

1 House Bill 1548 requires the department to establish, by rule, a procedure for issuance of license
2 plates to golf carts and unregistered off-highway vehicles, and authorizes the department to charge a fee
3 of up to \$10 to cover the costs of issuing the plates.

4 Proposed amendments implement House Bill 1548 by amending §217.2 to update the statutory
5 references in the definitions of "all-terrain vehicle" and "recreational off-highway vehicle," and to add
6 new definitions of "off-highway vehicle," "utility vehicle," and "sand rail" by reference to new
7 Transportation Code, §551A.001. The phrase "a motor vehicle as defined by" is added to the definitions
8 of moped, off-highway vehicle, sand rail, and utility vehicle or UTV under proposed amended §217.2(14),
9 (18), (22), and (25) for consistency with existing definitions for "all-terrain vehicle or ATV" and
10 "recreational off-highway vehicle or ROV" and because the statutory definition of "motor vehicle" under
11 Transportation Code, §501.002 as amended includes a moped and an off-highway vehicle. Amendments
12 to §217.2 also renumber the paragraphs.

13 The proposed amendments to §217.45 add a reference to new Transportation Code, Chapter
14 551A as added by House Bill 1548 and add the phrase "off-highway vehicle" to: the types of vehicles that
15 are issued one license plate; the categories of license plates for which personalized plates are not
16 available; and the types of license plates that are non-transferable between vehicles. The phrase "off-
17 highway vehicle" is added to proposed amended §217.45(c)(3)(B) because Transportation Code,
18 §551A.052 authorizes the department to establish a procedure to issue license plates to unregistered off-
19 highway vehicles by rule. In addition, Transportation Code, §551A.052(b) allows a person to operate an
20 unregistered off-highway vehicle on a highway in a manner authorized by Transportation Code, Chapter
21 551A, Subchapter D, only if the vehicle displays a license plate issued under §551A.052. The existing
22 requirement in §217.27(b) of this chapter (relating to Vehicle Registration Insignia) that a vehicle display
23 two license plates is applicable to vehicles registered under Chapter 502. "Off-highway vehicle" is added

1 to proposed amended §217.45(c)(7)(E) because license plates for off-highway vehicles are authorized by
2 Transportation Code, Chapter 551. Personalized license plates are authorized by Transportation Code,
3 §504.0051 and §504.101. As such, license plates for off-highway vehicles are not eligible for
4 personalization.

5 The phrase “off-highway vehicle” is added to proposed amended §217.45(e)(1)(B) because under
6 §551A.052(d), off-highway vehicle license plates are only authorized for off-highway vehicles, do not
7 expire, and may not be used by a subsequent owner of an off-highway vehicle. In addition, license plates
8 are only eligible for transfer if the vehicle is a passenger vehicle with a gross weight of 6,000 pounds or
9 less or a light truck with a gross weight of 10,000 pounds or less. Passenger vehicles and light trucks are
10 defined in Transportation Code, §502.001 by reference to Transportation Code, §541.201. The phrase
11 “off-highway vehicle” is defined in new Transportation Code, Chapter 551A as added by House Bill 1548.

12 Proposed new §217.45(k) regarding off-highway vehicles, establishes the process by which a
13 county tax assessor-collector may issue an off-highway vehicle license plate and sets the fee for an off-
14 highway vehicle license plate. The fee for an off-highway license plate is \$10, which is the same fee
15 charged for a license plate for a golf cart under existing §217.45(j). This fee is appropriate because the
16 standard cost for the department to produce a license plate is \$8. However, this cost does not include
17 programming and the cost of the receipt. Setting the fee at \$10 will account for all costs associated with
18 issuance of the plate.

19 House Bill 3068 provides, in part, that a person who qualifies for a disabled veteran license plate
20 under Transportation Code, §504.202 may use an embossed Texas disabled veteran license plate on a
21 classic motor vehicle, custom vehicle, street rod, and on certain exhibition vehicles (as defined by
22 Transportation Code, §504.501 and §504.502). The embossed disabled veteran license plate must have
23 been issued in the same year as the model year of the vehicle and be approved for use by the department.

1 House Bill 3068 also provides that any person may use a Texas license plate that is embossed with an
2 alphanumeric pattern of a plate design that was issued the same year as the model year of the vehicle for
3 vehicles that meet the requirements of the same two sections (Transportation Code, §504.501 and
4 §504.502). Proposed amendments to §217.45 also include adding a reference to Transportation Code,
5 §504.202 based on the statutory change authorizing the use of disabled veteran embossed license plates
6 on classic motor vehicles, custom vehicles, street rods, and certain exhibition vehicles.

7 House Bill 3171 excludes “moped” from the definition of “commercial motor vehicle” in
8 Transportation Code, §502.001(7). Amendments update the definition for "moped" by reference to
9 Transportation Code, §541.0201 in §217.2, and add a reference to moped in §217.46 for consistency with
10 the statutes as amended by House Bill 3171.

11 Additionally, the department proposes nonsubstantive changes throughout the text of §§217.2,
12 217.45, and 217.46. These nonsubstantive changes include reformatting and updating citations.

13 In conjunction with amending these rules, the department is also reconfiguring its internal
14 systems. Therefore, the effective dates of the rules may be extended to correspond with completion of
15 the programming necessary to fully implement the rules.

16 **3. FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Linda M. Flores, Chief Financial Officer,
17 has determined that for each year of the first five years the amendments will be in effect, there will be
18 minimal fiscal implications for state or local governments as a result of the enforcement or administration
19 of the proposal. The issuance of the plate will result in positive revenue for the state, but programming in
20 the department’s Registration and Title System will be necessary to implement §217.45(k). In addition,
21 the department is unable to determine how many off-highway vehicles that are currently titled will opt
22 to receive an off-highway license plate and is unable to anticipate which counties or municipalities may
23 or may not authorize operation of the off-highway vehicles. Jeremiah Kuntz, Director of the Vehicle Titles

1 and Registration Division, has determined that there will be no measurable effect on local employment
2 or the local economy as a result of the proposal.

