

**ADOPTION OF REVISIONS TO**

**SUBCHAPTER B. LICENSING**

**43 TAC §221.17**

**INTRODUCTION.** The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas Administrative Code (TAC) Subchapter B, Licensing; §221.17, License Processing for Military Service Members, Spouses, and Veterans. These adopted amendments implement House Bill (HB) 5629 and Senate Bill (SB) 1818 from the 89th Legislature, Regular Session (2025), both of which became effective on September 1, 2025. HB 5629 amended Occupations Code, §55.004 and §55.0041 to change the standard for comparing licensing requirements in other states with Texas requirements and to change license request submission requirements, and added new §55.0042, which describes the standards for determining when an applicant is in good standing with a licensing authority in another state. SB 1818 amended Occupations Code, §55.004 and §55.0041 to require the department to issue a provisional license to the applicant while the department is processing an application.

The department adopts amendments to §221.17 without changes to the adopted text as published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4389). Accordingly, §221.17 will not be republished.

**REASONED JUSTIFICATION.**

Adopted amendments to §221.17(b)(1)(A) require a military service member or military spouse to submit to the department a complete application for licensure. These adopted amendments implement Occupations Code, §55.0041(b), as amended by HB 5629, which requires a military service member or military spouse to submit an application in a form prescribed by the agency and removes a requirement to provide a notice. An adopted amendment to §221.17(b)(1)(B) deletes an unnecessary conjunction. To

1 implement Occupations Code, §55.0041(b)(2), as amended by HB 5629, adopted amendments to  
2 §221.17(b)(1)(C) add a requirement for an applicant who is a military spouse to submit a copy of the  
3 marriage license to the department, and delete a requirement for a military service member or military  
4 spouse to submit documentation demonstrating that the military service member or military spouse is  
5 licensed and in good standing in another jurisdiction for the relevant business or occupation. An adopted  
6 amendment adds new §221.17(b)(1)(D) to require a notarized affidavit as required by Occupations Code,  
7 §55.0041(b)(3), as amended by HB 5629. Adopted amendments to §221.17(b)(2) substitute “application”  
8 for “notice” and update a reference to paragraph (1) consistent with adopted amendments to  
9 §221.17(b)(1) to implement Occupations Code, §55.0041, as amended by HB 5629. Adopted amendments  
10 to §221.17(b)(2) and §221.17(b)(3) substitute “state” for “jurisdiction” consistent with Occupations Code,  
11 §55.0041, as amended by HB 5629. Adopted amendments to §221.17(b)(2)(B) and §221.17(b)(3)  
12 implement Occupations Code, §55.0041, as amended by HB 5629, by adding the revised standard for  
13 comparing the license requirements in another state with Texas requirements and deleting the former  
14 standard. Adopted amendments add new §221.17(b)(2)(C) to require the department to issue a  
15 provisional license upon receipt of a license application from a military service member, military veteran,  
16 or military spouse. These amendments implement Occupations Code, §55.0041, as amended by SB 1818.  
17 Adopted amendments to §221.17(b)(3) add a reference to license eligibility if the applicant was previously  
18 licensed in good standing in Texas in the last five years, add language that the department will notify an  
19 applicant why the department is currently unable issue a license, and change the time for the department  
20 to act on an application submitted by a military service member or military spouse from 30 days to 10  
21 days to implement with Occupations Code, §55.0041, as amended by HB 5629. HB 5629 also changed the  
22 documentation required to prove residency; however, residency is not a requirement of any license issued

under Occupations Code, Chapters 2301 and 2302, or Transportation Code 503, so no amendments were necessary.

**SUMMARY OF COMMENTS.**

The department received no comments during the public comment period which ended on August 25, 2025.

**SUBCHAPTER B. LICENSING**

**43 TAC §221.17**

**STATUTORY AUTHORITY.** The department adopts amendments to Chapter 221 under Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.052, which assigns the board a duty to set reasonable and necessary application fees, license fees, renewal fees, and other fees as required to implement Chapter 2302; Occupations Code, §2302.103, which requires a salvage vehicle dealer to apply for a license on a form prescribed by the department and pay an application fee; Occupations Code, §2302.104, which prescribes content that must be included in an application; Occupations Code, §2302.105, which requires the department to complete an investigation of the applicant's qualifications before issuing a license; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 consistent with the requirements of Government Code, Chapter 2001; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

The department also adopts amendments and under the authority of Transportation Code, §§501.0041, 502.0021, and 503.002; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

**CROSS REFERENCE TO STATUTE.** These amendments implement Government Code, Chapter 2001; Occupations Code, Chapters 53, 55, and 2302; and Transportation Code, Chapters 501–503, and 1002.

TEXT.

§221.17. License Processing for Military Service Members, Spouses, and Veterans

(a) The department will process a license, amendment, or renewal application submitted for licensing of a military service member, military spouse, or military veteran in accordance with Occupations Code, Chapter 55. A license holder who fails to timely file a sufficient renewal application because the license holder was on active duty is exempt from any increased fee or penalty imposed by the department.

(b) A military service member or military spouse may engage in a business or occupation for which a department issued license is required if the military service member or military spouse meets the requirements of Occupations Code, §55.0041 and this section.

(1) A military service member or military spouse must submit to the department:

(A) a complete application;

(B) proof of the military service member being stationed in Texas and a copy of the military service member or military spouse's military identification card;

(C) if the applicant is a military spouse, a copy of the military spouse's marriage license; and

(D) a notarized affidavit as required by Occupations Code, § 55.0041(b)(3).

(2) Upon receipt of the application and documentation required by paragraph (1) of this subsection, the department shall:

(A) confirm with the other licensing state that the military service member or military spouse is currently licensed and in good standing for the relevant business or occupation; and

(B) conduct a comparison of the other state's license requirements, statutes, and rules with the department's licensing requirements to determine if the requirements are similar in scope of practice; and

(C) issue a provisional license.

(3) If the department confirms that a military service member or military spouse is currently licensed in good standing in another state with licensing requirements that are similar in scope and practice, or was licensed in good standing in Texas in the last five years, the department shall issue a license to the military service member or military spouse for the relevant business or occupation, or notify the applicant why the department is currently unable to issue a license pursuant to Occupations Code, §55.0041(b-1), within 10 days. The license is subject to the requirements of this chapter and Occupations Code, Chapter 2302 in the same manner as a license issued under the standard application process, unless exempted or modified under Occupations Code, Chapter 55.

(c) This section establishes requirements and procedures authorized or required by Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.