by the
8 department that allows the operation of a vehicle for 30 days subject to all rights and privileges
9 afforded to a vehicle displaying apportioned registration.

10 (c) Multilateral agreements.

11 (1) Authority. The executive director may on behalf of the department enter into a
12 multilateral agreement with the duly authorized officials of two or more other jurisdictions to
13 carry out the purpose of this section.

14 (2) International Registration Plan.

15 (A) Applicability. The IRP is a registration reciprocity agreement among
16 states of the United States and other jurisdictions providing for payment of registration fees on the
17 basis of fleet distance operated in various jurisdictions. Its purpose is to promote and encourage
18 the fullest possible use of the highway system by authorizing apportioned registration for
19 commercial motor vehicles and payment of appropriate vehicle registration fees and thus
20 contributing to the economic development and growth of the member jurisdictions.

21 (B) Adoption. The department adopts by reference the January 1, 2024,
22 [~~2022,~~] version of the IRP. The department also adopts by reference the January 1, 2016, version of
23 the IRP Audit Procedures Manual. In the event of a conflict between this section and the IRP or the
06/27/2024

1 IRP Audit Procedures Manual, the IRP and the IRP Audit Procedures Manual control. Copies of the
2 documents are available online at www.irponline.org or on request to the department. [~~for review~~
3 ~~in the Motor Carrier Division, Texas Department of Motor Vehicles. Copies are also available on~~
4 ~~request.~~]

5 (C) Application.

6 (i) An applicant must submit an application to the department on a
7 form prescribed by the director, along with additional documentation as required by the director.
8 An applicant shall provide the department with a copy of the applicant's receipt under the Unified
9 Carrier Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) to prove the
10 applicant is currently registered under UCR if the applicant is required to register under UCR.

11 (ii) Upon approval of the application, the department will compute
12 the appropriate registration fees and notify the registrant.

13 (D) Fees. Upon receipt of the applicable fees in the form as provided by
14 §209.23 of this title (relating to Methods of Payment), the department will issue one or two license
15 plates and a cab card for each vehicle registered.

16 (E) Display of License Plates and Cab Cards.

17 (i) The department will issue one license plate for a tractor, truck-
18 tractor, trailer, and semitrailer. The license plate issued to a tractor or a truck-tractor shall be
19 installed on the front of the tractor or truck-tractor, and the license plate issued for a trailer or
20 semitrailer shall be installed on the rear of the trailer or semitrailer.

21 (ii) The department will issue two license plates for all other vehicles
22 that are eligible to receive license plates under the IRP. Once the department issues two license

1 plates for a vehicle listed in this clause, one plate shall be installed on the front of the vehicle, and
2 one plate shall be installed on the rear of the vehicle.

3 (iii) The cab card shall be carried at all times in the vehicle in
4 accordance with the IRP. If the registrant chooses to display an electronic image of the cab card on
5 a wireless communication device or other electronic device, such display does not constitute
6 consent for a peace officer, or any other person, to access the contents of the device other than
7 the electronic image of the cab card.

8 (iv) The authority to display an electronic image of the cab card on a
9 wireless communication device or other electronic device does not prevent the Texas State Office
10 of Administrative Hearings or a court of competent jurisdiction from requiring the registrant to
11 provide a paper copy of the cab card in connection with a hearing, trial, or discovery proceeding.

12 (F) Audit. An audit of the registrant's vehicle operational records may be
13 conducted by the department according to the IRP provisions and the IRP Audit Procedures
14 Manual. Upon request, the registrant shall provide the operational records of each vehicle for
15 audit in unit number order, in sequence by date, and including, but not limited to, a summary of
16 distance traveled by each individual vehicle on a monthly, quarterly, and annual basis with
17 distance totaled separately for each jurisdiction in which the vehicle traveled.

18 (G) Assessment. The department may assess additional registration fees of
19 up to 100% of the apportionable fees paid by the registrant for the registration of its fleet in the
20 registration year to which the records pertain, as authorized by the IRP, if an audit conducted
21 under subparagraph (F) of this paragraph reveals that:

22 (i) the operational records indicate that the vehicle did not generate
23 interstate distance in two or more member jurisdictions for the distance reporting period

1 supporting the application being audited, plus the six-month period immediately following that
2 distance reporting period;

3 (ii) the registrant failed to provide complete operational records; or

4 (iii) the distance must be adjusted, and the adjustment results in a
5 shortage of registration fees due Texas or any other IRP jurisdiction.

6 (H) Refunds. If an audit conducted under subparagraph (F) of this paragraph
7 reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund
8 the overpayment of registration fees in accordance with Transportation Code, §502.195 and the
9 IRP. Any registration fees refunded to a carrier for another jurisdiction will be deducted from
10 registration fees collected and transmitted to that jurisdiction.

11 (I) Cancellation or revocation. The director or the director's designee may
12 cancel or revoke a registrant's apportioned registration and all privileges provided by the IRP as
13 authorized by the following:

14 (i) the IRP; or

15 (ii) Transportation Code, Chapter 502.

16 (J) Procedures for assessment, cancellation, or revocation.

17 (i) Notice. If a registrant is assessed additional registration fees, as
18 provided in subparagraph (G) of this paragraph, and the additional fees are not paid by the due
19 date provided in the notice or it is determined that a registrant's apportioned license plates and
20 privileges should be canceled or revoked, as provided in subparagraph (I) of this paragraph, the
21 director or the director's designee will mail a notice by certified mail to the last known address of
22 the registrant. The notice will state the facts underlying the assessment, cancellation, or

1 revocation; the effective date of the assessment, cancellation, or revocation; and the right of the
2 registrant to request a conference as provided in clause (ii) of this subparagraph.

3 (ii) Conference. A registrant may request a conference upon receipt
4 of a notice issued as provided by clause (i) of this subparagraph. The request must be made in
5 writing to the director or the director's designee within 30 days of the date of the notice. If timely
6 requested, the conference will be scheduled and conducted by the director or the director's
7 designee at division headquarters in Austin and will serve to abate the assessment, cancellation, or
8 revocation unless and until that assessment, cancellation, or revocation is affirmed or disaffirmed
9 by the director or the director's designee. In the event matters are resolved in the registrant's
10 favor, the director or the director's designee will mail the registrant a notice of withdrawal,
11 notifying the registrant that the assessment, cancellation, or revocation is withdrawn, and stating
12 the basis for that action. In the event matters are not resolved in the registrant's favor, the
13 director or the director's designee will issue a decision reaffirming the department's assessment of
14 additional registration fees or cancellation or revocation of apportioned license plates and
15 privileges. The registrant has the right to appeal in accordance with clause (iii) of this
16 subparagraph.

17 (iii) Appeal. If a conference held in accordance with clause (ii) of this
18 subparagraph fails to resolve matters in the registrant's favor, the registrant may submit an appeal under
19 §224.122 of this title (relating to Appeal of Decision Regarding Assessment, Cancellation, or Revocation
20 Under §217.56). An appeal will be governed by Chapter 224 of this title (relating to Adjudicative
21 Practice and Procedure) and Transportation Code, Chapter 502.

22 (K) Reinstatement.

1 (i) The director or the director's designee will reinstate apportioned
2 registration to a previously canceled or revoked registrant if all applicable fees and assessments
3 due on the previously canceled or revoked apportioned account have been paid and the applicant
4 provides proof of an acceptable recordkeeping system for a period of no less than 60 days.

5 (ii) The application for the following registration year will be
6 processed in accordance with the provisions of the IRP.

7 (L) Denial of apportioned registration for safety reasons. The department
8 will comply with the requirements of the Performance and Registration Information Systems
9 Management program (PRISM) administered by the Federal Motor Carrier Safety Administration
10 (FMCSA).

11 (i) Denial or suspension of apportioned registration. Upon
12 notification from the FMCSA that a carrier has been placed out of service for safety violations, the
13 department will:

14 (I) deny initial issuance of apportioned registration;

15 (II) deny authorization for a temporary cab card, as provided
16 for in subparagraph (M) of this paragraph;

17 (III) deny renewal of apportioned registration; or

18 (IV) suspend current apportioned registration.

19 (ii) Issuance after denial of registration or reinstatement of
20 suspended registration. The director or the director's designee will reinstate or accept an initial or
21 renewal application for apportioned registration from a registrant who was suspended or denied
22 registration under clause (i) of this subparagraph upon presentation of a Certificate of Compliance
23 from FMCSA, in addition to all other required documentation and payment of fees.

1 (M) Temporary cab card.

2 (i) Application. The department may authorize issuance of a
3 temporary cab card to a motor carrier with an established Texas apportioned account for a vehicle
4 upon proper submission of all required documentation, a completed application, and all fees for
5 either:

6 (I) Texas title as prescribed by Transportation Code, Chapter
7 501 and Subchapter A of this chapter (relating to Motor Vehicle Titles); or

8 (II) registration receipt to evidence title for registration
9 purposes only (Registration Purposes Only) as provided for in Transportation Code, §501.029 and
10 §217.24 of this title (relating to Vehicle Last Registered in Another Jurisdiction).

11 (ii) Title application. A registrant who is applying for a Texas title as
12 provided for in clause (i)(I) of this subparagraph and is requesting authorization for a temporary
13 cab card, must submit to a Regional Service Center a photocopy of the title application receipt
14 issued by the county tax assessor-collector's office.

15 (iii) Registration Purposes Only. A registrant who is applying for
16 Registration Purposes Only under clause (i)(II) of this subparagraph and is requesting authorization
17 for a temporary cab card, must submit an application and all additional original documents or
18 copies of original documents required by the director to a Regional Service Center.

19 (iv) Department approval. On department approval of the submitted
20 documents, the department will send notice to the registrant to finalize the transaction and make
21 payment of applicable registration fees.

1 (v) Finalization and payment of fees. To finalize the transaction and
2 print the temporary cab card, the registrant may compute the registration fees through the
3 department's apportioned registration software application, TxFLEET [~~TxIRP~~] system, and:

4 (I) make payment of the applicable registration fees to the
5 department as provided by §209.23 of this title; and

6 (II) afterwards, mail or deliver payment of the title
7 application fee in the form of a check, certified cashier's check, or money order payable to the
8 county tax assessor-collector in the registrant's county of residency and originals of all copied
9 documents previously submitted.

10 (vi) Deadline. The original documents and payment must be
11 received by the Regional Service Center within 72-hours after the time that the office notified the
12 registrant of the approval to print a temporary cab card as provided in clause (iv) of this
13 subparagraph.

14 (vii) Failure to meet deadline. If the registrant fails to submit the
15 original documents and required payment within the time prescribed by clause (vi) of this
16 subparagraph, the registrant's privilege to use this expedited process to obtain a temporary cab
17 card will be denied by the department for a period of six months from the date of approval to print
18 the temporary cab card.

19 **STATUTORY AUTHORITY.** The department proposes a repeal to Chapter 217 under Transportation Code
20 §551.202, which identifies the operation on roadways of electric personal assistive mobility devices.

21 **CROSS REFERENCE TO STATUTE.** The proposed repeal would implement Transportation Code §551.202,
22 §217.34, Electric Personal Assistive Mobility Devices.

1

2 Text.

3 [~~217.34. Electric Personal Assistive Mobility Device.~~]

4 [~~The owner of an electric personal assistive mobility device, as defined by Transportation~~
5 ~~Code, §551.201, is not required to register it. The device may only be operated on a residential~~
6 ~~street, roadway, or public highway in accordance with Transportation Code, §551.202.]~~

7

8

SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS

9

43 TAC §§217.71, 217.74, AND 217.75

10

11 **STATUTORY AUTHORITY.** In addition to the rulemaking authority provided in Section 34 of HB 718, the
12 department proposes amendments to Chapter 217 under Transportation Code §502.0021, which gives
13 the department authority to adopt rules to administer Transportation Code Chapter 502, Registration of
14 Vehicles; Transportation Code §502.040, which authorizes the department to prescribe the process and
15 procedures for applying for a motor vehicle registration; Transportation Code §502.059, which
16 authorizes the department to adopt rules providing for an automated registration process;
17 Transportation Code §520.003, which authorizes the department to adopt rules to administer
18 Transportation Code §520, Miscellaneous Provisions; Transportation Code §520.004, which authorizes
19 the department to adopt rules to establish standards for uniformity and service quality for counties
20 conducting registration and titling services; Transportation Code §520.0055, as created by HB 718, gives
21 the department authority to mandate motor vehicle dealers use a department designated electronic
22 system to submit title and registration applications to county tax assessor-collectors for motor vehicle
23 transactions; and Transportation Code §1002.001, which authorizes the board to adopt rules that are

1 necessary and appropriate to implement the powers and the duties of the department, as well as the
2 statutes referenced throughout the this preamble.

3 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
4 §§502.0021, 502.040, 502.059, 520.003, 520.004, 520.0055, and 1002.

5
6 Text.

7 §217.71. Automated and Web-Based Vehicle Registration and Title Systems.

8 (a) Purpose.

