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ADOPTION OF REVISIONS TO
SUBCHAPTER B. CRIMINAL HISTORY EVALUATION GUIDELINES AND PROCEDURES

43 TAC §211.11

REPEAL

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §211.1 AND §211.2

NEW

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §211.1

SUBCHAPTER B. CRIMINAL HISTORY EVALUATION GUIDELINES AND PROCEDURES

43 TAC §211.7 AND §211.9

SUBCHAPTER C. CRIMINAL OFFENSE GUIDELINES: MOTOR CARRIERS

43 TAC §211.23 and §211.25

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts revisions to 43 Texas Administrative Code (TAC) Subchapter A, General Provisions, by repealing §211.1 and §211.2, and adopting new §211.1. The department also adopts amendments to current 43 TAC Subchapter B, Criminal History Evaluation Guidelines and Procedures, by retitling Subchapter B, amending §211.11, and adding new §211.7 and §211.9. In addition, the department adopts new Subchapter C, Criminal Offense Guidelines: Motor Carriers; §211.23 and §211.25. These revisions concern the consequences of certain criminal convictions and imprisonment following certain criminal convictions or actions under Occupations Code, Chapter 53.

1 The department adopts the following rules without changes to the proposed text as published in
2 the December 26, 2025, issue of the *Texas Register* (50 TexReg 8521), and will not republish these rules:
3 §§211.1, 211.9, 211.11, and 211.23. The department adopts §211.7 and §211.25 with changes at adoption
4 to the proposed text as published in the December 26, 2025, issue of the *Texas Register* (50 TexReg 8521),
5 and will republish these rules. In conjunction with this adoption, the department is adopting the repeal of
6 §211.1 and §211.2 concerning general provisions regarding actions on certain licenses, which is also
7 published in this issue of the *Texas Register*.

8 **REASONED JUSTIFICATION.** New §211.1 and new Subchapter C are necessary to implement Senate Bill
9 (SB) 1080, 89th Legislature, Regular Session (2025) regarding motor carriers. The revisions to Subchapters
10 A and B are necessary to make conforming changes to Chapter 211 due to the addition of new Subchapter
11 C.

12 Prior to the effective date of SB 1080 on May 27, 2025, Occupations Code, §53.021(b)
13 automatically revoked licenses by operation of law without any action by the department following the
14 license holder’s imprisonment for any felony. SB 1080 amended Occupations Code, §53.021(b) to narrow
15 the law so that a license is automatically revoked upon imprisonment only for specific felonies, including
16 offenses that directly relate to the duties and responsibilities of the licensed occupation.

17 For purposes of Occupations Code, Chapter 53, a certificate of registration that the department
18 issues to a motor carrier under Transportation Code, Chapter 643 is a license. Occupations Code, §53.001
19 and Government Code, §2001.003 define the word “license” as “the whole or a part of a state agency
20 permit, certificate, approval, registration, or similar form of permission required by law.” The department
21 must therefore define in rule which offenses directly relate to the duties and responsibilities of a licensed
22 motor carrier, so that the department will be able to determine which licenses are revoked by operation
23 of law under Occupations Code, §53.021(b)(1)(A).

1 **Subchapter A. General Provisions**

2 The adoption of the repeal of §211.1 enabled the department to adopt new §211.1, which applies
3 to the entire Chapter 211, including new Subchapter C regarding motor carriers.

4 Adopted new §211.1(a) states that the purpose of Chapter 211 is to implement Occupations Code,
5 Chapter 53 regarding the consequences of a criminal conviction on a license that the department is
6 authorized to issue. Adopted new §211.1(b) incorporates laws by reference to provide the applicable
7 definitions regarding specific offenses referenced in Chapter 211. Occupations Code, §53.021 references
8 “an offense that directly relates to the duties and responsibilities of the licensed occupation,” and does
9 not limit the language to offenses under Texas law. Adopted new §211.1(b) therefore incorporates
10 definitions from federal laws, other states’ laws, and the laws of foreign jurisdictions. Adopted new
11 §211.1(c) defines “department” as the Texas Department of Motor Vehicles for clarity and consistency.

12

13 **Subchapter B. Criminal History Evaluation Guidelines and Procedures: Motor Vehicle, Salvage Vehicle,**
14 **and Trailer Industries**

15 An adopted amendment retitles Subchapter B to only apply to the motor vehicle, salvage vehicle,
16 and trailer industries because the department’s adopted revisions to Chapter 211 include new Subchapter
17 C regarding motor carriers.