3 **4. PUBLIC BENEFIT AND COST NOTE.** Mr. Kuntz has also determined that, for each year of the first five
4 years the amended sections are in effect, the public benefits anticipated include improved rules that are
5 consistent with statute. Mr. Kuntz anticipates there will be no costs to comply with these rules. The
6 amendment authorizing a fee for issuance of license plates for off-highway vehicles is authorized by
7 statute and is only applicable if a person wishes to operate the off-highway vehicle on a highway or
8 otherwise wishes to obtain a license plate.

9 **5. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** Mr. Kuntz has also
10 determined there will be no impact on small businesses, micro-business, or rural communities as a result
11 of implementing these rules. Therefore, the department is not required to prepare a regulatory flexibility
12 analysis as specified in Government Code, §2006.002.

13 **6. TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property
14 interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to
15 property that would otherwise exist in the absence of government action and, therefore, does not
16 constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

17 **7. GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that during the first
18 five years the proposed amendments are in effect, no government program would be created or
19 eliminated. Implementation of the proposed amendments would not require the creation of new
20 employee positions or elimination of existing employee positions. Implementation would not require an
21 increase or decrease in future legislative appropriations to the department or an increase or decrease of
22 fees paid to the department. The proposed amendments will not create a new regulation, or expand,

1 limit, or repeal an existing regulation. Additionally, the proposed amendments do not affect the number
2 of individuals subject to the rules' applicability and will not affect this state's economy.

3 **8. REQUEST FOR PUBLIC COMMENT.**

4 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on September
5 30, 2019. A request for a public hearing must be sent separately from your written comments. Send
6 written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General
7 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is
8 held, the department will consider written comments and public testimony presented at the hearing.

9 **9. STATUTORY AUTHORITY.** The amendments are proposed under Transportation Code, §1002.001,
10 which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules
11 that are necessary and appropriate to implement the powers and the duties of the department; and more
12 specifically, Transportation Code, §501.0041, which authorizes the department to adopt rules to
13 administer Chapter 501; Transportation Code, §502.0021, which authorizes the department to adopt rules
14 to administer Chapter 502; Transportation Code, §504.0011, which authorizes the board to adopt rules to
15 implement and administer Chapter 504; Transportation Code, §504.002 as amended by House Bill 1548,
16 which authorizes the department to charge a fee to cover the costs of issuing license plates for golf carts
17 or off-highway vehicles in an amount established by rule; Transportation Code, §551.402, which requires
18 the department by rule to establish a procedure to issue license plates for golf carts and charge a fee not
19 to exceed \$10; and Transportation Code, §551A.052 as added by House Bill 1548, which requires the
20 department by rule to establish a procedure to issue license plates for unregistered off-highway vehicles
21 and charge a fee not to exceed \$10.

22 **10. CROSS REFERENCE TO STATUTE.** Transportation Code, §§501.002, 502.001, 504.202, 504.501,
23 551.402, and 551A.052.

1 **11. TEXT.**

2 **Subchapter A. Motor Vehicle Titles**

3 **43 TAC §217.2**

4 §217.2. Definitions.

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

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

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

11 (3) All-terrain vehicle or ATV--A motor vehicle as defined by Transportation Code,
12 §551A.001~~§502.001~~, and designed primarily for recreational use. The term does not include a "utility
13 vehicle" as defined by Transportation Code, §551A.001~~§663.001~~, or a self-propelled, motor-driven
14 vehicle designed or marketed by the manufacturer primarily for non-recreational uses.

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

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

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

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

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

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

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

11 (11) Identification certificate--A form issued by an inspector of an authorized safety
12 inspection station in accordance with Transportation Code, Chapter 548.

13 (12) Implements of husbandry--Farm implements, machinery, and tools used in tilling the
14 soil, including self-propelled machinery specifically designed or especially adapted for applying plant food
15 materials or agricultural chemicals. This term does not include an implement unless it is designed or
16 adapted for the sole purpose of transporting farm materials or chemicals. This term does not include any
17 passenger car or truck. This term does include a towed vehicle that transports to the field and spreads
18 fertilizer or agricultural chemicals; or a motor vehicle designed and adapted to deliver feed to livestock.

19 (13) Manufacturer's certificate of origin--A form prescribed by the department showing
20 the original transfer of a new motor vehicle from the manufacturer to the original purchaser, whether
21 importer, distributor, dealer, or owner, and when presented with an application for title, showing, on
22 appropriate forms prescribed by the department, each subsequent transfer between distributor and
23 dealer, dealer and dealer, and dealer and owner.

1 (14) Moped--A motor vehicle as defined by Transportation Code, §541.201 [~~motor-driven~~
2 ~~cycle whose attainable speed is not more than 30 miles per hour and that is equipped with a motor that~~
3 ~~produces not more than two-brake horsepower. If an internal combustion engine is used, the piston~~
4 ~~displacement may not exceed 50 cubic centimeters and the power drive system may not require the~~
5 ~~operator to shift gears~~].

6 (15) Motor vehicle importation form--A declaration form prescribed by the United States
7 Department of Transportation and certified by United States Customs that relates to any motor vehicle
8 being brought into the United States and the motor vehicle's compliance with federal motor vehicle safety
9 standards.

10 (16) Non United States standard motor vehicle--A motor vehicle not manufactured in
11 compliance with federal motor vehicle safety standards.

12 (17) Obligor--An individual who is required to make payments under the terms of a
13 support order for a child.

14 (18) Off-highway vehicle--A motor vehicle as defined by Transportation Code, §551A.001.

15 (19)[~~18~~] Person--An individual, firm, corporation, company, partnership, or other entity.

16 (20)[~~19~~] Recreational off-highway vehicle or ROV--A motor vehicle as defined by
17 Transportation Code, §551A.001 [~~§502.001~~], and designed primarily for recreational use. The term does
18 not include a "utility vehicle" as defined by Transportation Code, §551A.001 [~~§663.001~~], or a self-
19 propelled, motor-driven vehicle designed or marketed by the manufacturer primarily for non-recreational
20 uses.