9 (1) Transportation Code, Chapters 501 and 502, charge the department with the
10 responsibility for issuing titles and registering vehicles operating on the roads, streets, and
11 highways of the state.

12 (2) To provide a more efficient, cost-effective system for registering and titling
13 vehicles, submitting title and registration records to county tax assessor-collectors and the
14 department, maintaining records, improving inventory control of accountable items, and collecting
15 and reporting of applicable fees consistent with those statutes, the department has designed:

16 (A) an automated system known as the registration and title system. This
17 system expedites registration and titling processes, provides a superior level of customer service to
18 the owners and operators of vehicles, and facilitates availability of the department's motor vehicle
19 records for official law enforcement needs. Automated equipment compatible with the
20 registration and title system is indispensable to the operational integrity of the system; and

21 (B) a web-based system known as webDEALER. This system expedites
22 registration and titling processes, provides a superior level of customer service to the owners and

1 operators of vehicles, and facilitates availability of the department's motor vehicle records for
2 official law enforcement needs.

3 (3) This subchapter prescribes the policies and procedures under which the
4 department may make the automated equipment available to a county tax assessor-collector as
5 designated agent of the state for processing title and vehicle registration documents and the
6 policies and procedures ~~[for users who opt]~~ to use webDEALER.

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

9 (1) Automated equipment--Equipment associated with the operation of the
10 registration and titling system, including, but not limited to, microcomputers, printers, software,
11 and cables.

12 (2) Department--The Texas Department of Motor Vehicles.

13 (3) Executive director--The executive director of the Texas Department of Motor
14 Vehicles.

15 (4) Fair share allocation--The amount of automated equipment determined by the
16 department to be effective at providing a reasonable level of service to the public. This amount
17 will be determined on transaction volumes, number of county substations, and other factors
18 relating to a particular county's need.

19 (5) RTS--The department's registration and title system.

20 (6) Title application--A form as defined by §217.2 of this title (relating to
21 Definitions), and includes the electronic process provided by the department that captures the
22 information required by the department to create a motor vehicle title record.

1 (7) webDEALER--The department's web-based titling and registration system used
2 to submit title applications to county tax assessor-collectors and the department. This term
3 includes any other web-based system which facilitates electronic submission of title applications,
4 including webSALVAGE, eTITLE, and webLIEN.

5

6 §217.74. webDEALER Access, Use, and Training. [~~Access to and Use of webDEALER.~~]

7 (a) Each county tax assessor-collector shall request access to, and accept title applications
8 submitted through, webDEALER. A county tax assessor-collector must utilize webDEALER in order
9 to accept a title application in the county as provided by subsections (b) and (c) of this section.

10 (b) Except as provided in subsection (c) of this section, a person who wishes to become a
11 user of webDEALER must contact each entity to whom they submit title applications for
12 authorization to utilize webDEALER. A user must receive authorization from each entity, including
13 each county tax assessor-collector, to whom the user submits title applications. Title applications
14 submitted to the department require the authorization by the department.

15 (c) A motor vehicle dealer who holds [~~holder of~~] a general distinguishing number (holder)
16 [~~who wishes to become a user of webDEALER~~] must contact each county tax assessor-collector to
17 whom they submit title applications for webDEALER access. The county must provide the holder
18 access. A holder must obtain access from each county [~~tax assessor collector~~] to whom the user
19 submits title applications. All active holders must obtain access to webDEALER in advance of July 1,
20 2025. If a holder does not have webDEALER access by April 30, 2025, the department may provide
21 the holder access to webDEALER in the county where the holder is located.

1 (d) A county tax assessor-collector may authorize a deputy appointed by the county tax
2 assessor-collector in accordance with subchapter H of this chapter (relating to Deputies) to utilize
3 webDEALER.

4 (e) An entity or [A] person authorized under subsection (b) of this section may have their
5 authorization to use webDEALER revoked, rescinded, or cancelled at any time, with no notice, at
6 the discretion of a county tax assessor-collector or the department.

7 (f) When submitting a title application through webDEALER, a user must:

8 (1) stamp the word "SURRENDERED" across the front face and the next open
9 assignment or reassignment space of any secure title document or other acceptable ownership
10 evidence as determined by the department in:

11 (A) arial font;

12 (B) black ink; and

13 (C) a size of 1/4" height x 2 1/4" length;

14 (2) retain the physical document described in paragraph (1) of this subsection for a
15 minimum of four calendar years from the date of submitting a scanned copy of the stamped title
16 document using the webDEALER system; and

17 (3) submit any documents required to be submitted with the title application with a
18 scanned resolution of at least 200 dots per inch (DPI).

19 (g) Required webDEALER training. A holder described under subsection (c) and required to
20 process title and registration transactions through webDEALER in accordance with Transportation
21 Code, Section 520.0055, and each user accessing webDEALER under the holder's account must
22 complete webDEALER training conducted by the department by April 30, 2025. New users created

1 on or after April 30, 2025, must complete webDEALER training before being given webDEALER
2 permissions.

3 (1) Required training will include, at a minimum, training regarding transactions
4 performed in webDEALER and proper use of the system.

5 (2) A holder who has had access to webDEALER for more than six months and
6 submitted more than 100 transactions within the system as of October 1, 2024, is not required to
7 take the webDEALER training under this section.

8 (3) Failure for holders and users accessing webDEALER under the holder’s account
9 to complete the required training as outlined in this section shall result in denial of access to
10 webDEALER.

11

12 §217.75. Required Training on the Registration and Title System and Identification of Fraud.

13 (a) Required training. A person performing registration or titling services through RTS,
14 including a department employee, department contractor, county tax assessor-collector employee,
15 or full service deputy as defined by §217.162(6) of this title (relating to Definitions), must complete
16 a training program as prescribed by this section. Required training will include, at a minimum:

17 (1) training regarding transactions performed in RTS; and

18 (2) identification of fraudulent activity related to vehicle registration and titling.

19 (b) Online training. The department will make required training for county tax assessor-
20 collector employees and full service deputies available through the department's online training
21 system.

22 (c) Registration and Title System training for county tax assessor-collector staff and full
23 service deputies. To satisfy the training requirements under subsection (a)(1) of this section, a

1 county tax assessor-collector employee or full service deputy must complete each training course
2 associated with the permissions that person is assigned in RTS. A person completes a training
3 course when the person obtains a score of at least 80 percent on the course test, and the training
4 is verified. This section does not limit the number of times or how often a person may take a
5 training course or test.

6 (1) A county tax assessor-collector or county tax assessor-collector's system
7 administrator must create accounts for and assign permissions in RTS to each employee or full
8 service deputy who will be given access to RTS based on that person's job duties as determined by
9 the county tax assessor-collector or the county tax assessor-collector's system administrator.

10 (2) The department will assign training content for specific permissions in RTS.

11 (3) A person must take required training using the person's individually assigned
12 training identifier for the department's online training system.

13 (4) The department will enable a permission on completion of required training.

14 ~~[(5) A person with permissions in RTS on or before the effective date of this section
15 must complete required training under this section by August 31, 2020. A person who has not been
16 assigned permissions in RTS on or before the effective date of this section must complete all
17 required training before permissions are enabled by the department.]~~

18 ~~(5)~~(6) If new training is made available for a new or existing permission ~~[after~~
19 ~~August 31, 2020,]~~ a person with permissions enabled before the new training is made available
20 must complete the required training within 120 days of the department's notification that the
21 training is available. A county employee, or full service deputy, who is on leave on the date of the
22 department's notification that the new training is available, for at least 120 days thereafter, and

1 due to circumstances beyond that person's control, as determined by the county tax assessor-
2 collector may have an additional 14 days upon returning to work to complete the new training.

3 (d) Failure to complete required training.

4 (1) Except as provided in paragraph (2) of this subsection, the department will
5 disable a permission if a person fails to complete required training for the permission within the
6 timeframes required by this section.

7 (2) The department will not disable a permission for a county tax assessor-collector
8 employee or a full service deputy if the person timely submits their score for each required
9 training course; however, the department will disable the person's permission if the department
10 determines that the submitted score is not at least 80 percent.

11 (3) A disabled permission may be enabled by using the process to complete training
12 and enable permissions in subsection (c) of this section.

13

14 **SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES**

15 **43 TAC §§217.81-217.86, 217.88, and 217.89**

16

17 **STATUTORY AUTHORITY.** The department proposes amendments to Chapter 217 under Transportation
18 Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code,
19 Chapter 501, Certificate of Title Act; Transportation Code, §501.030, which authorizes the department to
20 adopt rules governing identification number inspections for motor vehicles brought into the state;
21 Transportation Code, §501.0925, which authorizes the department to adopt rules governing the issuance
22 of titles to insurance companies; Transportation Code, §501.097, which authorizes the department to
23 prescribe the process and procedures for applying for nonrepairable and salvage vehicle titles;

1 Transportation Code, §501.1003, which authorizes the department to require salvage dealers to report
2 nonrepairable and salvage motor vehicles that are dismantled, scrapped or destroyed and to surrender
3 ownership documents for such vehicles; and Transportation Code, §1002.001, which authorizes the board
4 to adopt rules that are necessary and appropriate to implement the powers and the duties of the
5 department, as well as the statutes referenced throughout this preamble.

6 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
7 §§501.0041, 501.030, 501.0925, 501.097, 501.1003, and 1002.001.

8

9 Text.

10 §217.81. Purpose and Scope.

11 Transportation Code, Chapter 501, Subchapter E, charges the department with the responsibility
12 of issuing titles for non repairable ~~non repairable~~ and salvage motor vehicles ~~[vehicle titles]~~ and
13 titles ~~[certificates of title]~~ for rebuilt salvage motor vehicles. For the department to efficiently and
14 effectively issue the vehicle titles ~~[and certificates of title]~~, maintain records, collect the applicable fees,
15 and ensure the proper application by motor vehicle owners, this subchapter prescribes the policies and
16 procedures for the application for and issuance of vehicle titles for non repairable ~~[non-repairable]~~ and
17 salvage motor vehicles, and titles for rebuilt salvage motor vehicles.

18

19 §217.82. Definitions.

1 The following words and terms, when used in this subchapter, shall have the following meanings,
2 unless the context clearly indicates otherwise.

3 (1) Casual sale--sale as defined by Transportation Code, §501.091(2) [~~The sale by a~~
4 ~~salvage vehicle dealer, insurance company, or salvage pool operator of not more than five nonrepairable~~
5 ~~or salvage motor vehicles to the same person during a calendar year. The term does not include a sale to~~
6 ~~a salvage vehicle dealer or the sale of an export only motor vehicle to a person who is not a resident of~~
7 ~~the United States].~~

8 (2) Certificate of title--title as defined by Transportation Code, §501.002(1-a) [~~A written~~
9 ~~instrument that may be issued solely by and under the authority of the department and that reflects the~~
10 ~~transferor, transferee, vehicle description, license plate and lien information, and rights of survivorship~~
11 ~~agreement as specified in Subchapter A of this chapter or as required by the department].~~

12 (3) Application for Title--A form prescribed by the director of the department's Vehicle
13 Titles and Registration Division that reflects the information required by the department to create a
14 motor vehicle title record.

15 (4) Damage--damage as defined by Transportation Code, §501.091(3) [~~Sudden damage~~
16 ~~to a motor vehicle caused by the motor vehicle being wrecked, burned, flooded, or stripped of major~~
17 ~~component parts. The term does not include gradual damage from any cause, sudden damage caused by~~
18 ~~hail, or any damage caused only to the exterior paint of the motor vehicle].~~

19 (5) Date of sale--The date of the transfer of possession of a specific vehicle from a seller
20 to a purchaser.

21 (6) Department--The Texas Department of Motor Vehicles.

1 (7) Export-only sale--The sale of a nonrepairable or salvage motor vehicle, by a salvage
2 vehicle dealer, including a salvage pool operator acting as agent for an insurance company, or a
3 governmental entity, to a person who resides outside the United States.

4 (8) Flood damage--A title remark that is initially indicated on a nonrepairable or salvage
5 vehicle title to denote that the damage to the vehicle was caused exclusively by flood and that is carried
6 forward on subsequent title issuance.

7 (9) Insurance company--as defined by Transportation Code, §501.091(5) [~~A person~~
8 ~~authorized to write automobile insurance in this state or an out-of-state insurance company that pays a~~
9 ~~loss claim for a motor vehicle in this state].~~

10 (10) Manufacturer's certificate of origin--A form prescribed by the department showing
11 the original transfer of a new motor vehicle from the manufacturer to the original purchaser, whether
12 importer, distributor, dealer, or owner, and when presented with an application for title, showing, on
13 appropriate forms prescribed by the department, each subsequent transfer between distributor and
14 dealer, dealer and dealer, and dealer and owner.

