



# Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

February 21, 2000

## Registration and Title Bulletin # 17-00

**TO:** All County Tax Assessor-Collectors

**SUBJECT:** Final Rules for HB 2004 and HB 3014, 76<sup>th</sup> Legislative Session

### PURPOSE

To provide information concerning final rule amendments to the Texas Administrative Code, Chapter 43, §§17.53 - 17.55, resulting from implementation of House Bill 2004 and House Bill 3014, 76<sup>th</sup> Legislative Session.

### DETAILS

House Bill 2004 amended Subchapter A, Chapter 520, Transportation Code by adding §520.002 to provide for the lease of certain computer equipment to a county for the operation of the automated registration and title system. The leased equipment would be in addition to the equipment already provided by the department to the county at no cost. House Bill 3014 amended Subchapter D, Chapter 502, Transportation Code by adding §502.1705 to allow for the collection of a \$1.00 fee, in addition to other registration fees, in counties where 50,000 or more vehicles were registered during the preceding year.

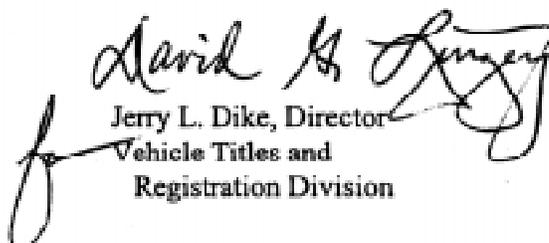
### ATTACHMENTS

Final rules concerning these two legislative mandates were published in the *Texas Register* on February 11, 2000. A copy of this *Texas Register* is attached. Also attached are the Motor Vehicle Registration Manual text, Table of Contents, and Index revisions concerning this legislation.

### CONTACT(S)

If you have any questions or need additional information, please contact your local Vehicle Titles and Registration Regional Office, or you may contact David Linzey, Director of Headquarters Operations, at (512) 465-7719. Thank you.

Sincerely,

  
Jerry L. Dike, Director  
Vehicle Titles and  
Registration Division

JLD:jg  
Attachments

cc: Information Systems Division  
Finance Division  
Office of Contract Services  
Office of General Counsel

bc: VTR Administration

New subsection (c)(8)(D) is added to list the classifications of vehicles that are eligible for personalized license plates. It is relocated from former subsection (b)(32).

Renumbered §17.28(d)(2)(B) is amended to include "Cotton Vehicle" license plates. This change reflects statutory prescribed right of owners of Cotton Vehicles to renew registrations at the office of their local county tax assessor-collectors.

Former §17.28(f)(3) is deleted to eliminate the listing of military plates that may be transferred to a surviving spouse. This information is unnecessary because it is clearly set forth in Transportation Code, Chapter 502.

Renumbered §17.28(e)(3) is amended to eliminate the reference to the transfer of personalized license plates in the event of a name change. This reference is legally incorrect. A name change, whether resulting from a name change order, a divorce decree, or a marriage, does not change the owner's identity and therefore does not require transfer of personalized plates to a new owner.

Renumbered §17.28(f)(2) is amended to clarify its meaning. The amendment reflects current practice, and no substantive change is intended.

New subsection (g) is added in response to House Bill 2461, which provided for the discontinuation of some special category license plates that do not meet specified standards for sales or for which a deposit is not submitted to the department. To place the public on notice of the procedures the department will follow and to enable prompt and efficient administration of the new statutory standards, the new language specifies the form of the deposit, permits a reduced deposit if it is accompanied by a corresponding number of applications, and provides for the return of the deposit when the specified number of applications are received.

New subsection (h) is added in response to House Bill 2461, which established prerequisites before issuance of new license plates authorized after January 1, 1999. To place the public on notice of the procedures the department will follow and to enable prompt and efficient administration of the new statutory standards, the new language identifies the information that must be provided in conjunction with a written request for issuance of a new license plate, specifies the form of the deposit, permits a reduced deposit if it is accompanied by a corresponding number of applications, and provides for the return of the deposit when the specified number of applications are received.