18 The adopted repeal of §211.1 and §211.2 enabled the department to adopt modified versions of
19 the prior text of these sections as new §211.7 and §211.9 to only apply to Subchapter B, regarding the
20 motor vehicle, salvage vehicle and trailer industries, due to the adopted new Subchapter C regarding
21 motor carriers.

22 Adopted new §211.7 modifies the language in the repealed version of §211.1 to only apply to
23 Subchapter B, clarifies that the referenced statutes are Texas statutes, moves the definitions to subsection

1 (a) so that they appear before the use of the defined terms in adopted new §211.7, and makes the format
2 of the definitions consistent with the department’s other administrative rules. The department adopts
3 §211.7(a)(2) with a change at adoption to change the word “does” to “do” to correct a grammatical error.
4 Adopted new §211.9 modifies the language in repealed §211.2 to only apply to Subchapter B and clarifies
5 that the reference to the Occupations Code is a reference to the Texas Occupations Code. The text in
6 adopted new §211.7 and §211.9 clarify that the statutory citations are to Texas law, and are necessary
7 due to references to the laws in other jurisdictions in Chapter 211 and the adopted revisions to Chapter
8 211.

9 Adopted amendments to §211.11 update cross-references to adopted new §211.9, update the
10 language to only apply to Subchapter B, and clarify that the statutory citations are to Texas law for the
11 reasons stated above. Adopted amendments to §211.11 also modify the current citations to statutes for
12 consistency with the citations to Texas law throughout Chapter 211.

13

14 **Subchapter C. Criminal Offense Guidelines: Motor Carriers**

15 Adopted new Subchapter C implements SB 1080 for motor carriers by defining which offenses
16 directly relate to the duties and responsibilities of motor carriers for purposes of Occupations Code,
17 §53.021(b)(1)(A). The department submitted an early draft of adopted new §211.23 and §211.25 to the
18 Motor Carrier Regulation Advisory Committee (MCRAC) for review and feedback at the MCRAC meeting
19 in October of 2025. The members of MCRAC did not have any formal advice or recommendations in the
20 form of an approved motion. However, in response to a request from industry and a member of MCRAC,
21 the department modified adopted new §211.23(a), prior to publication in the *Texas Register*, to limit the
22 definition for the word “license” to a sole proprietor motor carrier for the reasons stated below.

1 Adopted new §211.23(a) provides the definition for the word “license” as used in adopted new
2 Subchapter C to limit the term to a certificate of registration issued by the department under Texas
3 Transportation Code, Chapter 643 to a sole proprietor motor carrier. This definition prevents confusion
4 about the application of Occupations Code, §53.021(b)(1)(A) by excluding a legal entity because a legal
5 entity as a whole cannot be imprisoned for an offense, even though a legal entity’s employees or
6 representatives can be imprisoned for an offense. Only an individual can be imprisoned. Adopted new
7 §211.23(a) also clarifies that a license authorizes a motor carrier to engage in certain operations under
8 Transportation Code, Chapter 643. Although the department issues one type of license under
9 Transportation Code, Chapter 643, a licensed motor carrier may transport the following, subject to
10 compliance with the applicable laws regarding that type of operation: cargo, passengers, household
11 goods, or hazardous materials.

12 Occupations Code, §53.025 requires each state agency to issue guidelines that “must state the
13 reasons a particular crime is considered to relate to a particular license.” To fulfill that requirement,
14 adopted new §211.23(b) states the reasons each offense referenced in adopted new §211.25 is
15 considered to relate to the particular duties and responsibilities of a license for a motor carrier. Adopted
16 new §211.23(b) explains why the different offenses listed in adopted new §211.25 relate to the different
17 types of motor carrier operations that are authorized under a motor carrier license, depending on how
18 the specific duties and responsibilities of each type of motor carrier operation provide a greater
19 opportunity for an individual, who is predisposed to commit specific types of violations, to commit those
20 offenses.

21 Adopted new §211.25 lists the felony offenses that directly relate to the duties and
22 responsibilities of a licensed motor carrier under Occupations Code, §53.021(b)(1)(A). Adopted new
23 §211.25(a) explains that under Occupations Code, §53.021(b)(1)(A), a license holder’s license is

1 automatically revoked by operation of law on the license holder’s imprisonment after a conviction of a
2 felony offense that directly relates to the duties and responsibilities of a license holder. Adopted new
3 §211.25(b) explains that the department used the factors listed in Occupations Code, §53.022 to
4 determine that the offenses detailed in adopted new §211.25(c) through (g) directly relate to the duties
5 and responsibilities of a license holder under Transportation Code, Chapter 643. Adopted new §211.25(b)
6 also clarifies that the listed offenses include offenses under the laws of the United States or another state
7 of the United States if the offense contains elements that are substantially similar to the elements of an
8 offense under the laws of Texas, except as stated otherwise in adopted new Subchapter C.