15 (11) Metal recycler--A person as defined by Transportation Code §501.091(7). [~~who:]~~

16 ~~[(A) is predominately engaged in the business of obtaining ferrous or nonferrous~~
17 ~~metal that has served its original economic purpose to convert the metal, or sell the metal for~~
18 ~~conversion, into raw material products consisting of prepared grades and having an existing or potential~~
19 ~~economic value;]~~

20 ~~[(B) has a facility to convert ferrous or nonferrous metal into raw material~~
21 ~~products consisting of prepared grades and having an existing or potential economic value, by a method~~

1 ~~other than the exclusive use of hand tools, including the processing, sorting, cutting, classifying,~~
2 ~~cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the~~
3 ~~metal; and]~~

4 [(C) sells or purchases the ferrous or nonferrous metal solely for use as raw
5 material in the production of new products.]

6 (12) Motor vehicle--A vehicle described by Transportation Code, §501.002(17).

7 (13) Nonrepairable motor vehicle--A motor vehicle as defined by Transportation Code,
8 §501.091(9).

9 (14) Nonrepairable vehicle title--title as defined by Transportation Code, §501.091(10) [A
10 ~~document that evidences ownership of a nonrepairable motor vehicle~~].

11 (15) Nonrepairable record of title--title as defined by Transportation Code, §501.091(10-
12 a).

13 (16)[(15)] Out-of-state buyer--buyer as defined by Transportation Code, §501.091(11) [A
14 ~~person licensed in an automotive business by another state or jurisdiction if the department has listed~~
15 ~~the holders of such a license as permitted purchasers of salvage motor vehicles or nonrepairable motor~~
16 ~~vehicles based on substantially similar licensing requirements and on whether salvage vehicle dealers~~
17 ~~licensed in Texas are permitted to purchase salvage motor vehicles or nonrepairable motor vehicles in~~
18 ~~the other state or jurisdiction~~].

19 (17)[(16)] Out-of-state ownership document--A negotiable document issued by another
20 jurisdiction that the department considers sufficient to prove ownership of a nonrepairable or salvage

1 motor vehicle and to support issuance of a comparable Texas certificate of title for the motor vehicle.

2 The term does not include a title issued by the department, including a:

3 (A) regular certificate of title;

4 (B) nonrepairable vehicle title;

5 (C) salvage vehicle title;

6 (D) salvage certificate;

7 (E) Certificate of Authority to Demolish a Motor Vehicle; or

8 (F) any other ownership document issued by the department.

9 (18) ~~[(17)]~~ Person--An individual, partnership, corporation, trust, association, or other
10 private legal entity.

11 (19) ~~[(18)]~~ Rebuilt salvage ~~[certificate of]~~ title--A ~~[regular certificate of]~~ title evidencing
12 ownership of a nonrepairable motor vehicle that was issued a nonrepairable vehicle title prior to
13 September 1, 2003, or salvage motor vehicle that has been rebuilt.

14 (20) ~~[(19)]~~ Salvage motor vehicle--A motor vehicle, regardless of the year model:

15 (A) that ~~[is]~~:

16 (i) is damaged or is missing a major component part to the extent that
17 the cost of repairs exceeds the actual cash value of the motor vehicle immediately before the damage; or

18 (ii) ~~[damaged and]~~ comes into this state under an out-of-state ownership
19 document that states on its face "accident damage," "flood damage," "inoperable," "rebuildable,"

1 "salvageable," or similar notation, and is not an out-of-state ownership document with a "rebuilt," "prior
2 salvage," or similar notation, or a nonrepairable motor vehicle; and

3 (B) does not include:

4 (i) a motor vehicle for which an insurance company has paid a claim for
5 repairing hail damage, or theft, unless the motor vehicle was damaged during the theft and before
6 recovery to the extent that the cost of repair exceeds the actual cash value of the motor vehicle
7 immediately before the damage;

8 (ii) the cost of materials or labor for repainting the motor vehicle; or

9 (iii) sales tax on the total cost of repairs.

10 (21)[(20)] Salvage vehicle dealer--dealer as defined by Transportation Code,
11 §501.091(17) [A person engaged in this state in the business of acquiring, selling, dismantling, repairing,
12 rebuilding, reconstructing, or otherwise dealing in nonrepairable motor vehicles or salvage motor
13 vehicles or used parts, including a person who is in the business of a salvage vehicle dealer, regardless of
14 whether the person holds a license issued by the department to engage in the business. The term does
15 not include a person who casually repairs, rebuilds, or reconstructs fewer than three salvage motor
16 vehicles in the same calendar year].

17 (22)[(21)] Salvage vehicle title--title as defined by Transportation Code, §501.091(16) [A
18 document issued by the department that evidences ownership of a salvage motor vehicle].

19 (23) Salvage record of title--title as defined by Transportation Code, §501.091(16-a).

20

1 §217.83. Requirement for Nonrepairable [~~Non-repairable~~] or Salvage Vehicle Title or Nonrepairable or
2 Salvage Record of Title.

3 (a) Determination of condition of vehicle.

4 (1) Salvage motor vehicle. When a vehicle is damaged, the actual cash value of the
5 motor vehicle immediately before the damage and the cost of repairs shall be used to determine
6 whether the damage is sufficient to classify the motor vehicle as a salvage motor vehicle.

7 (2) Non repairable [~~Non-repairable~~] motor vehicle. When a vehicle is damaged, the
8 actual cash value of the motor vehicle immediately before the damage and the cost of repairs, or any
9 [~~alternate~~] method commonly used by the insurance industry, shall be used to determine whether the
10 damage is sufficient to classify the motor vehicle as a non repairable [~~non-repairable~~] motor vehicle.

11 (3) The actual cash value of the motor vehicle is the market value of a motor vehicle as
12 determined:

13 (A) from publications commonly used by the automotive and insurance
14 industries to establish the values of motor vehicles; or

15 (B) if the entity determining the value is an insurance company, by any other
16 procedure recognized by the insurance industry, including market surveys, that is applied in a uniform
17 manner.

18 (4) The cost of repairs, including parts and labor, shall be determined by:

19 (A) using a manual of repair costs or other instrument that is generally
20 recognized and used in the motor vehicle industry to determine those costs; or

1 (B) an estimate of the actual cost of the repair parts and the estimated labor
2 costs computed by using hourly rate and time allocations that are reasonable and commonly assessed in
3 the repair industry in the community in which the repairs are performed.

4 (5) The cost of repairs does not include:

5 (A) the cost of:

6 (i) repairs related to gradual damage to a motor vehicle;

7 (ii) repairs related to hail damage; or

8 (iii) materials and labor for repainting or when the damage is solely to
9 the exterior paint of the motor vehicle; or

10 (B) sales tax on the total cost of repairs.

11 (b) Who must apply.

12 (1) An insurance company licensed to do business in this state that acquires ownership
13 or possession of a nonrepairable [~~non-repairable~~] or salvage motor vehicle that is covered by a
14 [~~certificate of~~] title issued by this state or a manufacturer's certificate of origin shall obtain a
15 nonrepairable [~~non-repairable~~] or salvage vehicle title or nonrepairable or salvage record of title, as
16 provided by §217.84 of this title (relating to Application for Nonrepairable [~~Non-repairable~~] or Salvage
17 Vehicle Title or Nonrepairable or Salvage Record of Title), before selling or otherwise transferring the
18 nonrepairable [~~non-repairable~~] or salvage motor vehicle, except as provided by subsection (c) of this
19 section.

1 (2) A salvage vehicle dealer shall obtain a Nonrepairable [~~Non-repairable~~] or Salvage
2 Vehicle Title or Nonrepairable or Salvage Record of Title, or comparable out-of-state ownership
3 document, before selling or otherwise transferring the motor vehicle, except as provided by §217.88(b)
4 of this title (relating to Sale, Transfer, or Release of Ownership of a Nonrepairable [~~Non-repairable~~] or
5 Salvage Motor Vehicle).

6 (3) A person, other than an insurance company or salvage vehicle dealer, who acquires
7 ownership of a nonrepairable [~~non-repairable~~] or salvage motor vehicle that has not been issued a
8 nonrepairable [~~non-repairable~~] vehicle title, a salvage vehicle title, or a comparable out-of-state
9 ownership document, shall obtain a nonrepairable [~~non-repairable~~] or salvage vehicle title or
10 nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise transferring
11 the motor vehicle, unless the motor vehicle will be dismantled, scrapped, or destroyed.

12 (c) Owner-retained vehicles.

13 ~~[(1) An owner may retain a vehicle only as provided by this subsection and if the vehicle~~
14 ~~was titled in Texas before it became a salvage or non-repairable vehicle.]~~

15 (1)~~[(2)]~~ When an insurance company pays a claim on a nonrepairable [~~non-repairable~~] or
16 salvage motor vehicle and does not acquire ownership of the motor vehicle, the company shall submit
17 through webDEALER to the department before the 31st day after the date of the payment of the claim,
18 on a form prescribed by the department, a report stating that:

19 (A) the insurance company has paid a claim on the nonrepairable [~~non-~~
20 ~~repairable~~] or salvage motor vehicle; and

1 (B) the insurance company has not acquired ownership of the
2 nonrepairable [~~non-repairable~~] or salvage motor vehicle.

3 (2)[(3)] Upon receipt of the report described in paragraph (2) of this subsection, the
4 department will place an appropriate notation on the motor vehicle record to prevent registration and
5 transfer of ownership prior to the issuance of a salvage or nonrepairable [~~non-repairable~~] vehicle title or
6 salvage or nonrepairable record of title.

7 (3)[(4)] The owner who retained the nonrepairable [~~non-repairable~~] or salvage motor
8 vehicle to which this subsection applies shall obtain a nonrepairable [~~non-repairable~~] or salvage vehicle
9 title or nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise
10 transferring the nonrepairable [~~non-repairable~~] or salvage motor vehicle.

11 [(5) Until a ~~non-repairable or salvage vehicle title, or a comparable out-of-state~~
12 ~~ownership document, has been issued for an owner-retained non-repairable or salvage vehicle, the~~
13 ~~owner of the motor vehicle may not sell or otherwise transfer ownership of the vehicle.~~]

14 (4)[(6)] The owner of an owner retained nonrepairable [~~non-repairable~~] or salvage
15 motor vehicle may not operate or permit operation of the motor vehicle on a public highway, until the
16 motor vehicle is rebuilt, titled as a rebuilt salvage motor vehicle or rebuilt nonrepairable [~~non-repairable~~]
17 motor vehicle, if applicable, and is registered in accordance with Subchapter B of this chapter.

18 (d) Self-insured vehicles. The owner of a nonrepairable [~~non-repairable~~] or salvage motor vehicle
19 that is self-insured and that has been removed from normal operation by the owner shall apply to the
20 department for a nonrepairable [~~non-repairable~~] or salvage vehicle title or nonrepairable or salvage

1 record of title, as provided by §217.84, before the 31st day after the damage occurred, and before selling
2 or otherwise transferring ownership of the nonrepairable [~~non-repairable~~] or salvage motor vehicle.

3 (e) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company that
4 acquires a nonrepairable [~~non-repairable~~] or salvage motor vehicle shall apply to the department for a
5 nonrepairable [~~non-repairable~~] or salvage vehicle title or nonrepairable or salvage record of title, in
6 accordance with §217.84, prior to offering the motor vehicle for sale in a casual sale.

7 (f) Export-only vehicles. A salvage vehicle dealer, including a salvage pool operator acting as
8 agent for an insurance company, or governmental entity that acquires a nonrepairable [~~non-repairable~~]
9 or salvage motor vehicle and offers it for sale to a non-United States resident shall apply to the
10 department for a nonrepairable [~~non-repairable~~] or salvage vehicle title, as provided by §217.84, before
11 selling or otherwise transferring the nonrepairable [~~non-repairable~~] or salvage motor vehicle and before
12 delivery of the nonrepairable [~~non-repairable~~] or salvage motor vehicle to the buyer. A salvage vehicle
13 dealer or governmental entity shall maintain records of all export-only nonrepairable [~~non-repairable~~] or
14 salvage motor vehicle sales as provided by §217.88(g).

15 (g) Voluntary application. A person who owns or acquires a motor vehicle that is not a
16 nonrepairable [~~non-repairable~~] or salvage motor vehicle may voluntarily, and on proper application, as
17 provided by §217.84, apply for a nonrepairable [~~non-repairable~~] or salvage vehicle title or nonrepairable
18 or salvage record of title.

19

20 §217.84. Application for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of
21 Title.

1 (a) Place of application. The owner of a nonrepairable or salvage motor vehicle who is required
2 to obtain or voluntarily chooses to obtain a nonrepairable or salvage vehicle title, as provided by §217.83
3 of this title (relating to Requirement for Nonrepairable [~~Non-repairable~~] or Salvage Vehicle Title or
4 Nonrepairable or Salvage Record of Title), shall apply for a nonrepairable or salvage vehicle title or
5 nonrepairable or salvage record of title by submitting an application, the required accompanying
6 documentation, and the statutory fee to the department.