New subsection (i) is added to clarify the relationship between the department and sponsoring entities seeking issuance of a new license plate or continued issuance of existing license plates. This subsection provides that fees and applications collected by a sponsoring entity are solely the responsibility of the sponsoring entity and that a sponsoring entity is not an agent of the department. The intent is to limit the department's responsibility for actions taken by sponsoring entities over which the department has no effective control.

Section 17.30 is amended throughout to correct grammar and spelling and to improve clarity, readability, and consistency. Several cross-references to §17.28 have also been corrected to reflect amendments to that section. Staggered registration periods will be implemented for certain vehicles.

Section 17.30(d)(1) is amended to correct the registration renewal periods for commercial vehicles as a result of the

department's implementation of staggered registration periods for "Apportioned," "Forestry," and "Tow Truck" license plates. By deleting "Apportioned," "Forestry," and "Tow Truck" license plates from §17.30(d)(1)(A) and (B), the change permits those plates to be issued for a full year and to expire 12 months after issuance, like most other plates.

#### COMMENTS

No comments were received on the proposed amendments.

#### STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation, and more specifically, Transportation Code, §502.009, which authorizes the department to adopt rules governing the issuance of motor vehicle registration. In addition, the amendments are adopted under the provisions of Transportation Code, Chapter 502, which authorize the department to adopt rules setting fees, expiration dates, and other conditions for issuance of particular special category license plates.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 31, 2000.

TRD-200000057

Richard Morice

General Counsel

Texas Department of Transportation

Effective date: February 20, 2000

Proposal publication date: November 12, 1999

For further information, please call: (512) 463-8630

## Subchapter C. REGISTRATION AND TITLE SYSTEM

### 43 TAC §§17.53 - 17.55

The Texas Department of Transportation adopts amendments to §§17.53-17.55 concerning registration and title system. Section 17.53 is adopted with changes to the text as proposed by publication in the October 15, 1999, issue of the *Texas Register* (24 TexReg 8940). Sections 17.54 and 17.55 are adopted without changes and will not be republished.

#### EXPLANATION OF ADOPTED AMENDMENTS

House Bill 2004, 76th Legislature, 1999, amended Subchapter A, Chapter 520, Transportation Code by adding §520.002 to provide for the lease of certain computer equipment to a county for the operation of the automated registration and title system. The leased equipment would be in addition to the equipment already provided by the department to the county at no cost.

House Bill 3014, 76th Legislature, 1999, amended Subchapter D, Chapter 502, Transportation Code by adding §502.1705 to provide for an additional \$1 fee to be paid in counties with more than 50,000 annual registrations. The money collected under this section may be used for enhancements to the existing registration and title system, for automated on-site production

of registration insignia, and for automated on-premises and off-premises self-service registration.

The amendments to §17.53(b) define fair share allocation of automated equipment as the amount of automated equipment deemed by the department to be effective at providing a reasonable level of service to the public for registration and title system activities. This new definition is necessary to distinguish between equipment that is given to the counties and equipment that must be leased. It is designed to ensure a fair and efficient method of distributing limited resources. The amendments also define RTS, the department's automated registration and title system, for ease of reference. Several minor amendments clarify the definition of automated equipment and update legal citations.

The amendments to §17.54 provide the terms on which the department will allocate and lease equipment to county tax assessor-collectors and the basis on which the department will collect the additional \$1 fee required by House Bill 3014.

The amendment to §17.54(a) clarifies how the department will allocate to each county its fair share of automated equipment. This amendment, in conjunction with the new definition of fair share allocation, is necessary to distinguish between equipment that is provided at no cost to the counties and equipment that must be leased.

Section 17.54(b) establishes criteria and conditions for leasing additional automated equipment to a county. This subsection implements House Bill 2004 and clarifies that equipment will be leased at cost.

Section 17.54(c) establishes the department's methodology for determining which counties are eligible for the additional \$1 fee and lists some characteristics of the automated on-site production of registration insignia. House Bill 3014 provided for the additional fee, but did not address the mechanics of determining when and how a county would be classified as having at least 50,000 annual registrations.