21 (21)[~~20~~] Safety certification label--A label placed on a motor vehicle by a manufacturer
22 certifying that the motor vehicle complies with all federal motor vehicle safety standards.

23 (22) Sand rail--A motor vehicle as defined by Transportation Code, §551A.001.

1 (23)~~(21)~~ Statement of fact--A written declaration that supports an application for a title,
2 that is executed by an involved party to a transaction involving a motor vehicle, and that clarifies an error
3 made on a title or other negotiable evidence of ownership. An involved party is the seller or an agent of
4 the seller involved in the motor vehicle transaction. When a written declaration is necessary to correct an
5 odometer disclosure error, the signatures of both the seller and buyer when the error occurred are
6 required.

7 (24)~~(22)~~ Title application--A form prescribed by the division director that reflects the
8 information required by the department to create a motor vehicle title record.

9 (25) Utility vehicle or UTV--A motor vehicle as defined by Transportation Code,
10 §551A.001, and designed primarily for utility use. The term does not include a "golf cart" as defined by
11 Transportation Code, §551.401, or a self-propelled, motor-driven vehicle designed or marketed by the
12 manufacturer primarily for non-utility uses.

13 (26)~~(23)~~ Verifiable proof--Additional documentation required of a vehicle owner,
14 lienholder, or agent executing an application for a certified copy of a title.

15 (A) Individual applicant. If the applicant is an individual, verifiable proof consists
16 of a copy of a current photo identification issued by this state or by the United States or foreign passport.

17 (B) Business applicant. If the applicant is a business, verifiable proof consists of an
18 original or copy of a letter of signature authority on letterhead, a business card, or employee identification
19 and a copy of current photo identification issued by this state or by the United States or foreign passport.

20 (C) Power of attorney. If the applicant is a person in whose favor a power of
21 attorney has been executed by the owner or lienholder, verifiable proof consists of the documentation
22 required under subparagraph (A) or (B) of this paragraph both for the owner or lienholder and for the
23 person in whose favor the power of attorney is executed.

1 plate fee will be adjusted to yield the appropriate fee. If the statutory annual fee for a specialty license
2 plate is \$5 or less, it will not be prorated.

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

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

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

10 (i) an official document issued by a governmental entity; or

11 (ii) a letter issued by a governmental entity on that agency's letterhead.

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

14 (3) Place of application. Applications for specialty license plates may be made directly to
15 the county tax assessor-collector, except that applications for the following license plates must be made
16 directly to the department:

17 (A) County Judge;

18 (B) Federal Administrative Law Judge;

19 (C) State Judge;

20 (D) State Official;

21 (E) U.S. Congress--House;

22 (F) U.S. Congress--Senate; and

23 (G) U.S. Judge.

1 (4) Gift plates.

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

4 (i) the name and address of the person who will receive the plates; and

5 (ii) the vehicle identification number of the vehicle on which the plates
6 will be displayed.

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

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

11 (1) Issuance. On receipt of a completed initial application for registration, accompanied
12 by the prescribed documentation and fees, the department will issue specialty license plates, symbols,
13 tabs, or other devices to be displayed on the vehicle for which the license plates, symbols, tabs, or other
14 devices were issued for the current registration period. If the vehicle for which the specialty license plates,
15 symbols, tabs, or other devices are issued is currently registered, the owner must surrender the license
16 plates currently displayed on the vehicle, along with the corresponding license receipt, before the
17 specialty license plates may be issued.

18 (2) Classic Motor Vehicles, Classic Travel Trailers, Custom Vehicles, Street Rods, and
19 Exhibition Vehicles.

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

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

3 (ii) the license plate is a qualifying plate type that originally required the
4 owner to meet one or more eligibility requirements, except for a plate issued under Transportation Code,
5 §504.202; or

6 (iii) the alpha numeric pattern is already in use on another vehicle.

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

9 (3) Number of plates issued.

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

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

14 (i) Antique Vehicle (includes Antique Auto, Antique Truck, Antique
15 Motorcycle, and Antique Bus);

16 (ii) Classic Travel Trailer;

17 (iii) Rental Trailer;

18 (iv) Travel Trailer;

19 (v) Cotton Vehicle;

20 (vi) Disaster Relief;

21 (vii) Forestry Vehicle;

22 (viii) Golf Cart;

23 (ix) Log Loader;

- 1 (x) Military Vehicle;
- 2 (xi) Package Delivery Vehicle; ~~and~~
- 3 (xii) Fertilizer; and[-]
- 4 (xiii) Off-highway Vehicle.

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

8 (4) Assignment of plates.

9 (A) Title holder. Unless otherwise exempted by law or this section, the vehicle on
10 which specialty license plates, symbols, tabs, or other devices is to be displayed shall be titled in the name
11 of the person to whom the specialty license plates, symbols, tabs, or other devices is assigned, or a title
12 application shall be filed in that person's name at the time the specialty license plates, symbols, tabs, or
13 other devices are issued.

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

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

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

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

4 (7) Personalized plate numbers.

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

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

12 (C) Personalized plates not approved. A personalized license plate number will
13 not be approved by the executive director if the alpha-numeric pattern:

14 (i) conflicts with the department's current or proposed regular license
15 plate numbering system;

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

18 (iii) is currently issued to another owner.

19 (D) Classifications of vehicles eligible for personalized plates. Unless otherwise
20 listed in subparagraph (E) of this paragraph, personalized plates are available for all classifications of
21 vehicles.

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

- 1 (i) Amateur Radio (other than the official call letters of the vehicle owner);
2 (ii) Antique Motorcycle;
3 (iii) Antique Vehicle (includes Antique Auto, Antique Truck, and Antique
4 Bus);
5 (iv) Apportioned;
6 (v) Cotton Vehicle;
7 (vi) Disaster Relief;
8 (vii) Farm Trailer (except Go Texan II);
9 (viii) Farm Truck (except Go Texan II);
10 (ix) Farm Truck Tractor (except Go Texan II);
11 (x) Fertilizer;
12 (xi) Forestry Vehicle;
13 (xii) Log Loader;
14 (xiii) Machinery;
15 (xiv) Permit;
16 (xv) Rental Trailer;
17 (xvi) Soil Conservation;
18 (xvii) Texas Guard;
19 (xviii) Golf Cart; ~~and~~
20 (xix) Package Delivery Vehicle; and[-]
21 (xx) Off-highway Vehicle.

