



Texas Department of Transportation

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

February 7, 2001

Registration and Title Bulletin # 015-01

TO: ALL COUNTY TAX ASSESSOR-COLLECTORS

SUBJECT: FINAL ADOPTION OF RULES CONCERNING REGISTRATION
RECIPROCITY AGREEMENTS

PURPOSE

To provide a copy of an amended section of Title 43, Texas Administrative Code, Chapter 17.

DETAILS

Attached is amended §17.51, concerning registration reciprocity agreements. The amended section was adopted by the Texas Transportation Commission on January 25, 2001 and becomes effective February 16, 2001.

CONTACT(S)

Questions regarding these rules may be directed to your local Vehicle Titles and Registration Division regional office, or to Mr. David Linzey, Director of Headquarter Operations, at (512) 465-7719. Thank you.

Sincerely,

Jerry L. Dike, Director
Vehicle Titles and
Registration Division

Attachment

cc: TxDOT Administration
TxDOT Motor Carrier Division
TxDOT Office of General Counsel
Texas Department of Public Safety
Texas Comptroller of Public Accounts
Tax Assessor-Collectors Association

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

§17.51. Registration Reciprocity Agreements.

(a) Purpose. To promote and encourage the fullest possible use of the highway system and contribute to the economic development and growth of the State of Texas and its residents, the department is authorized by Transportation Code, §502.054, to enter into agreements with duly authorized officials of other jurisdictions, including any state of the United States, the District of Columbia, a state or province of a foreign country, or a territory or possession of either the United States or of a foreign country, and to provide for the registration of vehicles by Texas residents and nonresidents on an allocation or mileage apportionment basis, and to grant exemptions from the payment of registration fees by nonresidents if the grants are reciprocal to Texas residents.

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

(1) Cab card - The apportioned vehicle registration receipt that contains, but is not limited to, the vehicle description and the registered weight at which the vehicle may operate in each jurisdiction.

(2) Department - The Texas Department of Transportation.

(3) Director - The director of the Vehicle Titles and Registration Division, Texas Department of Transportation.

(4) Executive director - The chief executive officer of the department.

(5) Temporary operating authority permit - A temporary registration permit issued by the department that authorizes the operation of a vehicle for 45 days subject to all rights and privileges afforded to a vehicle displaying apportioned registration.

(c) Multilateral agreements.

(1) Authority. The executive director may on behalf of the department enter a multilateral agreement with the duly authorized officials of two or more other jurisdictions to carry out the purpose of this section.

(2) International registration plan.

(A) Applicability. The international registration plan is a registration reciprocity agreement among states of the United States and other jurisdictions providing for payment of license fees on the basis of fleet miles operated in various jurisdictions. Its purpose is to promote and encourage the fullest possible use of the highway system by authorizing apportioned registration for commercial motor vehicles and payment of appropriate vehicle registration fees and thus

contributing to the economic development and growth of the member jurisdictions.

(B) Adoption. The department adopts by reference the International Registration Plan with Official Commentary, August 22, 1994, edition (IRP). This document will be periodically amended by its members. Copies of the document are available for review in the Vehicle Titles and Registration Division, Texas Department of Transportation, 4000 Jackson Avenue, Austin. Copies are also available on request. The following words and terms, when used in the IRP or in this subparagraph, shall have the following meanings, unless the context clearly indicates otherwise.

(i) Apportionable vehicle - Any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and used either for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property and:

(I) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds or 11,793.401 kilograms;

(II) is a power unit having three or more axles, regardless of weight;

(III) is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,793.401 kilograms gross vehicle weight; or

(IV) at the option of the registrant, trucks and truck tractors, and combinations of vehicles having a gross vehicle weight of 26,000 pounds or 11,793.401 kilograms or less and buses used in transportation of chartered parties.

(ii) Commercial vehicle - A vehicle or combination designed and used for the transportation of persons or property in furtherance of any commercial enterprise, for hire or not for hire.

(iii) Erroneous issuance - Apportioned registration issued based on erroneous information provided to the department.

(iv) Established place of business - A physical structure owned, leased, or rented by the fleet registrant and maintained in accordance with the provisions of the International Registration Plan, Articles II and IX.

(v) Fleet miles - All mileage operated by an apportionable vehicle or vehicles used to calculate registration fees for the various jurisdictions.

(C) Application.

(i) An applicant must submit an application to the department on a form prescribed by the director together with additional documentation as required by the director.

(ii) Upon approval of the application, the department will compute the appropriate registration fees and notify the registrant.

(D) Fees. Upon receipt of the applicable fees in the form of a check (other than personal), cashier's check, or money order made payable in United States funds, the department will issue one license plate and cab card for each vehicle registered.

(E) Display.

(i) The license plate issued to a power unit shall be installed on the front of the vehicle, and the license plate issued for a trailer shall be installed on the rear of the vehicle.

(ii) The cab card shall be carried at all times in the vehicle in accordance with Transportation Code, §621.002.

(F) Audit. An audit of the registrant's vehicle operational records may be conducted by the department according to the IRP provisions. Upon request, the registrant shall provide the operational records for audit in unit number order,

in sequence by date, and including, but not limited to, a recap of mileage traveled by each individual truck on a monthly or quarterly basis with mileage totaled separately for each jurisdiction in which the vehicle traveled.