7 (b) Information on application. An applicant for a nonrepairable or salvage vehicle title or
8 nonrepairable or salvage record of title shall submit an application on a form prescribed by the
9 department. A completed form, in addition to any other information required by the department, must
10 include:

11 (1) the name and current address of the owner;

12 (2) a description of the motor vehicle, including the model year, make, body style, and
13 vehicle identification number;

14 (3) a statement describing whether the motor vehicle is a nonrepairable or salvage
15 motor vehicle;

16 (4) whether the damage was caused exclusively by flood;

17 (5) a description of the damage to the motor vehicle that discloses which major
18 component part(s) must be repaired or replaced as a result of the damage to the part(s);

19 (6) the odometer reading and brand, or the word "exempt" if the motor vehicle is
20 exempt from federal and state odometer disclosure requirements, if the motor vehicle is a salvage motor
21 vehicle;

1 (7) the name and mailing address of any lienholder and the date of lien, as provided by
2 subsection (e) of this section; and

3 (8) the signature of the applicant or the applicant's authorized agent and the date the
4 ~~[certificate of]~~ title application was signed.

5 (c) Accompanying documentation. A nonrepairable or salvage vehicle title or nonrepairable or
6 salvage record of title application must be supported, at a minimum, by:

7 (1) evidence of ownership, as described by subsection (d)(1) or (3) of this section, if the
8 applicant is an insurance company that is unable to locate one or more of the owners;

9 (2) an odometer disclosure statement properly executed by the seller of the motor
10 vehicle and acknowledged by the purchaser, if the motor vehicle is less than 10 model years old and the
11 motor vehicle is a salvage motor vehicle; and

12 (3) a release of any liens.

13 (d) Evidence of nonrepairable or salvage motor vehicle ownership.

14 (1) Evidence of nonrepairable or salvage motor vehicle ownership properly assigned to
15 the applicant must accompany the application for a nonrepairable or salvage vehicle title or
16 nonrepairable or salvage record of title, except as provided by paragraph (2) of this subsection. Evidence
17 must include documentation sufficient to show ownership to the nonrepairable or salvage motor vehicle,
18 such as:

19 (A) a Texas ~~[Certificate of]~~ Title;

20 (B) a certified copy of a Texas ~~[Certificate of]~~ Title;

- 1 (C) a manufacturer's certificate of origin;
- 2 (D) a Texas Salvage Certificate;
- 3 (E) a nonrepairable vehicle title or record of title;
- 4 (F) a salvage vehicle title or record of title;
- 5 (G) a comparable ownership document issued by another jurisdiction, except
6 that if the applicant is an insurance company, evidence must be provided indicating that the insurance
7 company is:
- 8 (i) licensed to do business in Texas; or
- 9 (ii) not licensed to do business in Texas, but has paid a loss claim for the
10 motor vehicle in this state; or
- 11 (H) a photocopy of the inventory receipt or a title and registration verification
12 evidencing surrender to the department of the negotiable evidence of ownership for a motor vehicle as
13 provided by §217.86 of this title (relating to Dismantling, Scrapping, or Destruction of Motor Vehicles),
14 and if the evidence of ownership surrendered was from another jurisdiction, a photocopy of the front
15 and back of the surrendered evidence of ownership.
- 16 (2) An insurance company that acquires ownership or possession of a nonrepairable or
17 salvage motor vehicle through payment of a claim may apply for a nonrepairable or salvage vehicle title
18 to be issued in the insurance company's name without obtaining an ownership document or if it
19 received an ownership document without the proper assignment of the owner if the company is unable
20 to obtain a title from the owner, in accordance with paragraph (1) of this subsection, and the application

1 is not made earlier than the 30th day after the date of payment of the claim. The application must also
2 include:

3 (A) a statement that the insurance company has provided at least two written
4 notices to the owner and any lienholder attempting to obtain the title or proper assignment of title for
5 the motor vehicle;

6 (B) a statement that the insurance company paid a loss claim for the vehicle that
7 was accepted; and

8 (C) any unassigned or improperly assigned title in the insurance company's
9 possession.

10 (3) An insurance company that acquires, through payment of a claim, ownership or
11 possession of a salvage motor vehicle or nonrepairable motor vehicle covered by an out-of-state
12 ownership document may obtain a salvage ~~vehicle title~~ or nonrepairable vehicle title or salvage or
13 nonrepairable record of title in accordance with paragraph (1) or (2) of this subsection if:

14 (A) the motor vehicle was damaged, stolen, or recovered in this state; or

15 (B) the motor vehicle owner from whom the company acquired ownership
16 resides in this state.

17 (4) A salvage pool operator may apply for title consistent with Transportation Code,
18 §501.0935. ~~[in the name of the salvage pool operator by providing to the department:]~~

19 ~~[(A) documentation from the insurance company that:]~~

1 ~~[(i) the salvage pool operator, on request of an insurance company, was~~
2 ~~asked to take possession of the motor vehicle subject to an insurance claim and the insurance company~~
3 ~~subsequently denied coverage or did not take ownership of the vehicle; and]~~

4 ~~[(ii) the name and address of the owner of the motor vehicle and the~~
5 ~~lienholder, if any; and]~~

6 ~~[(B) proof that the salvage pool operator, before the 31st day after receiving the~~
7 ~~information from the insurance company, sent a notice to the owner and any lienholder informing them~~
8 ~~that;]~~

9 ~~[(i) the motor vehicle must be removed from the location specified in~~
10 ~~the notice not later than the 30th day after the date the notice is mailed; and]~~

11 ~~[(ii) if the motor vehicle is not removed within the time specified in the~~
12 ~~notice, the salvage pool operator will sell the motor vehicle and retain from the proceeds any costs~~
13 ~~actually incurred by the operator in obtaining, handling, and disposing of the motor vehicle, except for~~
14 ~~charges;]~~

15 ~~[(i) that have been or are subject to being reimbursed by a third~~
16 ~~party; and]~~

17 ~~[(ii) for storage or impoundment of the motor vehicle.]~~

18 (5) Proof of notice under this subsection consists of:

19 (A) the validated receipts for registered or certified mail and return receipt or an
20 electronic certified mail receipt, including signature receipt; and

1 (B) any unopened certified letters returned by the post office as unclaimed,
2 undeliverable, or with no forwarding address.

3 (e) Recordation of lien on nonrepairable and salvage vehicle titles. If the motor vehicle is a
4 salvage motor vehicle, a new lien or a currently recorded lien may be recorded on the salvage vehicle
5 title. If the motor vehicle is a nonrepairable motor vehicle, only a currently recorded lien may be
6 recorded on the nonrepairable vehicle title.

7 (f) Issuance. Upon receipt of a completed nonrepairable or salvage vehicle title application,
8 accompanied by the statutory application fee and the required documentation, the department will,
9 before the sixth business day after the date of receipt, issue a nonrepairable or salvage vehicle title or
10 nonrepairable or salvage record of title, as appropriate.

11 (1) If the condition of salvage is caused exclusively by flood, a "Flood Damage" notation
12 will be reflected on the face of the document and will be carried forward upon subsequent title issuance.

13 (2) If a lien is recorded on a nonrepairable or salvage vehicle title, the vehicle title will be
14 mailed to the lienholder. For proof of ownership purposes, the owner will be mailed a receipt or printout
15 of the newly established motor vehicle record, indicating a lien has been recorded.

16 (3) A nonrepairable vehicle title will state on its face that the motor vehicle may:

17 (A) not be repaired, rebuilt, or reconstructed;

18 (B) not be issued a regular [~~certificate of~~] title or registered in this state;

19 (C) not be operated on a public highway; and

20 (D) may only be used as a source for used parts or scrap metal.

1

2 §217.85. Replacement of Nonrepairable [~~Non-repairable~~] or Salvage Motor Vehicle Ownership

3 Documents.

4 (a) Location. Applications for certified copies of ownership documents for nonrepairable [~~non-~~
5 ~~repairable~~] or salvage motor vehicles will only be processed at the department's Austin headquarters
6 office.

7 (b) Notation. The certified copy will contain the words "Certified Copy" and the date issued, and
8 the motor vehicle record will be noted accordingly until ownership of the nonrepairable [~~non-repairable~~]
9 or salvage motor vehicle is transferred. Then the notation will be eliminated from the new [~~certificate of~~]
10 title and from the motor vehicle record.

11 (c) Replacement of nonrepairable [~~non-repairable~~] or salvage vehicle titles. If a
12 nonrepairable [~~non-repairable~~] or salvage vehicle title is lost or destroyed, the department will issue a
13 certified copy of the ownership document type originally issued, except as provided by subsection (d)(2)
14 of this section, to the motor vehicle owner, lienholder, or verifiable agent on submission of verifiable
15 proof and payment of the appropriate fee as provided in §217.7 of this title (relating to Replacement of
16 Title).

17 (d) Replacement of nonrepairable [~~non-repairable~~] or salvage ownership documents issued prior
18 to September 1, 2003.

19 (1) If a salvage certificate of title issued by this state prior to September 1, 2003, is lost
20 or destroyed, the department will issue a certified copy of a salvage vehicle title, to the motor vehicle

1 owner, lienholder, or verifiable agent on proper application, submission of verifiable proof, and payment
2 of the appropriate fee as provided in §217.7.

3 (2) If a nonrepairable [~~non-repairable~~] certificate of title or salvage certificate issued by
4 this state prior to September 1, 2003, is lost or destroyed, the department will issue a salvage vehicle
5 title to the motor vehicle owner, lienholder, or verifiable agent on proper application, submission of
6 verifiable proof, and payment of the appropriate fee as provided in §217.7.

7

8 §217.86. Dismantling, Scrapping, or Destruction of Motor Vehicles.

9 (a) A person who acquires ownership of a nonrepairable [~~non-repairable~~] or salvage motor
10 vehicle for the purpose of dismantling, scrapping, or destruction shall, not later than the 30th day after
11 the motor vehicle was acquired:

12 (1) submit to the department a report, on a form prescribed by the department:

13 (A) stating that the motor vehicle will be dismantled, scrapped, or destroyed;

14 and

15 (B) certifying that all unexpired license plates and registration validation stickers
16 have been removed from the motor vehicle, in accordance with Occupations Code, §2302.252; and

17 (2) surrender to the department the properly assigned ownership document.

18 (b) The person shall:

19 (1) maintain records of each motor vehicle that will be dismantled, scrapped, or
20 destroyed, as provided by Chapter 221, Subchapter D of this title (relating to Records); and

1 (2) store all unexpired license plates and registration validation stickers removed from
2 those vehicles in a secure location.

3 (c) The department will issue the person a receipt with surrender of the report and ownership
4 documents.

5 (d) For purposes of dismantling, scrapping, or destruction, a nonrepairable or salvage motor
6 vehicle may only be transferred to a metal recycler upon issuance of a receipt as provided in subsection
7 (c) of this section. The transfer shall be documented on a form prescribed by the department and be
8 included with the transfer of the vehicle along with the receipt as provided in subsection (c) of this
9 section.

10 (e)[(d)] License plates and registration validation stickers removed from vehicles reported under
11 subsection (a)(1) of this section may be destroyed upon receipt of the acknowledged report from the
12 department.

13 (f)[(e)] The department will place an appropriate notation on motor vehicle records for which
14 ownership documents have been surrendered to the department.

15 (g)[(f)] Not later than 60 days after the motor vehicle is delivered to the metal recycler for
16 purposes of the vehicle being dismantled, scrapped, or destroyed, the person shall report to the
17 department and provide evidence that the motor vehicle has been dismantled, scrapped, or destroyed.

18

19 §217.88. Sale, Transfer, or Release of Ownership of a Nonrepairable [~~Non-repairable~~] or Salvage Motor
20 Vehicle.

1 (a) Sale, transfer or release with ~~[With]~~ a nonrepairable ~~[non-repairable]~~ or salvage motor
2 vehicle title or nonrepairable or salvage record of title. The ownership of a motor vehicle for which a
3 nonrepairable ~~[non-repairable]~~ vehicle title, nonrepairable ~~[non-repairable]~~ record of title, salvage
4 vehicle title, salvage record of title, or a comparable out-of-state ownership document has been issued,
5 including a motor vehicle that has a "Flood Damage" notation on the title, may be sold, transferred, or
6 released to anyone.

7 (b) Sale, transfer or release without ~~[Without]~~ a nonrepairable ~~[non-repairable]~~ or salvage motor
8 vehicle title or nonrepairable or salvage record of title shall be consistent with Transportation Code,
9 §501.095(a). ~~[If a non-repairable vehicle title, non-repairable record of title, salvage vehicle title, salvage~~
10 ~~record of title, or a comparable out-of-state ownership document has not been issued for a non-~~
11 ~~repairable or salvage motor vehicle, only a salvage vehicle dealer, used automotive parts recycler, metal~~
12 ~~recycler, insurance company, or governmental entity may sell, transfer, or otherwise release ownership~~
13 ~~of the motor vehicle. Such person may only sell, transfer, or otherwise release ownership of a motor~~
14 ~~vehicle to which this subsection applies to:]~~

15 ~~[(1) a salvage vehicle dealer;]~~

16 ~~[(2) a used automotive parts recycler;]~~

17 ~~[(3) a metal recycler;]~~

18 ~~[(4) a governmental entity; or]~~

19 ~~[(5) an insurance company.]~~

20 (c) Sale of self-insured nonrepairable ~~[non-repairable]~~ or salvage motor vehicle. The owner of a
21 self-insured nonrepairable ~~[non-repairable]~~ or salvage motor vehicle that has been damaged and

1 removed from normal operation shall obtain a nonrepairable [~~non-repairable~~] or salvage vehicle title or
2 nonrepairable or salvage record of title before selling or otherwise transferring ownership of the motor
3 vehicle.