Section 17.54(d)(2) limits the department's responsibility for equipment installed at sites other than those of a county tax assessor-collector. This new paragraph will reduce the department's risk of being overwhelmed with requests for training and other support for equipment that has been leased by the county and placed on premises other than those of the tax assessor-collector.

Section 17.55 amends, due to changes in the departments hierarchy, the executive directors delegation authority in regards to executing RTS contracts.

#### COMMENTS

One comment was received from the Lamar County Tax Assessor-Collector who expressed concern that the \$1 additional fee was not assessed in all counties, regardless of the vehicle population. The commenter noted that the collection of an extra dollar per vehicle statewide would result in a substantial reduction in the counties' lease fees at the end of their five-year terms.

Response: House Bill 3014 initially provided for all counties to collect the additional \$1 fee; however, the engrossed version of this legislation set the criteria for counties with a vehicle population of 50,000 or more. The department, without the enactment of further legislation, cannot change these criteria.

Section 17.53 is adopted with changes to correct technical, non-substantive matters to improve clarity or grammar.

#### STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the Texas Department of Transportation, and more specifically, Transportation Code, §502.009, which authorizes the department to adopt rules governing the issuance of motor vehicle registration.

*§17.53. Automated Vehicle Registration and Certificate of Title System.*

##### (a) Purpose.

(1) The Transportation Code, Chapters 501 and 502, charges the department with the responsibility for issuing certificates of title and registering vehicles operating on the roads, streets, and highways of the state.

(2) In order to provide a more efficient, cost-effective system for registering and titling vehicles, maintaining records, improving inventory control of accountable items, and collecting and reporting of applicable fees consistent with those statutes, the department has designed an automated system known as the registration and title system. This system expedites registration and titling processes, provides a superior level of customer service to the owners and operators of vehicles, and facilitates availability of the department's motor vehicle records for official law enforcement needs. Automated equipment compatible with the registration and title system is indispensable to the operational integrity of the system. The sections under this subchapter prescribe the policies and procedures under which the department may make that equipment available to a county tax assessor-collector as designated agent of the state for processing certificate of title and vehicle registration documents.

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

(1) Automated equipment - Equipment associated with the operation of the registration and titling system, including, but not limited to, microcomputers, printers, software, and cables.

(2) Department - The Texas Department of Transportation.

(3) Executive director - The executive director of the Texas Department of Transportation.

(4) Fair share allocation - The amount of automated equipment determined by the department to be effective at providing a reasonable level of service to the public. This amount will be determined on the basis of comparisons with similarly sized counties, transaction volumes, number of county substations, transaction types, and other factors relating to a particular county's need.

(5) RTS - The department's registration and title system.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 31, 2000.

TRD-20000658

Richard Monroe

General Counsel

Texas Department of Transportation

Effective date: February 20, 2000

Proposal publication date: October 15, 1999

For further information, please call: (512) 463-8630

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**Sec. 502.170. Additional Fee for Reflectorized License Plates.**

*(a) In addition to the other registration fees for a license plate or set of license plates or other device used as the registration insignia, 30 cents shall be collected.*

*(b) The department shall use money collected under this section to purchase equipment and material for the production and manufacture of reflectorized license plates.*

- I. A Thirty Cent (\$.30) reflectorization fee shall be collected each time a metal license plate, set of plates, validation sticker, or plate(s) and validation sticker is issued, regardless of the classification of vehicle to which such plate(s) and/or sticker is issued. The Thirty Cent (\$.30) reflectorization fee has been incorporated into all registration fee schedules.
- II. The Thirty Cent (\$.30) reflectorization fee does not apply to additional weight fees or temporary permit fees.
- III. Also, refer to Transportation Code Section 502.052.