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

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

5 (d) Specialty license plate renewal.

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

9 (2) Length of validation. Except as provided by Transportation Code, §§504.401,
10 504.4061, or 504.502, all specialty license plates, symbols, tabs, or other devices shall be valid for 12
11 months from the month of issuance or for a prorated period of at least 12 months coinciding with the
12 expiration of registration.

13 (3) Renewal.

14 (A) Renewal notice. Approximately 60 days before the expiration date of a
15 specialty license plate, symbol, tab, or other device, the department will send each owner a renewal
16 notice that includes the amount of the specialty plate fee and the registration fee.

17 (B) Return of notice. The owner must return the fee and any prescribed
18 documentation to the tax assessor-collector of the county in which the owner resides, except that the
19 owner of a vehicle with one of the following license plates must return the documentation and specialty
20 license plate fee, if applicable, directly to the department and submit the registration fee to the county
21 tax assessor-collector:

22 (i) County Judge;

23 (ii) Federal Administrative Law Judge;

- 1 (iii) State Judge;
- 2 (iv) State Official;
- 3 (v) U.S. Congress--House;
- 4 (vi) U.S. Congress--Senate; and
- 5 (vii) U.S. Judge.

6 (C) Expired plate numbers. The department will retain a specialty license plate
7 number for 60 days after the expiration date of the plates if the plates are not renewed on or before their
8 expiration date. After 60 days the number may be reissued to a new applicant. All specialty license plate
9 renewals received after the expiration of the 60 days will be treated as new applications.

10 (D) Issuance of validation insignia. On receipt of a completed license plate
11 renewal application and prescribed documentation, the department will issue registration validation
12 insignia as specified in §217.27 unless this section or other law requires the issuance of new license plates
13 to the owner.

14 (E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed, or not
15 received by the vehicle owner, the specialty license plates, symbol, tab, or other device may be renewed
16 if the owner provides acceptable personal identification along with the appropriate fees and
17 documentation. Failure to receive the notice does not relieve the owner of the responsibility to renew the
18 vehicle's registration.

19 (e) Transfer of specialty license plates.

20 (1) Transfer between vehicles.

21 (A) Transferable between vehicles. The owner of a vehicle with specialty license
22 plates, symbols, tabs, or other devices may transfer the specialty plates between vehicles by filing an
23 application through the county tax assessor-collector if the vehicle to which the plates are transferred:

1 (i) is titled or leased in the owner's name; and

2 (ii) meets the vehicle classification requirements for that particular
3 specialty license plate, symbol, tab, or other device.

4 (B) Non-transferable between vehicles. The following specialty license plates,
5 symbols, tabs, or other devices are non-transferable between vehicles:

6 (i) Antique Vehicle license plates (includes Antique Auto, Antique Truck,
7 and Antique Bus), Antique Motorcycle license plates, and Antique tabs;

8 (ii) Classic Auto, Classic Truck, Classic Motorcycle, Classic Travel Trailer,
9 Street Rod, and Custom Vehicle license plates;

10 (iii) Forestry Vehicle license plates;

11 (iv) Log Loader license plates;

12 (v) Golf Cart license plates; ~~and~~

13 (vi) Package Delivery Vehicle license plates; and[-]

14 (vii) Off-highway Vehicle license plates.

15 (C) New specialty license plates. If the department creates a new specialty license
16 plate under Transportation Code, §504.801, the department will specify at the time of creation whether
17 the license plate may be transferred between vehicles.

18 (2) Transfer between owners.

19 (A) Non-transferable between owners. Specialty license plates, symbols, tabs, or
20 other devices issued under Transportation Code, Chapter 504, Subchapters C, E, and F are not transferable
21 from one person to another except as specifically permitted by statute.

1 (B) New specialty license plates. If the department creates a new specialty license
2 plate under Transportation Code, §504.801, the department will specify at the time of creation whether
3 the license plate may be transferred between owners.

4 (3) Simultaneous transfer between owners and vehicles. Specialty license plates, symbols,
5 tabs, or other devices are transferable between owners and vehicles simultaneously only if the owners
6 and vehicles meet all the requirements in both paragraphs (1) and (2) of this subsection.

7 (f) Replacement.

8 (1) Application. When specialty license plates, symbols, tabs, or other devices are lost,
9 stolen, or mutilated, the owner shall apply directly to the county tax assessor-collector for the issuance of
10 replacements, except that Log Loader license plates must be reapplied for and accompanied by the
11 prescribed fees and documentation.

12 (2) Temporary registration insignia. If the specialty license plate, symbol, tab, or other
13 device is lost, destroyed, or mutilated to such an extent that it is unusable, and if issuance of a replacement
14 license plate would require that it be remanufactured, the owner must pay the statutory replacement fee,
15 and the department will issue a temporary tag for interim use. The owner's new specialty license plate
16 number will be shown on the temporary tag unless it is a personalized license plate, in which case the
17 same personalized license plate number will be shown.

18 (3) Stolen specialty license plates.

19 (A) The department or county tax assessor-collector will not approve the issuance
20 of replacement license plates with the same personalized license plate number if the department's
21 records indicate either the vehicle displaying the personalized license plates or the license plates are
22 reported as stolen to law enforcement. The owner will be directed to contact the department for another
23 personalized plate choice.

1 (B) The owner may select a different personalized number to be issued at no
2 charge with the same expiration as the stolen specialty plate. On recovery of the stolen vehicle or license
3 plates, the department will issue, at the owner's or applicant's request, replacement license plates,
4 bearing the same personalized number as those that were stolen.