4 (d) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company may sell
5 up to five nonrepairable [~~non-repairable~~] or salvage motor vehicles, for which nonrepairable [~~non-~~
6 ~~repairable~~] or salvage vehicle titles or nonrepairable or salvage record of title have been issued, to a
7 person, not to include those specified in Transportation Code, §501.091(2)(A-C), in a casual sale during a
8 calendar year.

9 (e) Records of casual sales.

10 (1) A salvage vehicle dealer, salvage pool operator, or insurance company must maintain
11 records of each casual sale made during the previous 36 months, in accordance with Transportation
12 Code, §501.108, that at a minimum contain:

13 (A) the date of sale;

14 (B) the sales price;

15 (C) the name and address of the purchaser;

16 (D) a legible photocopy of a form of current photo identification as specified in
17 §217.7(b) of this title (Relating to Replacement of Title) [~~the purchaser's government issued photo~~
18 ~~identification~~];

19 (E) the form of identification provided, the identification document number, and
20 the name of the jurisdiction that issued the identification document;

1 (F) the description of the motor vehicle, including the vehicle identification
2 number, model year, make, body style, and model;

3 (G) a photocopy of the front and back of the properly assigned ownership
4 document provided to the purchaser; and

5 (H) the purchaser's certification, on a form provided by the department, that the
6 purchase of motor vehicles in a casual sale is not intended to circumvent the provisions of Transportation
7 Code, Chapter 501 (relating to Certificates of Title) and Occupations Code, Chapter 2302 (relating to
8 Salvage Vehicle Dealers).

9 (2) Records may be maintained on a form provided by the department or in an
10 electronic format.

11 (3) Records must be maintained on the business premises of the seller, and shall be
12 made available for inspection upon request.

13 (f) Export-only sales.

14 (1) In accordance with Transportation Code, §501.099, only a licensed salvage vehicle
15 dealer, including a salvage pool operator acting as agent for an insurance company, or governmental
16 entity may sell a nonrepairable [~~non-repairable~~] or salvage motor vehicle to a person who resides
17 outside the United States, and only:

18 (A) when a nonrepairable [~~non-repairable~~] or salvage vehicle title has been
19 issued for the motor vehicle prior to offering it for export-only sale; and

1 (B) prior to the sale, the seller obtains a legible photocopy of a government-
2 issued photo identification of the purchaser that can be verified by law enforcement, issued by the
3 jurisdiction in which the purchaser resides that may consist of:

4 (i) a passport;

5 (ii) a driver's license;

6 (iii) consular identity document;

7 (iv) national identification certificate or identity document; or

8 (v) other government-issued identification that includes the name of the
9 jurisdiction issuing the document, the purchaser's full name, foreign address, date of birth, photograph,
10 and signature.

11 (2) The seller must obtain the purchaser's certification, on a form prescribed by the
12 department, that the purchaser will remove the motor vehicle from the United States and will not return
13 the motor vehicle to any state of the United States as a motor vehicle titled or registered under its
14 manufacturer's vehicle identification number.

15 (3) The seller must provide the buyer with a properly assigned nonrepairable [~~non-~~
16 ~~repairable~~] or salvage vehicle title.

17 (4) The seller must stamp FOR EXPORT ONLY and the seller's salvage vehicle dealer
18 license number or the governmental entity's name, whichever applies, on the face of the title and on any
19 unused reassignments on the back of the title.

20 (g) Records of export-only sales.

1 (1) A salvage vehicle dealer or governmental entity that sells a nonrepairable [~~non-~~
2 ~~repairable~~] or salvage motor vehicle for export-only must maintain records of all export-only sales until
3 the third anniversary of the date of the sale.

4 (2) Records of each sale must include:

5 (A) a legible copy of the stamped and properly assigned nonrepairable [~~non-~~
6 ~~repairable~~] or salvage vehicle title;

7 (B) the buyer's certified statement required by subsection (f)(2) of this section;

8 (C) a legible photocopy [~~copy~~] of a form of photo identification as specified in
9 subsection (f)(1)(B) of this section[~~the buyer's photo identification document~~];

10 (D) a legible copy of any other documents related to the sale of the motor
11 vehicle; and

12 (E) a listing of each motor vehicle sold for export-only that states the:

13 (i) date of sale;

14 ~~[(ii) name and address of the seller;]~~

15 (ii)[~~(iii)~~] name [~~and address~~] of the purchaser;

16 (iii)[~~(iv)~~] purchaser's identification document number;

17 (iv)[~~(v)~~] name of the country that issued the identification document;

18 (v)[~~(vi)~~] the form of identification provided by the purchaser; and

1 ~~(vi)~~~~(vii)~~ description of the motor vehicle that includes the year, make,
2 ~~model, and~~ vehicle identification number of the motor vehicle.

3 (3) The listing required by paragraph (2)(E) of this subsection must be maintained either
4 on a form provided by the department or in an electronic format approved by the department.

5 (4) The salvage vehicle dealer or governmental entity shall submit the listing prescribed
6 by paragraph (2)(E) of this subsection to the department within 30 days from the date of sale.

7 (5) Upon receipt of the listing prescribed by paragraph (2)(E) of this subsection, the
8 department will place an appropriate notation on the motor vehicle record to identify it as a motor
9 vehicle sold for export-only that may not be operated, retitled, or registered in this state.

10

11 §217.89. Rebuilt Salvage Motor Vehicles.

12 (a) Filing for title. When a salvage motor vehicle or a nonrepairable ~~[non-repairable]~~ motor
13 vehicle for which a nonrepairable ~~[non-repairable]~~ vehicle title was issued prior to September 1, 2003,
14 has been rebuilt, the owner shall file a ~~[certificate of]~~ title application, as described in §217.4 of this title
15 (relating to Initial Application for Title), for a rebuilt salvage ~~[certificate of]~~ title.

16 (b) Place of application. An application for a rebuilt salvage ~~[certificate of]~~ title shall be filed with
17 the county tax assessor-collector in the county in which the applicant resides, in the county in which the
18 motor vehicle was purchased or is encumbered, or to any county tax assessor-collector who is willing to
19 accept the application.

1 (c) Fee for rebuilt salvage [~~certificate of~~] title. In addition to the statutory fee for a title
2 application and any other applicable fees, a \$65 rebuilt salvage fee must accompany the application.

3 (d) Accompanying documentation. The application for a [~~certificate of~~] title for a rebuilt
4 nonrepairable [~~non-repairable~~] or salvage motor vehicle must be supported, at a minimum, by the
5 following documents:

6 (1) evidence of ownership, properly assigned to the applicant, as described in subsection
7 (e) of this section;

8 (2) a rebuilt statement, on a form prescribed by the department that includes:

9 (A) a description of the motor vehicle, which includes the motor vehicle's model
10 year, make, model, identification number, and body style;

11 (B) an explanation of the repairs or alterations made to the motor vehicle;

12 (C) a description of each major component part used to repair the motor vehicle
13 and showing the identification number required by federal law to be affixed to or inscribed on the part;

14 (D) the name of the owner and the name and address of the rebuilder;

15 (E) a statement by the owner that the owner is the legal and rightful owner of
16 the vehicle, the vehicle is rebuilt, repaired, reconstructed, or assembled and that the vehicle
17 identification number disclosed on the rebuilt affidavit is the same as the vehicle identification number
18 affixed to the vehicle;

19 (F) the signature of the owner, or the owner's authorized agent; and

1 (G) a statement by the rebuilder that the vehicle has been rebuilt, repaired, or
2 reconstructed by the rebuilder and that all component parts used were obtained in a legal and lawful
3 manner, signed by the rebuilder or the rebuilder's authorized agent or employee;

4 ~~[(3) evidence of inspection submitted by the person who repairs, rebuilds, or~~
5 ~~reconstructs a non-repairable or salvage motor vehicle in the form of disclosure on the rebuilt statement~~
6 ~~of the vehicle inspection report authorization or certificate number, and the date of inspection, issued by~~
7 ~~an authorized state safety inspection station after the motor vehicle was rebuilt, if the motor vehicle will~~
8 ~~be registered at the time of application;]~~

9 (3)[(4)] an odometer disclosure statement properly executed by the seller of the motor
10 vehicle and acknowledged by the purchaser, if applicable;

11 (4)[(5)] proof of financial responsibility in the title applicant's name, as required by
12 Transportation Code §502.046, unless otherwise exempted by law, if the motor vehicle will be registered
13 at the time of application;

14 (5)[(6)] unless otherwise exempted by law, a vehicle identification number inspection
15 [report required by] under Transportation Code, §501.0321 [§548.256 and Transportation Code
16 §501.030] if the motor vehicle was last titled or [and] registered in another [state or] country, or a
17 document described under 217.4(d)(4) of this title (relating to Initial Application for Title) if the vehicle
18 was last titled or registered in another state [unless otherwise exempted by law]; and

19 (6)[(7)] a release of any liens, unless there is no transfer of ownership and the same
20 lienholder is being recorded as is recorded on the surrendered evidence of ownership.

21 (e) Evidence of ownership of a rebuilt salvage motor vehicle:

1 (1) may include:

2 (A) a Texas Salvage Vehicle Title or Record of Title;

3 (B) a Texas Nonrepairable [~~non-repairable~~] Certificate of Title issued prior to
4 September 1, 2003;

5 (C) a Texas Salvage Certificate; or

6 (D) a comparable salvage certificate or salvage certificate of title issued by
7 another jurisdiction, except that this ownership document will not be accepted if it indicates that the
8 motor vehicle may not be rebuilt in the jurisdiction that issued the ownership document; but

9 (2) does [~~may~~] not include:

10 (A) a Texas nonrepairable [~~non-repairable~~] vehicle title issued on or after
11 September 1, 2003;

12 (B) an out-of-state ownership document that indicates that the motor vehicle is
13 nonrepairable [~~non-repairable~~], junked, for parts or dismantling only, or the motor vehicle may not be
14 rebuilt in the jurisdiction that issued the ownership document; or

15 (C) a certificate of authority to dispose of a motor vehicle issued in accordance
16 with Transportation Code, Chapter 683.

17 (f) Rebuilt salvage [~~certificate of~~] title issuance. Upon receiving a completed [~~certificate of~~] title
18 application for a rebuilt salvage motor vehicle, along with the applicable fees and required
19 documentation, the transaction will be processed and a rebuilt salvage [~~certificate of~~] title will be issued.

1 The ~~[certificate of]~~ title will include a "Rebuilt Salvage" notation and a description or disclosure of the
2 motor vehicle's former condition on its face.

3 (g) Issuance of rebuilt salvage ~~[certificate of]~~ title to a motor vehicle from another jurisdiction.
4 On proper application, as prescribed by §217.4, by the owner of a motor vehicle that is brought into this
5 state from another jurisdiction and for which a certificate of title issued by the other jurisdiction contains
6 a "Rebuilt," "Salvage," or analogous title remark, the department will issue the applicant a ~~[certificate of]~~
7 title or other appropriate document for the motor vehicle. A ~~[certificate of]~~ title or other appropriate
8 document issued under this subsection will show ~~[on its face]~~:

9 (1) the date of issuance;

10 (2) the name and address of the owner;

11 (3) any registration number assigned to the motor vehicle;

12 (4) a description of the motor vehicle as determined by the department; and

13 (5) any title remark the department considers necessary or appropriate.

14 **STATUTORY AUTHORITY.** The department proposes a repeal to Chapter 217 under Transportation Code,
15 §501.09111, which identifies the rights and limitations of rights to owners of nonrepairable and salvage
16 motor vehicles.

17 **CROSS REFERENCE TO STATUTE.** The proposed repeal would implement Transportation Code §501.09111.
18 §217.87. Rights of Holder of Non-repairable or Salvage Motor Vehicle Documents.