9 While the offenses listed in adopted new §211.25(c) apply to all licensed motor carriers, the
10 offenses listed in adopted new §211.25(d) through (g) apply only to specific types of motor carrier
11 operations due to the particular opportunities to commit certain offenses under a specific type of motor
12 carrier operation. A licensed motor carrier controls, operates, or directs the operation of one or more
13 motor vehicles that transport persons or cargo, which enables the license holder to commit certain
14 offenses that involve the use of a motor vehicle. Also, a licensed motor carrier provides the department
15 with certain information and documents that the department uses to administer and enforce Texas
16 Transportation Code, Chapter 643 and that law enforcement uses to enforce certain laws, including Texas
17 Transportation Code, Chapter 644 and the administrative rules that the Texas Department of Public Safety
18 adopted under Texas Transportation Code, Chapter 644. In addition, a potential customer of a motor
19 carrier has access to certain information on the department’s website to determine whether to use the
20 services of a particular licensed motor carrier, and the licensed motor carrier must provide the
21 department with most of this information as part of a license application and any required updates. A
22 licensed motor carrier is in a position of trust with the department because a licensed motor carrier must

1 provide accurate information and documents to the department, so the department’s records are reliable
2 for the department, law enforcement, and potential shippers or passengers of the motor carrier.

3 The offenses that relate to all licensed motor carriers under adopted new §211.25(c) include
4 offenses that involve the smuggling of a person, the use of a motor vehicle for trafficking or smuggling
5 persons, bribery, perjury, obstructing a road, intoxication while operating a motor vehicle, delivery of a
6 controlled substance, fraudulent emissions inspections, and knowingly operating a commercial motor
7 vehicle in violation of an out-of-service order if the commercial motor vehicle was involved in a motor
8 vehicle collision that resulted in bodily injury or death of a person. Some of these offenses, like the
9 smuggling of a person, the use of a motor vehicle for trafficking or smuggling persons, and delivery of a
10 controlled substance address Occupations Code, §53.022(3) because being a licensed motor carrier gives
11 an individual an opportunity to engage in that sort of criminal activity again. Other offenses listed in
12 adopted new §211.25(c), like intoxication while operating a motor vehicle, align with Occupations Code,
13 §53.022(4) because intoxication inhibits a person from being able to fulfill the duties of a licensed motor
14 carrier, including safe operation. Still other offenses such as those involving fraudulent emissions
15 inspections, bribery, perjury, and knowingly operating a commercial motor vehicle in violation of an out-
16 of-service order during which the commercial motor vehicle was involved in a motor vehicle collision that
17 resulted in bodily injury or death of a person align with Occupations Code, §53.022(5) because they
18 correlate with the duties and responsibilities of motor carriers to comply with safety laws, to remain safe
19 on the road, and to cooperate with, provide accurate information to, and follow the orders of government
20 officials, including law enforcement. The offenses listed in §211.25(c) are thus all equally relevant to all
21 motor carriers, regardless of their specific type of operation. The department adopts §211.25(c) with
22 changes at adoption to move the offense described by Texas Penal Code, §42.03 from §211.25(c)(3) to
23 new §211.25(c)(4) and renumbered the remaining paragraphs under §211.25(c) because the offense of

1 obstruction of a highway or other passageway under §42.03 does not fall within Penal Code, Title 8
2 regarding offenses against public administration.

3 Adopted new §211.25(d) sets out offenses that relate only to a passenger motor carrier due to
4 the position of trust and close physical proximity between the motor carrier and its passengers. The
5 offenses listed in adopted new §211.25(d) are in addition to the offenses listed in adopted new §211.25(c).
6 A passenger loses some of their autonomy over themselves and their tangible personal property,
7 documents, and cargo while they are in another person’s motor vehicle. If the passenger is a child, there
8 is even more risk of a crime involving the child or the child’s tangible personal property, documents, or
9 cargo. The offenses in adopted new §211.25(d) include offenses that harm or endanger another person
10 as set out in Texas Penal Code, Title 5, such as criminal homicide, kidnapping, sexual offenses and
11 assaultive offenses. The offenses in adopted new §211.25(d) also include offenses that endanger families
12 or children, such as enticing a child from their parent’s custody, violating a court protective order, selling
13 or purchasing children, continuous family violence, using a minor to sell or display harmful material to a
14 minor, employing a child to work in a sexually-oriented commercial activity, possessing child pornography,
15 and any offense for which the person convicted must register as a sex offender. The listed offenses in
16 adopted new §211.25(d) also include offenses against tangible personal property, a document, or cargo
17 belonging to another person, such as the offenses of criminal mischief, robbery, and theft. All of these
18 offenses fit within Occupations Code, §53.022(1) due to the nature and seriousness of the crimes, which
19 involve the safety or well-being of a person. Also, most of these offenses fit within Occupations Code,
20 §53.022(3) because a licensed motor carrier operating as a passenger carrier has an increased opportunity
21 to engage in this sort of criminal activity again.