(G) Assessment. The department may assess additional registration fees if an audit conducted under subparagraph (F) of this paragraph reveals that:

(i) the operational records indicate that the vehicle did not generate interstate miles in two or more member jurisdictions for the mileage reporting period supporting the application being audited, plus the six-month period immediately following that mileage reporting period;

(ii) the registrant failed to provide complete operational records;

(iii) the company did not comply with the provisions of subparagraph (L) of this paragraph regarding temporary operating authority permits; or

(iv) mileage must be adjusted, and the adjustment results in a shortage of registration fees due Texas or any other IRP jurisdiction.

(H) Refunds. If an audit conducted under subparagraph (F) of this paragraph reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund the

overpayment of registration fees in accordance with Transportation Code, §502.183, and IRP guidelines. Any registration fees refunded to a carrier for another jurisdiction will be deducted from registration fees collected and transmitted to that jurisdiction.

(I) Cancellation. The director may cancel a registrant's apportioned registration and all privileges provided by the IRP if the registrant:

(i) submits payment in the form of a check that is dishonored;

(ii) files or provides erroneous information to the department; or

(iii) fails to:

(I) remit appropriate fees due each jurisdiction in which the registrant is authorized to operate;

(II) meet the requirements of Article II 218 and Article IX 906 of the IRP concerning established place of business;

(III) provide operational records in accordance with subparagraph (F) of this paragraph;

(IV) provide an acceptable source document as specified in the IRP; or

(V) pay an assessment pursuant to subparagraph (G)

of this paragraph.

(J) Enforcement.

(i) Notice. If it is determined that a registrant should be assessed additional registration fees, as provided in subparagraph (G) of this paragraph, or that a registrant's apportioned license plates and privileges should be canceled, as provided in subparagraph (I) of this paragraph, the director will mail a notice by certified mail to the last known address of the registrant. The notice will state the facts underlying the assessment or cancellation, the effective date of the assessment or cancellation, and the right of the registrant to request a conference as provided in clause (ii) of this subparagraph.

(ii) Conference. A registrant may request a conference upon receipt of a notice issued as provided by clause (i) of this subparagraph. The request must be made in writing to the director within 30 days of the date of the notice. If timely requested, the conference will be scheduled and conducted by the regional supervisor at the regional office and will serve to abate the assessment or cancellation unless and until that assessment or cancellation is affirmed or disaffirmed by the director. In the event matters are resolved in the registrant's favor, the director will mail the registrant a notice of

withdrawal, notifying the registrant that the assessment or cancellation is withdrawn, and stating the basis for that action. In the event matters are not resolved in the registrant's favor, the director will issue a ruling reaffirming the department's assessment of additional registration fees or cancellation of apportioned plates and privileges. The registrant has the right to appeal in accordance with clause (iii) of this subparagraph.

(iii) Appeal. If a conference held in accordance with clause (ii) of this subparagraph fails to resolve matters in the registrant's favor, the registrant may request an administrative hearing. The request must be in writing and must be received by the director no later than the 20th day following the date of the ruling issued under clause (ii) of this subparagraph. If timely requested, the hearing will be initiated by the department and will be conducted in accordance with §§1.21 et seq. of this title (relating to Procedures in Contested Cases). Assessment or cancellation is abated unless and until affirmed or disaffirmed by order of the Texas Transportation Commission.

(K) Reinstatement.

(i) The director will accept a new application for apportioned registration from a previously canceled registrant

if:

(I) all apportioned license plates, cab cards (if available), and temporary operating authorities have been surrendered to the department;

(II) all applicable fees and assessments due on the previously canceled apportioned account have been paid; and

(III) the applicant provides proof of an acceptable recordkeeping system for a period of no less than 60 days.

(ii) The application will be processed and 100% registration fees shall be due Texas. Mileage for all other jurisdictions must be shown as an estimate and registration fees in excess of 100% shall be due.

(iii) The application for the following registration year will be processed in accordance with clause (ii) of this subparagraph if the application for reissuance is submitted after July 1 of the current registration year.

(L) Temporary operating authority permit. The director will authorize the issuance of temporary operating authority permits to a registrant to expedite the adding of a vehicle to a specified fleet or to replace the license plate or cab card of a vehicle in that fleet. The registrant must submit an application for the permits to the department on a form prescribed by the director. Upon approval of the application,

the department will issue a supply of no fewer than 10 or more than 50 permits to the registrant for a particular fleet subject to the following conditions.

(i) The registrant is accountable to the department for all permits issued under this subparagraph. Upon request, the registrant shall present to the department the company copy of all assigned permits and all unassigned permits, still intact, for inspection by the department.

(ii) No more than one permit will be issued for a particular vehicle in a registration period.

(iii) Each permit issued in accordance with this subparagraph must be validated by the department before the registrant assigns the permit to a vehicle.

(iv) The registrant must submit an application for apportioned registration for the vehicle on a form prescribed by the director within 20 calendar days from the date the permit was validated.

(v) If it is determined that the permit was validated and an application for apportioned registration for that vehicle was not submitted to the department, the registrant shall pay registration fees to the state for the period the permit was valid.

(vi) If it is determined that a registrant cannot

account for a permit, the registrant shall be subject to registration fees due to the state in an amount not to exceed the 45-day period for which each such permit could be valid.

(vii) A registrant's privilege to obtain temporary operating authority permits may be denied if it is determined that the registrant has failed to complete the permit forms properly or has repeatedly been assessed registration fees for the improper use of permits.

(viii) The registrant's refusal to pay registration fees assessed in accordance with clauses (v) and (vi) of this subparagraph may result in the cancellation of all operating privileges in accordance with subparagraph (I) of this paragraph.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 26, 2001.

A handwritten signature in black ink, appearing to read "Richard D. Monroe", is written over a horizontal line.

Richard D. Monroe
General Counsel
Texas Department of Transportation