19

20 Text.

1 ~~§217.87. Rights of Holder of Non-repairable or Salvage Motor Vehicle Documents.~~

2 ~~{(a) The owner of a motor vehicle for which a salvage certificate or a non-repairable or salvage~~
3 ~~certificate of title was issued prior to September 1, 2003, or a salvage vehicle title issued on or after~~
4 ~~September 1, 2003;}~~

5 ~~{(1) may:}~~

6 ~~{(A) possess, transport, dismantle, scrap, or destroy, the motor vehicle;}~~

7 ~~{(B) sell, transfer, or release ownership of the motor vehicle or used part from~~
8 ~~the motor vehicle as provided by §217.88 of this title (relating to Sale, Transfer, or Release of Ownership~~
9 ~~of a Non-repairable or Salvage Motor Vehicle); or}~~

10 ~~{(C) repair, rebuild, or reconstruct the motor vehicle; and}~~

11 ~~{(2) may not operate or permit operation of the motor vehicle on the public highways~~
12 ~~until a rebuilt salvage certificate of title is issued.}~~

13 ~~{(b) The owner of a motor vehicle for which a non-repairable vehicle title was issued on or after~~
14 ~~September 1, 2003;}~~

15 ~~{(1) may:}~~

16 ~~{(A) possess, transport, dismantle, scrap, or destroy, the motor vehicle; or}~~

17 ~~{(B) sell, transfer, or release ownership of the motor vehicle or used part from~~
18 ~~the motor vehicle as provided by §217.88; and}~~

19 ~~{(2) may not:}~~

- 1 ~~[(A) repair, rebuild, or reconstruct the motor vehicle;]~~
2 ~~[(B) retitle or register the motor vehicle; and]~~
3 ~~[(C) operate or permit operation of the motor vehicle on the public highways.]~~

4

5

SUBCHAPTER E. TITLE LIENS AND CLAIMS

6

43 TAC §217.106

7

8 **STATUTORY AUTHORITY.** The department proposes amendments to Chapter 217 under Transportation
9 Code §501.115, which provides the department authority to govern the discharge of a lien on a title, and
10 Transportation Code, §1002.001, which authorizes the department to adopt rules that are necessary and
11 appropriate to implement the powers and the duties of the department.

12 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
13 §§501.115, and 1002.001.

14

15 Text.

16 §217.106. Discharge of Lien.

17 A lienholder shall provide the owner, or the owner's designee, a discharge of the lien after
18 receipt of the final payment within the time limits specified in Transportation Code, §501.115 ~~[Chapter~~
19 ~~501]~~. The lienholder shall submit one of the following documents:

20 (1) the title including an authorized signature in the space reserved for release of lien;

1 (2) a release of lien form prescribed by the department, with the form filled out to
2 include the:

3 (A) title or document number, or a description of the motor vehicle including,
4 but not limited to, the motor vehicle:

5 (i) year;

6 (ii) make;

7 (iii) vehicle identification number; and

8 (iv) license plate number, if the motor vehicle is subject to registration
9 under Transportation Code, Chapter 502;

10 (B) printed name of lienholder;

11 (C) signature of lienholder or an authorized agent;

12 (D) printed name of the authorized agent if the agent's signature is shown;

13 (E) telephone number of lienholder; and

14 (F) date signed by the lienholder;

15 (3) signed and dated correspondence submitted on company letterhead that includes:

16 (A) a statement that the lien has been paid;

17 (B) a description of the vehicle as indicated in paragraph (2)(A) of this
18 subsection;

19 (C) a title or document number; or

1 (D) lien information;

2 (4) any out-of-state prescribed release of lien form, including an executed release on a
3 lien entry form;

4 (5) out-of-state evidence with the word "Paid" or "Lien Satisfied" stamped or written in
5 longhand on the face, followed by the name of the lienholder, countersigned or initialed by an agent,
6 and dated; or

7 (6) original security agreements or copies of the original security agreements if the
8 originals or copies are stamped "Paid" or "Lien Satisfied" with a company paid stamp or if they contain a
9 statement in longhand that the lien has been paid followed by the company's name.

10

11 **SUBCHAPTER F. MOTOR VEHICLE RECORDS**

12 **43 TAC §§217.122-125, 217.129, AND 217.131**

13

14 **STATUTORY AUTHORITY.** The department proposes amendments to Chapter 217 under Transportation
15 Code §730.014, which give the department authority to adopt rules to administer Transportation Code
16 Chapter 730, Motor Vehicle Records Disclosure Act; and Transportation Code §1002.001, which
17 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and
18 duties of the department, as well as the statutes referenced throughout this preamble.

19 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
20 §§730.014, and 1002.

21

1 Text.

2 §217.122. Definitions.

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

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

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

8 (2) Requestor--A person as defined by Transportation Code, §730.003(5), this state, or
9 an agency of this state seeking personal information contained in motor vehicle records directly from the
10 department.

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

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

15 (5) Signature--Includes an electronic signature, as defined by Transportation Code
16 §501.172, to the extent the department accepts such electronic signature.

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

21 (7) MVInet Access--Electronic access, under a service agreement, to the
22 department's motor vehicle registration and title database, with the ability to query records by a

1 Texas license plate number, vehicle identification number, placard number, or current or previous
2 document number. The department makes a disclosure each time a query of the system is made.

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

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

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

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

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

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

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

19

20 §217.123. Access to Motor Vehicle Records.

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

- 1 (1) the name and address of the requestor;
- 2 (2) a description of the requested motor vehicle records, including the Texas license
3 plate number, title or document number, or vehicle identification number of the motor vehicle
4 about which information is requested;
- 5 (3) proof of the requestor's identity, in accordance with subsections (b) or (c) of
6 this section;
- 7 (4) a statement that the requestor:
- 8 (A) is the subject of the record;
- 9 (B) has the written consent of the person who is the subject of the record;
- 10 or
- 11 (C) will strictly limit the use of the personal information in department
12 motor vehicle records to a permitted use under Transportation Code Chapter 730, as indicated on
13 the form;
- 14 (5) a certification that the statements made on the form are true and correct; and
- 15 (6) the signature of the requestor.
- 16 (b) Except as required by subsection (c) of this section, a requestor must provide the
17 requestor's current photo identification containing a unique identification number. The
18 identification must be a:
- 19 (1) driver's license, Texas Department of Public Safety identification, or state
20 identification certificate issued by a state or territory of the United States;
- 21 (2) United States or foreign passport;
- 22 (3) United States military identification card;

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

3 (5) ~~[concealed handgun license or]~~ license to carry a handgun issued by the Texas
4 Department of Public Safety under Government Code Chapter 411, Subchapter H; or

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

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

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

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

12 (3) provide a written statement from a higher level in the chain of command on the
13 law enforcement agency's letterhead stating that the requestor is not authorized to provide
14 current law enforcement credentials and identifying the intended use or the ~~[law enforcement]~~
15 agency's incident or case number for which the personal information is needed.

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

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

1 (1) Before a requestor can enter into a service agreement, the requestor must file a
2 completed application on a form required by the department, for review and approval by the
3 department. An application for a service agreement must include:

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

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

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

10 (D) copies of agreements used by the requestor to release motor vehicle
11 record information to third parties;

12 (E) any additional material provided to third-party requestors detailing the
13 process through which they obtain motor vehicle record information and describing their
14 limitations as to how this information may be used;

15 (F)[(D)] the signature of the requestor or, if the requestor is an organization
16 or entity, the signature of an officer or director of the requestor; and

17 (G)[(E)] a certification that the statements made in the application are true
18 and correct.

19 (2) If the department determines any of the information provided in the application is
20 incomplete, inaccurate, or does not meet statutory requirements the department will not enter into a
21 service agreement to release motor vehicle record information.

22 (3)[(2)] Unless the requestor is exempt from the payment of fees, a service
23 agreement must contain an adjustable account, in which an initial deposit and minimum balance is

1 maintained in accordance with §217.124 of this title (relating to Cost of Motor Vehicle Records).
2 Notwithstanding §217.124 of this title, the department may modify initial deposit and minimum
3 balance requirements depending on usage.

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

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

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

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

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

15 (D) copies of agreements used by the requestor to release motor vehicle
16 record information to third parties;

17 (E) any additional material provided to third party requestors detailing the
18 process in which they obtain motor vehicle record information and describing their limitations as
19 to how this information may be used;

20 (F)[(D)] a certification that the statements made on the form are true and
21 correct; and

22 (G)[(E)] the signature of the requestor or, if the requestor is an organization
23 or entity, the signature of an officer or director of the requestor.

1 (2) If the department determines any of the information provided is incomplete,
2 inaccurate, or does not meet statutory requirements the department will not enter into a bulk contract
3 to release motor vehicle record information.

4 (3)[(2)] Prior to the execution of a bulk contract, a requestor must provide proof
5 the requestor has:

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

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

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

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

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

20

21 §217.124. Cost of Motor Vehicle Records.

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

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

7 (c) Motor vehicle record costs:

8 (1) Title history - \$5.75;

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

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

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

12 (d) Electronic motor vehicle records and files:

13 (1) Master File - \$5,000 plus \$.38 per 1,000 records;

14 (2) Weekly Updates - deposit of \$1,755 and \$135 per week;

15 (3) eTAG File - deposit of \$845 and \$65 per week;

16 (4) Dealer/Supplemental File - deposit of \$1,235 and \$95 per week;

17 (5) Specialty Plates File - deposit of \$1,235 and \$95 per week;

18 (6) Batch Inquiry - deposit of \$1,000, minimum balance of \$750 and \$23 per run

19 plus \$.12 per record;

20 (7) MVInet Access - deposit of \$200, minimum balance of \$150 and \$23 per month

21 plus \$.12 per record; and

22 (8) Scofflaw remarks (inquiry, addition, or deletion) - deposit of \$500, minimum

23 balance of \$350 and \$23 per run plus \$.12 per record.

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

5 (f) Reciprocity agreements. The department may enter into a reciprocity agreement ~~agreements~~
6 for records access with another~~other~~ governmental entity~~entities~~ that may waive some or all of the
7 fees established in this section.

8

9 §217.125. Additional Documentation Related to Certain Permitted Uses.

10 (a) The department may require a requestor to provide reasonable assurance as to the
11 identity of the requestor and that the use of motor vehicle records is only as authorized under
12 Transportation Code §730.012(a). Where applicable, each requestor submitting a request for
13 motor vehicle records shall provide documentation satisfactory to the department that they are
14 authorized to request the information on behalf of the organization, entity, or government agency
15 authorized to receive the information.

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

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

1 (2) A request under Transportation Code §730.007(a)(2)(D) must include proof of a
2 legal proceeding, or if no proceeding has been initiated, proof the requestor is in anticipation of
3 litigation relating to the request which would necessitate release of the document(s) requested.

4 (3) A request under Transportation Code §730.007(a)(2)(E) must include
5 documentation sufficient to prove the requestor is employed by an entity in the business of
6 conducting research related to the requested information and demonstrating the employment
7 relationship. The department has discretion in determining whether the entity is in the business of
8 conducting research related to the requested information and in determining whether the
9 documentation provided is sufficient to demonstrate an employment relationship. [~~in a~~
10 researching occupation.]

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

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

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

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

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

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

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

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

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

20

21 §217.129. Ineligibility to Receive Personal Information Contained in Motor Vehicle Records.

22 (a) The department may deny a request for or cease disclosing personal information
23 contained in the department's motor vehicle records if it determines withholding the information

1 benefits the public's interest more than releasing the information subject to Transportation Code,
2 §730.005 and §730.006.

3 (b) If the department determines an authorized recipient has violated a term or condition
4 of a contract with the department to access motor vehicle records and the department terminates
5 the contract, that authorized recipient cannot enter into a subsequent contract with the
6 department to access motor vehicle records unless approved to do so under §217.130 of this title
7 (relating to Approval for Persons Whose Access to Motor Vehicle Records Has Previously Been
8 Terminated).

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

16
17 217.131. Notices Regarding Unauthorized Recipient.

18 [~~(a) For the purposes of this section, a requestor includes a person, the state, or an agency~~
19 ~~of this state that previously received personal information from department motor vehicle~~
20 ~~records.]~~

21 (a)[(b)] A requestor who has previously received personal information from the
22 department and is not an authorized recipient must, not later than 90 days after the date the
23 requestor becomes aware that the requestor is not an authorized recipient, delete from the

1 requestor's records any personal information received from the department that the requestor is
2 not permitted to receive and use under Transportation Code Chapter 730.

3 (b) ~~[(e)]~~ A requestor who becomes aware that the requestor is not an authorized recipient must
4 promptly notify the department that the requestor is not an authorized recipient and provide the date
5 they became aware.

6 (c) ~~[(d)]~~ If the department becomes aware that the requestor is not an authorized recipient
7 before receiving notice from the requestor, the department will send a written notice to the
8 requestor stating that the requestor is not an authorized recipient. If the requestor was not
9 already aware that it is not an authorized recipient, within 90 days from the date the department
10 sends its notice under this subsection, the requestor must delete any personal information
11 received from the department that the requestor is not permitted to receive and use under
12 Transportation Code Chapter 730.

13 (d) ~~[(e)]~~ A requestor who becomes aware that the requestor is not an authorized recipient
14 must notify the department when all the department's personal information has been deleted.

