



1 clarifies that a government agency may apply directly to the department for a title for a travel trailer used  
2 by the government agency to provide temporary housing in response to a natural disaster or other  
3 declared emergency. Proposed new §217.15(a) is necessary to clarify that a travel trailer owned or  
4 operated by the United States, or transferred to a state agency from the United States, or used by a  
5 governmental agency, to provide temporary housing in response to a natural disaster or other declared  
6 emergency may have a title issued under proposed new §217.15. Proposed new §217.15(b) requires a  
7 government agency to comply with the title application requirements in §217.4, Initial Application for  
8 Title, except for the requirement to apply for title with the county tax assessor-collector. The  
9 governmental agency must still comply with the time for application, information included on the  
10 application, and accompanying documentation requirements under existing §217.4(a), (c), and (d).  
11 Proposed new §217.15(c) provides that the department will issue title without payment of a fee unless  
12 the government agency is also applying for registration, in which case the government agency must pay  
13 any applicable state inspection fee. Texas state agencies and political subdivisions of the state are already  
14 exempt from payment of a title application fee under Transportation Code, §501.138. The title application  
15 fee will be waived for United States government agencies under the requirement in Transportation Code,  
16 §501.0341, that the department automatically issue title. In addition, vehicles owned by the United  
17 States, Texas state agencies, and political subdivisions of the state are already exempt from payment of  
18 registration fees under Transportation Code, §§502.451, 502.452, and 502.453; however, they are not  
19 exempt from payment of the applicable state inspection fee. The registration fee will be waived for United  
20 States government agencies since registration will be issued in accordance with Transportation Code,  
21 §§502.451, 502.452, and 502.453. Travel trailers are considered trailers for purposes of the inspection  
22 fee and are subject to inspection under Transportation Code, §548.051. Of the \$12.50 inspection fee  
23 required by Transportation Code, §548.501, \$7.50 of that fee is remitted to the state.

1 **3. FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Linda M. Flores, Chief Financial Officer,  
2 has determined that for each year of the first five years the new section will be in effect, there will be no  
3 significant fiscal impact to state or local governments as a result of the enforcement or administration of  
4 the section, other than any imposed by statute. The proposed new section does not add to or decrease  
5 state revenues or expenditures. The state or a political subdivision of the state are already exempt from  
6 payment of a title application fee under Transportation Code, §501.138. Transportation Code, Chapter  
7 501 does not apply to a motor vehicle owned or operated by the United States except as provided by  
8 Transportation Code, §501.0341, as added by House Bill 2315. The proposed rule does not require  
9 payment of a fee by a United States government agency, but a United States government agency would  
10 not have applied for a title prior to the effective date of Transportation Code, §501.0341.

11         Jeremiah Kuntz, Director of Vehicle Titles and Registration Division, has determined that there will  
12 be no measurable effect on local employment or the local economy as a result of the proposal.

13 **4. PUBLIC BENEFIT AND COST NOTE.** Mr. Kuntz has also determined that, for each year of the first five  
14 years the new section is in effect, the public benefits anticipated as a result of the proposal include an  
15 efficient process for government agencies to title travel trailers to provide temporary housing during a  
16 natural disaster, such as a hurricane.

17         Mr. Kuntz anticipates that there will be no significant costs to comply with the proposed new  
18 section.

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

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

5 **7. GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that during the first  
6 five years the proposed new section is in effect, no government program would be created or eliminated.  
7 Implementation of the proposed new section would not require the creation of new employee positions  
8 or elimination of existing employee positions. Implementation would not require an increase or decrease  
9 in future legislative appropriations to the department or an increase or decrease of fees paid to the  
10 department. The proposed new section will not create a new regulation, or expand, limit, or repeal an  
11 existing regulation. Additionally, the proposed new section does not affect the number of individuals  
12 subject to the rule's applicability and will not affect this state's economy.

13 **8. REQUEST FOR PUBLIC COMMENT.**

14 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on September  
15 30, 2019. A request for a public hearing must be sent separately from your written comments. Send  
16 written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General  
17 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is  
18 held, the department will consider written comments and public testimony presented at the hearing.

19 **9. STATUTORY AUTHORITY.** The new section is proposed under Transportation Code, §1002.001, which  
20 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are  
21 necessary and appropriate to implement the powers and the duties of the department; and more  
22 specifically, Transportation Code, §501.0041, which authorizes the department to adopt rules to  
23 administer Chapter 501; and Transportation Code, §501.0341, which requires the department to

1 establish, by rule, a process to automatically issue a title to a government agency for a travel trailer used  
2 by the government agency to provide temporary housing in response to a natural disaster or other  
3 declared emergency.

4 **10. CROSS REFERENCE TO STATUTE.** Transportation Code, §§501.004, 501.021, 501.022, 501.023, and  
5 501.0341.

6 **11. TEXT.**

7 **Subchapter A. Motor Vehicle Titles**

8 **43 TAC §217.15**

9 §217.15. Title Issuance to Government Agency for Travel Trailer.

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

13 (b) A government agency applying for a title under subsection (a) of this section must comply with  
14 §217.4(a), (c), and (d) of this title (relating to Initial Application for Title).

15 (c) The department will issue a title to a government agency under this section without payment  
16 of a fee if the government agency is not applying for registration at the same time. If the government  
17 agency is also applying for registration, the government agency must pay any applicable state inspection  
18 fee to the department at the time of application.

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

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

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/s/ Tracey Beaver  
**Tracey Beaver, General Counsel**