5 (g) License plates created after January 1, 1999. In accordance with Transportation Code,
6 §504.702, the department will begin to issue specialty license plates authorized by a law enacted after
7 January 1, 1999, only if the sponsoring entity for that license plate submits the following items before the
8 fifth anniversary of the effective date of the law.

9 (1) The sponsoring entity must submit a written application. The application must be on
10 a form approved by the director and include, at a minimum:

11 (A) the name of the license plate;

12 (B) the name and address of the sponsoring entity;

13 (C) the name and telephone number of a person authorized to act for the
14 sponsoring entity; and

15 (D) the deposit.

16 (2) A sponsoring entity is not an agent of the department and does not act for the
17 department in any matter, and the department does not assume any responsibility for fees or applications
18 collected by a sponsoring entity.

19 (h) Assignment procedures for state, federal, and county officials.

20 (1) State Officials. State Official license plates contain the distinguishing prefix "SO."
21 Members of the state legislature may be issued up to three sets of State Official specialty license plates
22 with the distinguishing prefix "SO," or up to three sets of State Official specialty license plates that depict
23 the state capitol, and do not display the distinguishing prefix "SO." An application by a member of the

1 state legislature, for a State Official specialty license plate, must specify the same specialty license plate
2 design for each applicable vehicle. State Official license plates are assigned in the following order:

3 (A) Governor;

4 (B) Lieutenant Governor;

5 (C) Speaker of the House;

6 (D) Attorney General;

7 (E) Comptroller;

8 (F) Land Commissioner;

9 (G) Agriculture Commissioner;

10 (H) Secretary of State;

11 (I) Railroad Commission;

12 (J) Supreme Court Chief Justice followed by the remaining justices based on their
13 seniority;

14 (K) Criminal Court of Appeals Presiding Judge followed by the remaining judges
15 based on their seniority;

16 (L) Members of the State Legislature, with Senators assigned in order of district
17 number followed by Representatives assigned in order of district number, except that in the event of
18 redistricting, license plates will be reassigned; and

19 (M) Board of Education Presiding Officer followed by the remaining members
20 assigned in district number order, except that in the event of redistricting, license plates will be
21 reassigned.

22 (2) Members of the U.S. Congress.

1 (A) U.S. Senate license plates contain the prefix "Senate" and are assigned by
2 seniority; and

3 (B) U.S. House license plates contain the prefix "House" and are assigned in order
4 of district number, except that in the event of redistricting, license plates will be reassigned.

5 (3) Federal Judge.

6 (A) Federal Judge license plates contain the prefix "USA" and are assigned on a
7 seniority basis within each court in the following order:

8 (i) Judges of the Fifth Circuit Court of Appeals;

9 (ii) Judges of the United States District Courts;

10 (iii) United States Bankruptcy Judges; and

11 (iv) United States Magistrates.

12 (B) Federal Administrative Law Judge plates contain the prefix "US" and are
13 assigned in the order in which applications are received.

14 (C) A federal judge who retired on or before August 31, 2003, and who held
15 license plates expiring in March 2004 may continue to receive federal judge plates. A federal judge who
16 retired after August 31, 2003, is not eligible for U.S. Judge license plates.

17 (4) State Judge.

18 (A) State Judge license plates contain the prefix "TX" and are assigned
19 sequentially in the following order:

20 (i) Appellate District Courts;

21 (ii) Presiding Judges of Administrative Regions;

22 (iii) Judicial District Courts;

23 (iv) Criminal District Courts; and

1 (v) Family District Courts and County Statutory Courts.

2 (B) A particular alpha-numeric combination will always be assigned to a judge of
3 the same court to which it was originally assigned.

4 (C) A state judge who retired on or before August 31, 2003, and who held license
5 plates expiring in March 2004 may continue to receive state judge plates. A state judge who retired after
6 August 31, 2003, is not eligible for State Judge license plates.

7 (5) County Judge license plates contain the prefix "CJ" and are assigned by county number.

8 (6) In the event of redistricting or other plate reallocation, the department may allow a
9 state official to retain that official's plate number if the official has had the number for five or more
10 consecutive years.

11 (i) Development of new specialty license plates.

12 (1) Procedure. The following procedure governs the process of authorizing new specialty
13 license plates under Transportation Code, §504.801, whether the new license plate originated as a result
14 of an application or as a department initiative.

15 (2) Applications for the creation of new specialty license plates. An applicant for the
16 creation of a new specialty license plate, other than a vendor specialty plate under §217.52 of this title
17 (relating to Marketing of Specialty License Plates through a Private Vendor), must submit a written
18 application on a form approved by the executive director. The application must include:

19 (A) the applicant's name, address, telephone number, and other identifying
20 information as directed on the form;

21 (B) certification on Internal Revenue Service letterhead stating that the applicant
22 is a not-for-profit entity;

23 (C) a draft design of the specialty license plate;

1 (D) projected sales of the plate, including an explanation of how the projected
2 figure was established;

3 (E) a marketing plan for the plate, including a description of the target market;

4 (F) a licensing agreement from the appropriate third party for any intellectual
5 property design or design element;

6 (G) a letter from the executive director of the sponsoring state agency stating that
7 the agency agrees to receive and distribute revenue from the sale of the specialty license plate and that
8 the use of the funds will not violate a statute or constitutional provision; and

9 (H) other information necessary for the board to reach a decision regarding
10 approval of the requested specialty plate.

11 (3) Review process. The board:

12 (A) will not consider incomplete applications;

13 (B) may request additional information from an applicant if necessary for a
14 decision; and

15 (C) will consider specialty license plate applications that are restricted by law to
16 certain individuals or groups of individuals (qualifying plates) using the same procedures as applications
17 submitted for plates that are available to everyone (non-qualifying 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 requested
20 due date. If the additional information is not received by that date, the board will return the application
21 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 by a
2 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 that it
13 may compete with the existing plate sales; and

14 (C) the applicant's ability to comply with Transportation Code, §504.702 relating
15 to the required deposit or application that must be provided before the manufacture of a new specialty
16 license plate.