15

16

SUBCHAPTER G. INSPECTIONS

17

43 TAC §217.143 AND §217.144

18

19 **STATUTORY AUTHORITY.** The department proposes amendments to Chapter 217 under Transportation
20 Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code,
21 Chapter 501, Certificate of Title Act; Transportation Code, §501.030, which authorizes the department to
22 adopt rules governing identification number inspections for motor vehicles brought into the state;
23 Transportation Code, §501.0321, which authorizes the department to adopt rules establishing the training
06/27/2024 Exhibit A

1 requirements for personnel conducting identification number inspections; Transportation Code,
2 §501.0322, which provides the department with authority to adopt rules to establish an alternative
3 identification number inspection; and Transportation Code, §1002.001, which authorizes the board to
4 adopt rules that are necessary and appropriate to implement the powers and the duties of the
5 department, as well as the statutes referenced throughout this preamble.

6 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
7 §§501.0041, 501.030, 501.0321, 501.0322, and 1002.001.

8

9 Text.

10 §217.143. Inspection Requirements.

11 (a) On initial titling of an assembled vehicle under Transportation Code Chapter 731, and
12 Subchapter L of this title (relating to Assembled Vehicles), with the exception of an assembled
13 motorcycle, assembled trailer, and glider kit, an applicant must provide proof, on a form
14 prescribed by the department, of a safety inspection performed by a master technician.

15 (b) In addition to the requirement under subsection (a) of this section, an owner applying
16 for initial registration of a custom vehicle or street rod must provide proof, on a form prescribed
17 by the department, of a safety inspection performed by a master technician under this section as
18 required under Transportation Code §504.501(e).

19 (c) The inspection must meet the minimum requirements under Transportation Code,
20 §731.102 to evaluate the structural integrity and proper function of the equipment.

21 (d) The inspector must certify that:

22 (1) the vehicle and equipment are structurally stable;

1 (2) the vehicle and equipment meet the necessary conditions to be operated safely
2 on the roadway;

3 (3) equipment used in the construction of the vehicle, for which a federal motor
4 vehicle safety standard exists, complies with the applicable standard; and

5 (4) if the vehicle is a custom vehicle or street rod, the vehicle is equipped and
6 operational with all equipment required by statute as a condition of sale during the year the
7 vehicle was manufactured or resembles.

8 (e) The inspection of an assembled vehicle required under subsection (a) of this section is
9 in addition to all other required inspections including an inspection required under Transportation
10 Code Chapter 548.

11 (f) The applicant must pay all fees to the master technician for the inspection of an
12 assembled vehicle required under subsection (a) of this section, including any reinspection.

13 (g) In addition to the fees in subsection (f) of this section, the applicant must pay all
14 applicable fees for other required inspections as required by law, including any applicable ~~[an]~~
15 inspection or reinspection required under Transportation Code Chapter 548.

16

17 §217.144. Identification Number Inspection.

18 (a) In addition to any other requirement specified by Transportation Code, §501.0321, a
19 person is qualified to perform an inspection under Transportation Code, §501.0321, if that person
20 has completed one of the following training programs:

21 (1) Intermediate or Advanced Motor Vehicle Crime Investigator Training provided
22 by the Motor Vehicle Crime Prevention Authority;

1 (2) Auto Theft School (Parts 1 and 2) provided by the Texas Department of Public
2 Safety; or

3 (3) Auto Theft Course provided by the National Insurance Crime Bureau.

4 (b) If a person qualified to perform an inspection under Transportation Code, §501.0321, is
5 unable to determine a manufactured motor vehicle’s original year of manufacture or original make
6 designation, the department will not issue title and registration to the motor vehicle. A person
7 inspecting a motor vehicle under §501.0321 who is able to identify the motor vehicle as a
8 manufactured motor vehicle, but is unable to identify the manufactured motor vehicle’s original
9 year of manufacture or original make designation, or both, may not identify the vehicle as an
10 assembled, homemade, or shop-made vehicle.

11

12

SUBCHAPTER H. DEPUTIES

13

43 TAC §§217.161, 217.166 AND 217.168

14

15 **STATUTORY AUTHORITY:** The department proposes amendments to Chapter 217 under Transportation
16 Code §502.095, as amended by HB 718, which gives the department authority to issue one-trip and 30-
17 day license plates; Transportation Code §502.1911, which authorizes the department to adopt rules to set
18 registration processing and handling fees; Transportation Code §520.003, which authorizes the
19 department to adopt rules to administer Transportation Code, Chapter 520, Miscellaneous Provisions;
20 Transportation Code, §520.004, which authorizes the department to adopt rules to establish standards for
21 uniformity and service quality for counties conducting registration and titling services; and Transportation

1 Code, §1002.001, which authorizes the department to adopt rules that are necessary and appropriate to
2 implement the powers and the duties of the department.

3 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
4 §§502.095, §502.1911, 520.003, 520.004 and 1002.001.

5
6 Text.

7 §217.161. Purpose and Scope.

8 Pursuant to Transportation Code, §520.0071, a county tax assessor-collector, with the
9 approval of the commissioners court of the county, may appoint deputies to perform designated
10 motor vehicle titling and registration services. This subchapter prescribes the classification types,
11 duties, and obligations of deputies; the type and amount of any bonds that deputies may be
12 required to post; and the fees that deputies may be authorized to charge or retain. All [A deputy
13 appointed under Transportation Code, §520.0071, on or before December 31, 2016, may continue
14 to perform services authorized under former Transportation Code, §§520.008, 520.009, 520.0091,
15 and 520.0092, as amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357). Beginning January 1,
16 2017, all] deputies must be deputized in accordance with and comply with the provisions of this
17 subchapter.

18
19 §217.166. Dealer Deputies.

20 (a) A county tax assessor-collector, with the approval of the commissioner’s court of the
21 county, may deputize a motor vehicle dealer to act as a dealer deputy to provide motor vehicle

1 titling and registration services in the same manner and with the same authority as though done in
2 the office of the county tax assessor-collector, except as limited by this section.

3 (b) A dealer deputy must hold a valid general distinguishing number (GDN) under
4 Transportation Code, Chapter 503, Subchapter B, and may act as a dealer deputy only for a type of
5 motor vehicle for which the dealer holds a GDN. A dealer may not continue to act as a dealer
6 deputy if the GDN is cancelled or suspended.

7 (c) A county tax assessor-collector may impose reasonable obligations or requirements
8 upon a dealer deputy in addition to those set forth in this section. The county tax assessor-
9 collector may, at the time of deputation or upon renewal of deputation, impose specified
10 restrictions or limitations on a dealer deputy's authority to provide certain titling or registration
11 services.

12 (d) Upon the transfer of ownership of motor vehicles purchased, sold or exchanged by the
13 dealer deputy, the dealer deputy may process titling transactions in the same manner and with the
14 same authority as though done in the office of the county tax assessor-collector. The dealer deputy
15 may not otherwise provide titling services to the general public.

16 (e) Upon the transfer of ownership of a motor vehicle purchased, sold or exchanged by the
17 dealer deputy, the dealer deputy may process initial registration transactions in the same manner
18 and with the same authority as though done in the office of the county tax assessor-collector. The
19 dealer deputy may not otherwise offer initial registration services to the general public.

20 (f) The county tax assessor-collector may authorize a dealer deputy to provide motor
21 vehicle registration renewal services. A dealer deputy offering registration renewal services must
22 offer such services to the general public, and must accept and process any proper application for
23 registration renewal that the county tax assessor-collector would accept and process.

1 (g) To be eligible to serve as a dealer deputy, a person must be trained to perform motor
2 vehicle titling and registration services, as approved by the county tax assessor-collector, or
3 otherwise be deemed competent by the county tax assessor-collector to perform such services.

4 (h) To be eligible to serve as a dealer deputy, a person must post a bond payable to the
5 county tax assessor-collector consistent with §217.167 of this title (relating to Bonding
6 Requirements) with the bond conditioned on the person's proper accounting and remittance of the
7 fees the person collects. The county tax assessor-collector may set a maximum number of
8 webDEALER transactions for a dealer deputy, and the maximum number must be based on the
9 bond amount.

10 (i) A person applying to be a dealer deputy must complete the application process as
11 specified by the county tax assessor-collector. The application process may include satisfaction of
12 any bonding requirements and completion of any additional required documentation or training of
13 the deputy before the processing of any title or registration transactions may occur.

14 (j) If a dealer deputy offers registration renewal services to the general public, the deputy
15 must provide the physical address at which services will be offered, the mailing address, the phone
16 number, and the hours of service. This information may be published on the department's website
17 and may be published by the county if the county publishes a list of deputy locations.

18 (k) A dealer deputy shall keep a separate accounting of the fees collected and remitted to
19 the county, and a record of daily receipts.

20 (l) A dealer deputy may charge or retain fees consistent with the provisions of §217.168 of
21 this title (relating to Deputy Fee Amounts).

22 (m) This section does not prevent a county tax assessor-collector from deputizing a dealer
23 as a full service deputy under §217.163 of this title (relating to Full Service Deputies) or a limited

1 service deputy under §217.164 of this title (relating to Limited Service Deputies) instead of a
2 dealer deputy under this section.

3

4 §217.168. Deputy Fee Amounts.

5 (a) Fees. A county tax assessor-collector may authorize a deputy to charge or retain the fee
6 amounts prescribed by this section according to the type of deputy and transaction type.

7 (b) Title transactions. For each motor vehicle title transaction processed:

8 (1) A full service deputy may charge the customer a fee of up to \$20, as determined
9 by the full service deputy and approved by the county tax assessor-collector.

10 (A) The full service deputy retains the entire fee charged to the customer.

11 (B) If a full service deputy is authorized by a county tax assessor-collector to
12 review and approve title transactions submitted through webDEALER, the full service deputy is
13 required to designate the fee of up to \$20 within the department's Registration and Title System
14 that will be assessed on webDEALER title transactions.

15 (2) A dealer deputy may charge the customer a fee of up to \$10, as determined by
16 the dealer deputy and approved by the tax assessor-collector. The dealer deputy retains the entire
17 fee charged to the customer. This section does not preclude a dealer deputy from charging a
18 documentary fee authorized by Finance Code, §348.006.

19 (c) Registration and registration renewals. For each registration transaction processed:

20 (1) A full service deputy may:

21 (A) retain \$1 from the processing and handling fee established by §217.183
22 of this title (relating to Fee Amount); and

1 (B) charge a convenience fee of \$9, except as limited by §217.184 of this
2 title (relating to Exclusions).

3 (2) A limited service deputy may retain \$1 from the processing and handling fee
4 established by §217.183.

5 (d) Special registration [Temporary] permit and special registration license plate
6 transactions under Transportation Code, §502.094 or §502.095. For each special registration
7 [temporary] permit or special registration license plate transaction processed by a full service
8 deputy, the full service deputy may retain the portion of the [entire] processing and handling fee
9 authorized by §217.185(b) of this title (relating to Allocation of Processing and Handling
10 Fees)[established by §217.183].

11 (e) Full service deputy convenience fee. The convenience fee authorized by this section is
12 collected by the full service deputy directly from the customer and is in addition to the processing
13 and handling fee established by §217.183. A full service deputy may not charge any additional fee
14 for a registration or registration renewal transaction.

15 (f) Related transactions by a full service deputy. The limitations of subsections (b), (c), (d),
16 and (e) of this section do not apply to other services that a full service deputy may perform that
17 are related to titles or registrations, but are not transactions that must be performed through the
18 department's automated vehicle registration and title system. Services that are not transactions
19 performed through the department's automated vehicle registration and title system include, but
20 are not limited to, the additional fees a full service deputy may charge for copying, faxing, or
21 transporting documents required to obtain or correct a motor vehicle title or registration.
22 However, the additional fees that a full service deputy may charge for these other services may be
23 limited by the terms of the county tax assessor-collector's authorization to act as deputy.

1 (g) Posting of fees. At each location where a full service deputy provides titling or
2 registration services, the deputy must prominently post a list stating all fees charged for each
3 service related to titling or registration. The fee list must specifically state each service, including
4 the additional fee charged for that service, that is subject to subsections (b), (c), (d), or (e) of this
5 section. The fee list must also state that each service subject to an additional fee under subsection
6 (b), (c), (d), or (e) of this section may be obtained from the county tax assessor-collector without
7 the additional fee. If the full service deputy maintains a website advertising or offering titling or
8 registration services, the deputy must post the fee list described by this subsection on the website.

9 (h) Additional compensation. The fee amounts set forth in this section do not preclude or
10 limit the ability of a county to provide additional compensation to a deputy out of county funds.

11

12

SUBCHAPTER I. PROCESSING AND HANDLING FEES

13

43 TAC §§217.181 - 217.185

14

15 **STATUTORY AUTHORITY.** In addition to the rulemaking authority provided in Section 34 of HB 718, the
16 department proposes amendments to Chapter 217 under Transportation Code §502.0021, which gives
17 the department authority to adopt rules to administer Transportation Code Chapter 502, Registration of
18 Vehicles; Transportation Code §502.040, which authorizes the department to prescribe the process and
19 procedures for applying for a motor vehicle registration; Transportation Code §502.059, which
20 authorizes the department to adopt rules providing for an automated registration process;
21 Transportation Code §502.1911 which authorizes the board to adopt rules to set registration processing
22 and handling fees; Transportation Code §520.003, which authorizes the department to adopt rules to
23 administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code §520.004,

1 which authorizes the department to adopt rules to establish standards for uniformity and service quality
2 for counties conducting registration and titling services; Transportation Code §520.0055, as created by
3 HB 718, gives the department authority to mandate motor vehicle dealers use a department designated
4 electronic system to submit title and registration applications to the county tax assessor-collectors for
5 motor vehicle transactions; and Transportation Code §1002.001, which authorizes the board to adopt
6 rules that are necessary and appropriate to implement the powers of the department, as well as the
7 statutes throughout this preamble.