**Sec. 502.1705 . Additional Fee for Automated Registration and Title System.**

(a) *In addition to other registration fees for a license plate or set of license plates or other device used as the registration insignia, a fee of \$1 shall be collected.*

(b) *The department may use money collected under this section to perform one or more of the following:*

- (1) enhancing the department's automated registration and title system;*
- (2) providing for the automated on-site production of registration insignia; or*
- (3) providing for automated on-premises and off-premises self-service registration.*

(c) *This section applies only in a county in which the department's automated registration and title system has been implemented and in which 50,000 or more motor vehicles were registered during the preceding year.*

- I. House Bill 3014, 76<sup>th</sup> Legislative Session, amended the Transportation Code to allow for the collection of a \$1.00 fee in addition to other registration fees, in counties where 50,000 or more motor vehicles were registered during the preceding year. The fee will be collected for registrations, replacements and exchanges.
- II. The department will use its "Allocation of Vehicle Registration Fee" report for each calendar year to determine which counties meet the criteria for collecting the \$1.00 additional fee. When a county meets the criteria of 50,000 or more motor vehicles registered, the fee collection will begin on January 1 of the next calendar year.

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**Sec. 502.171. Additional Fee for Certain Vehicles Using Diesel Motor.**

(a) The registration fee under this chapter for a motor vehicle other than a passenger car, a truck with a manufacturer's rated carrying capacity of two tons or less, or a vehicle registered in combination under Section 502.167 is increased by 11 percent if the vehicle has a diesel motor.

(b) A county assessor-collector shall show on the registration receipt for a motor vehicle, other than a passenger car or a truck with a manufacturer's rated carrying capacity of two tons or less, that the vehicle has a diesel motor.

(c) The department may adopt rules to administer this section.

- I. The additional eleven percent (11%) diesel fee is applicable to all motor vehicles powered by diesel engines with the following exceptions:
  - A. Passenger vehicles, private buses, commercial motor vehicles registered with Combination License Plates; and
  - B. Commercial motor vehicles having a manufacturer's rated carrying capacity of two (2) tons or less which are registered with Truck, Farm Truck, Farm Truck Tractor, Fertilizer, or Soil Conservation License Plates.
- II. The additional eleven percent (11%) diesel fee is shown on all Renewal Notices, Forms 39A, covering vehicles which are subject to the diesel fee.
- III. The procedure for collecting the eleven percent (11%) diesel fee is illustrated below.

Example:

|  |                 |
|--|-----------------|
| Fee for 40,000 pounds for 12 months              | \$421.30        |
| Less \$.30 reflectorization fee                  | <u>.30</u>      |
|  | -\$421.00       |
| Diesel Fee                                       | X 11%           |
| Total amount of Diesel Fee                       | -\$ 46.31       |
| Full year's fee (including reflectorization fee) | + 421.30        |
| Total fee due                                    | <u>\$467.61</u> |

Note: The Thirty Cent (\$.30) reflectorization fee must be subtracted from the fee chart total before calculating the diesel fee, since the eleven percent (11%) diesel fee does not apply to the reflectorization fee.

- IV. If at any time during the registration year an owner of a vehicle powered by a diesel motor is required to correct his registration to include the eleven percent (11%) diesel fee, the procedures are set forth in Transportation Code Section 502.162.

**Sec. 502.179. Duplicate Registration Receipt.**

*(a) The owner of a vehicle for which the registration receipt has been lost or destroyed may obtain a duplicate receipt from the department or the county assessor-collector who issued the original receipt by paying a fee of \$2.*

*(b) The office issuing a duplicate receipt shall retain the fee received as a fee of office.*

*Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.*

- I. When the owner of a vehicle loses his original, transfer, or replacement license receipt or if an extra copy of the license receipt is desired, a duplicate of such receipt should be obtained from the county in which the original receipt was issued; or it may be obtained from the department. A duplicate receipt may be issued by a tax office other than the original issuing agency if verification is obtained either from the original issuing tax office or the department by automated means.
  - A. A Duplicate Receipt may be issued by counties.
  - B. Counties may issue an RTS receipt generated for the fee of two dollars. A Duplicate Receipt may only be issued for a currently registered vehicle through RTS. If the vehicle is not currently registered, and Inquiry Receipt may be issued for a fee of two dollars.
- II. Extreme care should be exercised in issuing Duplicate Receipts to insure the same information appearing on the original receipt is carried forward to the duplicate receipt. Duplicate receipts take the place of the original and should be receipts that are correct.