17 (6) Public comment on proposed design. All proposed plate designs will be considered by
18 the board as an agenda item at a regularly or specially called open meeting. Notice of consideration of
19 proposed plate designs will be posted in accordance with Office of the Secretary of State meeting notice
20 requirements. Notice of each license plate design will be posted on the department's Internet website to
21 receive public comment at least 25 days in advance of the meeting at which it will be considered. The
22 department will notify all other specialty plate organizations and the sponsoring agencies who administer
23 specialty license plates issued in accordance with Transportation Code, Chapter 504, Subchapter G, of the

1 posting. A comment on the proposed design can be submitted in writing through the mechanism provided
2 on the department's Internet website for submission of comments. Written comments are welcome and
3 must be received by the department at least 10 days in advance of the meeting. Public comment will be
4 received at the board's meeting.

5 (7) Final approval.

6 (A) Approval. The board will approve or disapprove the specialty license plate
7 application based on all of the information provided pursuant to this subchapter at an open meeting.

8 (B) Application not approved. If the application is not approved under
9 subparagraph (A) of this paragraph, the applicant may submit a new application and supporting
10 documentation for the design to be considered again by the board if:

11 (i) the applicant has additional, required documentation; or

12 (ii) the design has been altered to an acceptable degree.

13 (8) Issuance of specialty plates.

14 (A) If the specialty license plate is approved, the applicant must comply with
15 Transportation Code, §504.702 before any further processing of the license plate.

16 (B) Approval of the plate does not guarantee that the submitted draft plate design
17 will be used. The board has final approval authority of all specialty license plate designs and may adjust
18 or reconfigure the submitted draft design to comply with the format or license plate specifications.

19 (C) If the board, in consultation with the applicant, adjusts or reconfigures the
20 design, the adjusted or reconfigured design will not be posted on the department's website for additional
21 comments.

22 (9) Redesign of specialty license plate.

1 (A) Upon receipt of a written request from the applicant, the department will
2 allow redesign of a specialty license plate.

3 (B) A request for a redesign must meet all application requirements and proceed
4 through the approval process of a new specialty plate as required by this subsection.

5 (C) An approved license plate redesign does not require the deposit required by
6 Transportation Code, §504.702, but the applicant must pay a redesign cost to cover administrative
7 expenses.

8 (j) Golf carts.

9 (1) A county tax assessor-collector may issue golf cart license plates as long as the
10 requirements under Transportation Code, §551.403 or §551.404 are met.

11 (2) A county tax assessor-collector may only issue golf cart license plates to residents or
12 property owners of the issuing county.

13 (3) A golf cart license plate may not be used as a registration insignia, and a golf cart may
14 not be registered for operation on a public highway.

15 (4) The license plate fee for a golf cart license plate is \$10.

16 (k) Off-highway vehicle.

17 (1) A county tax assessor-collector may issue off-highway vehicle license plates as long as
18 the requirements under Transportation Code, §551A.053 or §551A.055 are met.

19 (2) An off-highway vehicle license plate may not be used as a registration insignia, and an
20 off-highway vehicle may not be registered for operation on a public highway.

21 (3) The license plate fee for an off-highway vehicle license plate is \$10.

22 ~~(l)~~ Package delivery vehicle.

1 (1) A county tax assessor-collector may issue package delivery license plates as long as
2 the requirements under Transportation Code, §§551.453, 551.454, and 551.455 are met.

3 (2) The license plate fee for a package delivery license plate is \$25 to be paid on an annual
4 basis.

5

6 §217.46. Commercial Vehicle Registration.

7 (a) Eligibility. A motor vehicle, other than a motorcycle or moped, designed or used primarily for
8 the transportation of property, including any passenger car that has been reconstructed to be used, and
9 is being used, primarily for delivery purposes, with the exception of a passenger car used in the delivery
10 of the United States mail, must be registered as a commercial vehicle.

11 (b) Commercial vehicle registration classifications.

12 (1) Apportioned license plates. Apportioned license plates are issued in lieu of
13 Combination, Motor Bus, or Truck license plates to Texas carriers who proportionally register their fleets
14 in other states, in conformity with §217.56 of this title (relating to Registration Reciprocity Agreements).

15 (2) City bus license plates. A street or suburban bus shall be registered with license plates
16 bearing the legend "City Bus."

17 (3) Combination license plates.

18 (A) Specifications. A truck or truck-tractor with a gross weight in excess of 10,000
19 pounds used or to be used in combination with a semitrailer having a gross weight in excess of 6,000
20 pounds, may be registered with combination license plates. Such vehicles must be registered for a gross
21 weight equal to the combined gross weight of all the vehicles in the combination, but not less than 18,000
22 pounds. Only one combination license plate is required and must be displayed on the front of the truck
23 or truck-tractor. When displaying a combination license plate, a truck or truck-tractor is not restricted to

1 pulling a semitrailer licensed with a Token Trailer license plate and may legally pull semitrailers and full
2 trailers displaying other types of Texas license plates or license plates issued out of state. The following
3 vehicles may not be registered in combination:

4 (i) trucks or truck-tractors having a gross weight of less than 10,000
5 pounds or trucks or truck-tractors to be used exclusively in combination with semitrailers having gross
6 weights not exceeding 6,000 pounds;

7 (ii) semitrailers with gross weights of 6,000 pounds or less, or semitrailers
8 that are to be operated exclusively with trucks or truck-tractors having gross weight of less than 10,000
9 pounds;

10 (iii) trucks or truck-tractors used exclusively in combination with
11 semitrailer-type vehicles displaying Machinery, Permit, or Farm Trailer license plates;

12 (iv) trucks or truck-tractors used exclusively in combination with travel
13 trailers and manufactured housing;

14 (v) trucks or truck-tractors to be registered with Farm Truck or Farm Truck
15 Tractor license plates;

16 (vi) trucks or truck-tractors and semitrailers to be registered with disaster
17 relief license plates;

18 (vii) trucks or truck-tractors and semitrailers to be registered with Soil
19 Conservation license plates;

20 (viii) trucks or truck-tractors and semitrailers to be registered with U.S.
21 Government license plates or Exempt license plates issued by the State of Texas; and

1 (ix) vehicles that are to be issued temporary permits, such as 72-Hour
2 Permits, 144-Hour Permits, One Trip Permits, or 30-Day Permits in accordance with Transportation Code,
3 §502.094 and §502.095.