8 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
9 §§502.0021, 502.040, 502.059, 502.1911, 520.003, 520.004, 520.055, and 1002.001.

10

11 Text.

12 §217.181. Purpose and Scope.

13 This subchapter prescribes the processing and handling fees [~~fee~~] authorized by Transportation
14 Code, §502.1911, which include [~~includes~~] the fee established under Transportation Code,
15 §502.356(a), and are [~~is~~] sufficient to cover the expenses associated with collecting registration
16 fees by the department, a county tax assessor-collector, a private entity with which a county tax
17 assessor-collector contracts under Transportation Code, §502.197, or a deputy assessor-collector
18 that is deputized in accordance with Subchapter H of this chapter (relating to Deputies).

19

20 §217.182. Registration Transaction.

21 As used in this subchapter, a "registration transaction" is a registration or registration
22 renewal under Transportation Code, Chapter 502, or a transaction to issue the following:

- 1 (1) a registration, registration renewal, special registration license plate, or special
2 registration permit issued under Transportation Code, Chapter 502, Subchapter C (Special
3 Registrations);
- 4 (2) a license plate issued under Transportation Code, §502.146;
- 5 (3) a temporary additional weight permit under Transportation Code, §502.434;
- 6 (4) a license plate or license plate sticker under Transportation Code, §§504.501,
7 504.502, 504.506, or 504.507;
- 8 (5) a golf cart license plate under Transportation Code, §551.402; or
- 9 (6) a package delivery vehicle license plate under Transportation Code, §551.452.
- 10 (7) an off-highway vehicle license plate under Transportation Code, §551A.052.

11

12 §217.183. Fee Amount.

13 (a) Except as stated otherwise in this section and except as exempted [limited] by §217.184
14 of this title (relating to Exclusions), a processing and handling fee in the amount of \$4.75 shall be
15 collected with each registration transaction processed by the department, the county tax assessor-
16 collector, or a deputy appointed by the county tax assessor-collector.

17 (b) Except as stated otherwise in subsection (c) of this section and except as exempted by
18 §217.184 of this title (relating to Exclusions), for each registration transaction processed through
19 the department’s TxFLEET system, the processing and handling fee consists of the following, which
20 the applicant must pay: [For registrations processed through the TxIRP system, the applicant shall
21 pay any applicable service charge.]

22 (1) \$4.75; and

23 (2) the applicable service charge.

1 (c) If a transaction includes both registration and issuance of a license plate or specialty
2 plate, the processing and handling fee shall be collected on the registration transaction only.

3

4 §217.184. Exclusions.

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

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

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

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

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

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

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

15 (7) an inspection fee receipt; or

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

17

18 §217.185. Allocation of Processing and Handling Fees. [~~Fee.~~]

19 (a) For registration transactions, except as provided in subsection (b) of this section, the
20 fee amounts [~~amount~~] established in §217.183 of this title (relating to Fee Amount) shall be
21 allocated as follows:

22 (1) If the registration transaction was processed in person at the office of the
23 county tax assessor-collector or mailed to an office of the county tax assessor-collector:

1 (A) the county tax assessor-collector may retain \$2.30; and

2 (B) the remaining amount shall be remitted to the department.

3 ~~[(2) If the registration transaction was mailed to office of the county tax assessor-~~
4 ~~collector:]~~

5 ~~[(A) the county tax assessor-collector may retain \$2.30; and]~~

6 ~~[(B) the remaining amount shall be remitted to the department.]~~

7 (2)~~[(3)]~~ If the registration transaction was processed through the department or the
8 TxFLEET ~~[TxIRP]~~ system or is a registration processed under Transportation Code, §§502.0023,
9 502.091, or 502.255; or §217.46(b)(5) or(d)(1)(B)(i) of this title (relating to Commercial Vehicle
10 Registration):

11 (A) \$2.30 will be remitted to the county tax assessor-collector; and

12 (B) the remaining amount shall be retained by the department.

13 (3)~~[(4)]~~ If the registration transaction was processed through Texas by Texas (TxT)
14 or the department's Internet Vehicle Title and Registration Service (IVTRS), ~~[online registration~~
15 ~~portal,]~~ the fee established in §217.183 of this title is discounted by \$1:

16 (A) Texas Online receives the amount set pursuant to Government Code,
17 §2054.2591, Fees;

18 (B) the county tax assessor-collector may retain \$.25; and

19 (C) the remaining amount shall be remitted to the department.

20 (4)~~[(5)]~~ If the registration transaction was processed by a limited service deputy or
21 full service deputy appointed by the county tax assessor-collector in accordance with Subchapter H
22 of this chapter (relating to Deputies):

23 (A) the deputy may retain:

1 (i) the amount specified in §217.168(c) of this title (relating to
2 Deputy Fee Amounts). The deputy must remit the remainder of the processing and handling fee to
3 the county tax assessor-collector; and

4 (ii) the convenience fee established in §217.168, if the registration
5 transaction is processed by a full service deputy;

6 (B) the county tax assessor-collector may retain \$1.30; and

7 (C) the county tax assessor-collector must remit the remaining amount to
8 the department.

9 (5)~~[(6)]~~ If the registration transaction was processed by a dealer deputy appointed
10 by the county tax assessor-collector in accordance with Subchapter H of this chapter (relating to
11 Deputies):

12 (A) the deputy must remit the processing and handling fee to the county tax
13 assessor-collector;

14 (B) the county tax assessor-collector may retain \$2.30; and

15 (C) the county tax assessor-collector must remit the remaining amount to
16 the department.

17 (b) For transactions under Transportation Code, §§502.093 – 502.095, ~~[[§502.092–~~
18 ~~502.095,]~~ the entity receiving the application and processing the transaction collects ~~[and retains]~~
19 the \$4.75 ~~[entire]~~ processing and handling fee established in §217.183;[-]

20 (1) the entity may retain \$4.25;

21 (2) the entity must remit the remaining amount to the department; and

1 (3) a [A] full service deputy processing a special registration [~~temporary~~] permit or
2 special registration license plate transaction may not charge a convenience fee for that
3 transaction.

4
5 **SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM**

6 **43 TAC §217.205**

7
8 **STATUTORY AUTHORITY.** The department proposes amendments to Chapter 217 under Transportation
9 Code, §520.003, which authorizes the department to adopt rules to administer Transportation Code,
10 Chapter 520, Miscellaneous Provisions; Transportation Code, §520.004, which authorizes the department
11 to adopt rules to establish standards for uniformity and service quality for counties conducting registration
12 and titling services; and Transportation Code, §1002.001, which authorizes the board to adopt rules that
13 are necessary and appropriate to implement the powers and the duties of the department, as well as the
14 statutes referenced throughout this preamble.

15 **CROSS REFERENCE TO STATUTE.** The proposed amendments would implement Transportation Code
16 §§520.003, 501.004, and 1002.001.

17
18 Text.

19 §217.205. Department Decision to Award, Deny, Revoke, or Demote a Recognition Level.

1 (a) Award of recognition level. The department may award a recognition level based on the
2 following for the time frame of September 1st through August 31st immediately preceding the
3 application deadline:

4 (1) information and documents contained in the application;

5 (2) any additional information, documentation, or clarification requested by the
6 department; and

7 (3) information and documentation from department records.

8 (b) Denial of recognition level. The department may deny an award of recognition if:

9 (1) the application contains any incomplete or inaccurate information;

10 (2) the applicant fails to provide requested documents;

11 (3) the application contains incomplete documents;

12 (4) the application was not received by the department or postmarked by the
13 department's deadline;

14 (5) the county tax assessor-collector who applied for recognition no longer holds the
15 office of county tax assessor-collector;

16 (6) the county tax assessor-collector did not sign the application; or

17 (7) the department discovers information which shows the applicant does not comply
18 with the criteria to receive a recognition level.

19 (c) Revocation of recognition level or demotion of recognition level.

1 (1) The department may revoke a recognition level if the department discovers
2 information which shows the county tax assessor-collector no longer complies with the criteria for any
3 recognition level.

4 (2) The department may demote a recognition level if the department discovers
5 information which shows the county tax assessor-collector no longer complies with the criteria for the
6 current recognition level, but still complies with the criteria for a recognition level. The recognition level
7 will be demoted to the highest recognition level for which the county tax assessor-collector qualifies.

8 (d) Notice of department decision to award, deny, revoke, or demote a recognition level. The
9 department shall notify the county tax assessor-collector of the department's decision via email,
10 facsimile transmission, or regular mail.

11 (e) Deadline for department decision to award or to deny a recognition level. No later than
12 December 31st of the calendar year [~~90 calendar days after receiving the application for recognition~~], the
13 department shall send a written notice to the applicant stating:

14 (1) the department's decision to award or to deny a recognition level; or

15 (2) there will be a delay in the department's decision.

16

17 **SUBCHAPTER L. ASSEMBLED VEHICLES**

18 **43 TAC §217.404**

19 **STATUTORY AUTHORITY:** The department proposes amendments to Chapter 217 under Transportation
20 Code §731.002 which authorizes the department to adopt rules as necessary to implement Chapter 731,

1 governing assembled vehicles; and §1002.001, which authorizes the department to adopt rules that are
2 necessary and appropriate to implement the powers and the duties of the department.

3 **CROSS REFERENCE TO STATUTE:** The proposed amendments would implement Transportation Code
4 §§731.002, 731.051, and 1002.001.

5

6 Text.

7 §217.404. Initial Application for Title.

8 (a) ~~An [Prior to applying for title, an]~~ applicant must submit to the department a complete
9 application for title. The application may be submitted in person, by mail, or electronically, to the
10 department. The application must include:

11 (1) photographs of the front, rear, and side of the assembled vehicle, and if a
12 replica, a photograph of what the vehicle is a replica of;

13 (2) evidence of ownership of the basic component parts of the assembled vehicle as
14 described in §217.405 of this subchapter (relating to Evidence of Ownership), as applicable to the
15 type of assembled vehicle;

16 (3) if applicable, proof, on a form prescribed by the department, of a safety
17 inspection required under §217.143 of this chapter (relating to Assembled Vehicle Inspection
18 Requirements), and Transportation Code §731.101;

19 (4) if applicable, a copy of the Automobile and Light Truck certification, or a
20 successor certification, for the master technician who completed the inspection described in
21 paragraph (3) of this subsection;

1 (5) a copy of the inspection that may be required under Transportation Code
2 Chapter 548 if the assembled vehicle is to be registered for operation on the roadway;

3 (6) a Rebuilt Vehicle Statement;

4 (7) a weight certificate;

5 (8) identification as required in §217.5(d) of this chapter (relating to Evidence of
6 Motor Vehicle Ownership); and

7 (9) any of the following means to establish the vehicle identification number:

8 (A) an Application for Assigned or Reassigned Number, and Notice of
9 Assigned Number or Installation of Reassigned Vehicle Identification Number, on forms prescribed
10 by the department;

11 (B) an Application for Assigned or Reassigned Number, establishing the
12 vehicle identification number assigned by the manufacturer of the component part by which the
13 assembled vehicle will be identified;

14 (C) acceptable proof, as established by the department, of a vehicle
15 identification number assigned by the maker of the kit used to construct the assembled vehicle; or

16 (D) acceptable proof, as established by the department, of a vehicle
17 identification number assigned by the manufacturer of the replica, custom vehicle, street rod, or
18 glider kit.

19 (b) Following receipt of all information required under subsection (a) of this section, the
20 department will review the application for completeness and to determine if ~~that~~ the vehicle
21 meets assembled vehicle qualifications under Transportation code, Chapter 731.

22 (c) If the department determines that the application is complete and the vehicle meets
23 assembled vehicle qualifications, the department will issue a letter to the applicant on department

1 letterhead, stating that the application is complete and that the vehicle qualifies as an assembled
2 vehicle. The letter shall include a list of the supporting documents and information identified in
3 subsection (d)(2) of this section.

4 (d) Following receipt of the department's letter described in subsection (c) of this section,
5 the applicant may then submit the letter and the completed application to the county tax assessor-
6 collector for processing. The application must include:

7 (1) the department-issued letter described in subsection (c) of this section;

8 (2) copies of all items required to be submitted to the department in subsection
9 (a)(1) - (9) of this section; and

10 (3) the requirements as identified in §217.23 of this chapter (relating to Initial
11 Application for Vehicle Registration) if obtaining registration.