**Sec. 502.180. Issuance of License Plate or Registration Insignia.**

(a) On payment of the prescribed fee, the department shall issue to an applicant for motor vehicle registration a license plate or set of plates or a device that, when attached to the vehicle as prescribed by the department, is the registration insignia for the period for which it was issued.

(b) The department shall issue only one license plate or set of plates for a vehicle during a five-year period.

(c) On application and payment of the prescribed fee for a renewal of the registration of a vehicle for the first, second, third, or fourth registration year after the issuance of a license plate or set of plates for the vehicle, the department shall issue a registration insignia for the validation of the license plate or plates to be attached as provided by Subsection (d).

(d) Except as provided by Subsection (h), the registration insignia for validation of a license plate shall be attached to the inside of the vehicle's windshield, if the vehicle has a windshield, within six inches of the place where the motor vehicle inspection sticker is required to be placed. If the vehicle does not have a windshield, the owner, when applying for registration or renewal of registration, shall notify the department, and the department shall issue a distinctive device for attachment to the rear license plate of the vehicle.

(e) The department shall adopt rules for the issuance and use of license plates and registration insignia issued under this chapter. The rules may provide for the use of an automated registration process, including:

- (1) the automated on-site production of registration insignia; and
- (2) automated on-premises and off-premises self-service registration.

(f) Subsections (b)-(d) do not apply to:

- (1) the issuance of specialized license plates as designated by the department, including state official license plates, exempt plates for governmental entities, and temporary registration plates; or
- (2) the issuance or validation of replacement license plates, except as provided by Section 502.184.

(g) The department shall provide a separate and distinctive tab to be affixed to the license plate of an automobile, pickup, or recreational vehicle that is offered for rent, as a business, to any part of the public.

(h) The registration insignia for validation of a license plate shall be attached to the rear license plate of the vehicle, if the vehicle is:

- (1) a motorcycle;
- (2) machinery used exclusively to drill water wells or construction machinery for which a distinguishing license plate has been issued under Section 502.276; or
- (3) oil well servicing, oil clean out, or oil well drilling machinery or equipment for which a distinguishing license plate has been issued under Subchapter G, Chapter 623.

**Sec. 502.184. Replacement of Lost, Stolen, or Mutilated License Plate or Registration Insignia.**

(a) The owner of a registered motor vehicle may obtain from the department through the county assessor-collector replacement license plates or a replacement registration insignia by:

(1) filing with the assessor-collector a statement:

(A) showing that one or both of the license plates or the registration insignia to be replaced have been lost, stolen, or mutilated; and

(B) stating that no license plate or registration insignia to be replaced will be used on any vehicle owned or operated by the person making the statement;

(2) paying a fee of \$5 plus the fees required by Sections 502.170(a) and 502.1705(a) for each set of replacement license plates or each replacement registration insignia, except as provided by Subsection (b), (c), or (i); and

(3) returning to the assessor-collector each replaced plate or registration insignia in the owner's possession.

(b) The fee for replacement of certain specialized license plates is:

| License plates issued under: | Fee:   |
|------------------------------|--------|
| Section 502.254              | \$1    |
| Section 502.255 or 502.257   | No fee |
| Section 502.256 or 502.267   | \$2    |
| Section 502.268              | \$9    |
| Section 502.273              | \$30   |

(c) The fee for replacement of license plates issued under Section 502.280 is the amount prescribed by the department as necessary to recover the cost of providing the replacement plates.

(d) If license plates approved under Section 502.274(b) are lost, stolen, or mutilated, the owner of the vehicle may obtain approval of another set of license plates as provided by Section 502.274. The fee for approval of replacement license plates is \$5.

(e) A county assessor-collector may not issue replacement license plates or a replacement registration insignia without complying with this section.