4 (B) Converted semitrailers. Semitrailers that are converted to full trailers by
5 means of auxiliary axle assemblies will retain their semitrailer status, and such semitrailers are subject to
6 the combination and token trailer registration requirements.

7 (C) Axle assemblies. Various types of axle assemblies that are specially designed
8 for use in conjunction with other vehicles or combinations of vehicles may be used to increase the load
9 capabilities of such vehicles or combinations.

10 (i) Auxiliary axle assemblies such as trailer axle converters, jeep axles, and
11 drag axles, which are used in conjunction with truck-tractor and semitrailer combinations, are not
12 required to be registered; however, the additional weight that is acquired by the use of such axle
13 assemblies must be included in the combined gross weight of the combination.

14 (ii) Ready-mixed concrete trucks that have an auxiliary axle assembly
15 installed for the purpose of increasing a load capacity of such vehicles must be registered for a weight that
16 includes the axle assembly.

17 (D) Exchange of Combination license plates. Combination license plates shall not
18 be exchanged for another type of registration during the registration year, except that:

19 (i) if a major permanent reconstruction change occurs, Combination
20 license plates may be exchanged for Truck license plates, provided that a corrected title is applied for;

21 (ii) if the department initially issues Combination license plates in error,
22 the plates will be exchanged for license plates of the proper classification;

1 (iii) if the department initially issues Truck or Trailer license plates in error
2 to vehicles that should have been registered in combination, such plates will be exchanged for
3 Combination and Token Trailer license plates; or

4 (iv) if a Texas apportioned carrier acquires a combination license power
5 unit, the Combination license plates will be exchanged for Apportioned license plates.

6 (4) Cotton Vehicle license plates. The department will issue Cotton Vehicle license plates
7 in accordance with Transportation Code, §504.505 and §217.45 of this title (relating to Specialty License
8 Plates, Symbols, Tabs, and Other Devices).

9 (5) Forestry Vehicle license plates. The department will issue Forestry Vehicle license
10 plates in accordance with Transportation Code, §504.507 and §217.45 of this title.

11 (6) In Transit license plates. The department may issue an In Transit license plate annually
12 to any person, firm, or corporation engaged in the primary business of transporting and delivering by
13 means of the full mount, saddle mount, tow bar, or any other combination, new vehicles and other
14 vehicles from the manufacturer or any other point of origin to any point of destination within the State.
15 Each new vehicle being transported, delivered, or moved under its own power in accordance with this
16 paragraph must display an In Transit license plate in accordance with Transportation Code, §503.035.

17 (7) Motor Bus license plates. A motor bus as well as a taxi and other vehicles that transport
18 passengers for compensation or hire, must display Motor Bus license plates when operated outside the
19 limits of a city or town, or adjacent suburb, in which its company is franchised to do business.

20 (8) Token Trailer license plates.

21 (A) Qualification. The department will issue Token Trailer license plates for
22 semitrailers that are required to be registered in combination.

1 (B) Validity. A Token Trailer license plate is valid only when it is displayed on a
2 semitrailer that is being pulled by a truck or a truck-tractor that has been properly registered with Forestry
3 Vehicle (in accordance with Transportation Code, §504.507), Combination (in accordance with
4 Transportation Code, §502.255), or Apportioned (in accordance with Transportation Code, §502.091)
5 license plates for combined gross weights that include the weight of the semitrailer, unless exempted by
6 Transportation Code, §502.094 and §623.011.

7 (C) House-moving dollies. House-moving dollies are to be registered with Token
8 Trailer license plates and titled as semitrailers; however, only one such dolly in a combination is required
9 to be registered and titled. The remaining dolly (or dollies) is permitted to operate unregistered, since by
10 the nature of its construction, it is dependent upon another such vehicle in order to function. The pulling
11 unit must display a Combination or Apportioned license plate.

12 (D) Full trailers. The department will not issue a Token Trailer license plate for a
13 full trailer.

14 (9) Tow Truck license plates. A Tow Truck license plate must be obtained for all tow trucks
15 operating and registered in this state. The department will not issue a Tow Truck license plate unless the
16 Texas Department of Licensing and Regulation has issued a permit for the tow truck under Occupations
17 Code, Chapter 2308, Subchapter C.

18 (c) Application for commercial vehicle registration.

19 (1) Application form. An applicant shall apply for commercial license plates through the
20 appropriate county tax assessor-collector upon forms prescribed by the director and shall require, at a
21 minimum, the following information:

22 (A) owner name and complete address;

23 (B) complete description of vehicle, including empty weight; and

1 (C) motor number or serial number.

2 (2) Empty weight determination.

3 (A) The weight of a Motor Bus shall be the empty weight plus carrying capacity,
4 in accordance with Transportation Code, §502.055.

5 (B) The weight of a vehicle cannot be lowered below the weight indicated on a
6 Manufacturer's Certificate of Origin unless a corrected Manufacturer's Certificate of Origin is obtained.

7 (C) In all cases where the department questions the empty weight of a particular
8 vehicle, the applicant should present a weight certificate from a public weight scale or the Department of
9 Public Safety.

10 (3) Gross weight.

11 (A) Determination of Weight. The combined gross weight of vehicles registering
12 for combination license plates shall be determined by the empty weight of the truck or truck-tractor
13 combined with the empty weight of the heaviest semitrailer or semitrailers used or to be used in
14 combination therewith, plus the heaviest net load to be carried on such combination during the motor
15 vehicle registration year, provided that in no case may the combined gross weight be less than 18,000
16 pounds.

17 (B) Restrictions. The following restrictions apply to combined gross weights.