(f) A county assessor-collector shall retain \$2.50 of a fee collected under this section and shall report and send the remainder to the department as provided by Sections 502.102 and 502.105.

(g) Replacement license plates may be used in the registration year in which the plates are issued and during each succeeding year of the five-year period as prescribed by Section 502.180(b) if the registration insignia is properly attached.

(h) Subsection (g) does not apply to the issuance of specialized license plates as designated by the department, including state official license plates, exempt plates for governmental entities, and temporary registration plates.

Transportation Code § 502.184

*(i) The owner of a vehicle listed in Section 502.180(h) may obtain replacement plates and a replacement registration insignia by paying a fee of \$5 plus the fee required by Sections 502.170(a) and 502.1705(a).*

- I. In the event a license plate and/or validation sticker becomes lost, stolen, or mutilated, a replacement plate and/or replacement validation sticker may be obtained from any County Tax Assessor-Collector for the fee of \$5.30.
- II. The owner must complete a Replacement Application stating that his license plates and/or validation sticker is lost, stolen, or mutilated. Counties will use the back of the RTS receipt.
- III. The owner must surrender his current year's license receipt and any plate or sticker remaining in his possession. The current year's license receipt must be surrendered to verify the vehicle's current registration status and enable the tax collector to determine the registration expiration date assigned to the vehicle. If an applicant cannot surrender his current year's license receipt and current registration covering the vehicle for which a replacement plate and/or sticker is requested, and the information cannot be verified through the county license files or the department, the applicant cannot be issued a replacement. In this instance, the owner is required to purchase a new set of plates and/or sticker and pay the full registration fee prescribed by law. If, at a subsequent date, it is verified that a vehicle was "double registered," a refund may be authorized by the department.

Note: If the owner cannot provide the current year's license receipt and the current registration of the vehicle must be verified through either the county license files or the department's automated file, the applicant should present some type of personal identification, such as a drivers license, social security card, etc.

- IV. Replacement license plates and replacement stickers are issued from the regular allotment of plates and stickers furnished to the tax collectors. The RTS Replacement License Receipt, is utilized to issue the replacement plates and/or sticker.

Note: A Replacement License Receipt is not required if a license plate month sticker is the only item being replaced.

- A. For the replacement of plates, sticker, or plates and sticker, the tax collector shall:
  1. verify the vehicle's current registration (by viewing the current year's license receipt or by referencing either the county license files or the department's automated file);
  2. receive any remaining plate and/or sticker; and
  3. receive payment of the \$5.30 replacement fee.
- B. For replacement of multi-year license plates validated with license plate validation stickers, the tax collector shall:
  1. Select the proper classification of replacement plates and,

**CHAPTER 520. MISCELLANEOUS PROVISIONS**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 520.001. Definition.**

*In this chapter, "department" means the Texas Department of Transportation.*

**Sec. 520.002. Lease of Additional Computer Equipment.**

- (a) *This section applies only to the lease of equipment to a county for the operation of the automated registration and title system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department.*
- (b) *On the request of the tax assessor-collector of a county, the department may enter into an agreement with the commissioners court of that county under which the department leases additional equipment to the county for the use of the tax assessor-collector in operating the automated registration and title system in that county.*
- (c) *A county may install equipment leased under this section at offices of the county or of an agent of the county.*
- (d) *Equipment leased under this section:*
- (1) remains the property of the department; and*
  - (2) must be used primarily for the automated registration and title system.*
- (e) *Under the agreement, the department shall charge the county an amount not less than the amount of the cost to the department to provide the additional equipment and any related services under the lease. All money collected under the lease shall be deposited to the credit of the state highway fund.*

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**SUBCHAPTER B. MOTOR NUMBER RECORD REQUIREMENTS**

**Sec. 520.011. Motor Number Required for Vehicle Registration; Penalty.**

*(a) A person may not apply to the county assessor-collector for the registration of a motor vehicle from which the original motor number has been removed, erased, or destroyed until the motor vehicle bears the motor number assigned by the department.*

*(b) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$50 and not more than \$100.*

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