18 (i) After a truck or truck-tractor is registered for a combined gross weight,
19 such weight cannot be lowered at any subsequent date during the registration year. The owner may,
20 however, lower the gross weight when registering the vehicle for the following registration year, provided
21 that the registered combined gross weight is sufficient to cover the heaviest load to be transported during
22 the year and provided that the combined gross weight is not less than 18,000 pounds.

1 (ii) A combination of vehicles is restricted to a total gross weight not to
2 exceed 80,000 pounds; however, all combinations may not qualify for 80,000 pounds unless such weight
3 can be properly distributed in accordance with axle load limitations, tire size, and distance between axles,
4 in accordance with Transportation Code, §623.011.

5 (4) Motor number or serial number. Ownership must be established by a court order if no
6 motor or serial number can be identified. Once ownership has been established, the department will
7 assign a number upon payment of the fee.

8 (5) Accompanying documentation. Unless otherwise exempted by law, completed
9 applications for commercial license plates shall be accompanied by:

10 (A) prescribed registration fees;

11 (B) prescribed local fees or other fees that are collected in conjunction with
12 registering a vehicle;

13 (C) evidence of financial responsibility as required by Transportation Code,
14 §502.046 if the applicant is a motor carrier as defined by §218.2 of this title (relating to Definitions), proof
15 of financial responsibility may be in the form of a registration listing or an international stamp indicating
16 that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to Motor
17 Carrier Registration);

18 (D) an application for Texas Title in accordance with Subchapter A of this chapter,
19 or other proof of ownership;

20 (E) proof of payment of the Federal Heavy Vehicle Use Tax, if applicable;

21 (F) an original or certified copy of the current permit issued in accordance with
22 Occupations Code, Chapter 2308, Subchapter C, if application is being made for Tow Truck license plates;
23 and

1 (G) other documents or fees required by law.

2 (6) Proof of payment required. Proof of payment of the Federal Heavy Vehicle Use Tax is
3 required for vehicles with a gross registration weight of 55,000 pounds or more, or in cases where the
4 vehicle's gross weight is voluntarily increased to 55,000 pounds or more. Proof of payment shall consist
5 of an original or photocopy of the Schedule 1 portion of Form 2290 received by the Internal Revenue
6 Service (IRS), or a copy of the Form 2290 with Schedule 1 attached as filed with the IRS, along with a
7 photocopy of the front and back of the canceled check covering the payment to the IRS.

8 (7) Proof of payment not required. Proof of payment of the Federal Heavy Vehicle Use
9 Tax is not required:

10 (A) for new vehicles when an application for title and registration is supported by
11 a Manufacturer's Certificate of Origin;

12 (B) on used vehicles when an application for title and registration is filed within
13 60 days from the date of transfer to the applicant as reflected on the assigned title, except that proof of
14 payment will be required when an application for Texas title and registration is accompanied by an out-
15 of-state title that is recorded in the name of the applicant;

16 (C) when a vehicle was previously wrecked, in storage, or otherwise out of service
17 and, therefore, not registered or operated during the current registration year or during the current tax
18 year, provided that a non-use affidavit is signed by the operator; and

19 (D) as a prerequisite to registration of vehicles apprehended for operating
20 without registration or reciprocity or when an owner or operator purchases temporary operating permits
21 or additional weight.

22 (d) Renewal of commercial license plates.

1 (1) Registration period. The department will establish the registration period for
2 commercial vehicles, unless specified by statute. Commercial license plates are issued for established
3 annual registration periods as follows.

4 (A) March expiration. If a fleet under §217.54 of this title (relating to Registration
5 of Fleet Vehicles) contains a vehicle with a combination license plate, the established annual registration
6 period for the fleet is April 1st through March 31st.

7 (B) Five-year registration with March 31st expiration. The following license plates
8 are available with a five-year registration period. Registration fees for the license plates listed below may
9 be paid on an annual basis, or may be paid up front for the entire five-year period:

10 (i) Five-year Rental Trailer license plates issued for rental trailers that are
11 part of a rental fleet; and

12 (ii) Five-year Token Trailer license plates, available to owners of
13 semitrailers to be used in combination with truck-tractors displaying Apportioned or Combination license
14 plates.

15 (2) License Plate Renewal Notice. The department will mail a License Plate Renewal
16 Notice, indicating the proper registration fee and the month and year the registration expires, to each
17 vehicle owner approximately six to eight weeks prior to the expiration of the vehicle's registration.

18 (3) Return of License Plate Renewal Notices. License Plate Renewal Notices should be
19 returned by the vehicle owner to the department or the appropriate county tax assessor-collector, as
20 indicated on the License Plate Renewal Notice. Unless otherwise exempted by law, License Plate Renewal
21 Notices may be returned either in person or by 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 License Plate Renewal Notice. If a License Plate Renewal Notice is
7 lost, destroyed, or not received by the vehicle owner, the vehicle may be registered if the owner presents
8 personal identification acceptable to the county tax assessor-collector. Failure to receive the notice does
9 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 transferred,
13 application for transfer of such license plates shall be made with the county tax assessor-collector in the
14 county in which the purchaser resides. If the purchaser does not intend to use the vehicle in a manner
15 that would qualify it for the license plates issued to that vehicle, such plates must be exchanged for the
16 appropriate license plates.

17 (2) Transfer between vehicles. Commercial vehicle license plates are non-transferable
18 between vehicles.

19 (3) Transfer of Apportioned and Tow Truck license plates. Apportioned and Tow Truck
20 license plates are non-transferable between persons or vehicles, and become void if the vehicle to which
21 the license plates were issued is sold.

22 (f) Replacement of lost, stolen, or mutilated commercial vehicle license plates. An owner of lost,
23 stolen, or mutilated commercial vehicle license plates may obtain replacement license plates by filing an

1 Application for Replacement Plates and remitting the prescribed fee to the county tax assessor-collector
2 of the county in which the owner resides.

3 **12. CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be
4 within the state agency’s legal authority to adopt.

5 Issued at Austin, Texas, on August 16, 2019.

6

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8

/s/ Tracey Beaver
Tracey Beaver, General Counsel