22 Adopted new §211.25(e) defines offenses that relate only to a for-hire motor carrier of cargo,
23 including household goods and hazardous materials, due to the motor carrier’s specific position of trust

1 with the shipper and access to the shipper's cargo. A shipper and an individual associated with the shipper
2 may interact with the motor carrier in person, which provides an opportunity for the motor carrier to
3 commit an offense against the individual. Also, a shipper loses control over their cargo when the motor
4 carrier has possession of the cargo. The offenses listed in adopted new §211.25(e) are in addition to the
5 offenses listed in adopted new §211.25(c). These offenses include any offense for which the person must
6 register as a sex offender, and the offenses set out in Texas Penal Code, Title 5, such as criminal homicide,
7 kidnapping, sexual offenses, and assaultive offenses. In keeping with Occupations Code, §53.022(3), a
8 motor carrier's contact with a shipper gives a licensed motor carrier an increased opportunity to engage
9 in these offenses against the shipper and individuals associated with the shipper. The offenses listed in
10 adopted new §211.25(e) also include offenses against tangible personal property, a document, or cargo
11 belonging to another person, such as the offenses of criminal mischief, robbery, burglary of a vehicle,
12 criminal trespass, theft, and fraud. Since a motor carrier of cargo is entrusted with a shipper's cargo for
13 transport, the motor carrier has an increased opportunity to engage in these property crimes. In keeping
14 with Occupations Code, §53.022(3), a motor carrier's contact with a shipper and the shipper's property
15 gives a licensed motor carrier an increased opportunity to engage in these offenses against the shipper.

16 Adopted new §211.25(f) enumerates offenses that relate only to a household goods carrier
17 because they are allowed access to the shipper's home, household goods, and household members,
18 including children. These offenses are in addition to the offenses listed in §211.25(c) and (e). Adopted
19 new §211.25(f) includes offenses related to real property, including arson, criminal mischief, and burglary.
20 Household goods carriers are not just entrusted with personal property, but they also have access to and
21 gain knowledge of the customer's home from or to which the customer is moving. A household goods
22 carrier therefore has an increased opportunity to commit these offenses by virtue of their licensed
23 profession, in accordance with Occupations Code, §53.022(3). The offenses listed in adopted new

1 §211.25(f) also include using a minor to sell or display harmful material to a minor, employing a child to
2 work in a sexually-oriented commercial activity, and possession of child pornography. These offenses align
3 with Occupations Code, §53.022(3) because a household goods carrier has more access to children as the
4 carrier moves a family's household goods from one home to another.

5 Adopted new §211.25(g) lists offenses that relate only to a motor carrier who transports
6 hazardous materials, which create opportunities for those motor carriers to commit offenses that
7 endanger the public and the environment. The offenses in adopted new §211.25(g) apply to these motor
8 carriers in addition to the offenses listed in §211.25(c) and (e). These offenses include any offense related
9 to hazardous material, waste disposal, water contamination, air pollution, or other environmental
10 offenses under Texas law, federal law, or the law of another state. For example, 49 U.S.C. §5124 provides
11 for a criminal penalty of imprisonment for up to 10 years for a person who violates certain provisions of
12 federal law regarding the transportation of hazardous materials. The offenses under adopted new
13 §211.25(g) address Occupations Code, §53.022(3) because by virtue of having access to hazardous
14 materials, a licensed motor carrier that transports hazardous materials has an increased opportunity to
15 engage in environmental offenses, such as improper transportation, disposal, or discharge of those
16 materials.

17 Adopted new §211.25(h) states that if a license holder's imprisonment occurs on or after May 1,
18 2026, for a conviction for any offense described by adopted new §211.25(c) through (g), the license
19 holder's license is automatically revoked on the date of the imprisonment if at least one of the offenses
20 that resulted in the imprisonment falls within the scope of any offense described by adopted new
21 §211.25(c) through (g). The department adopts §211.25(h) with a change at adoption to clarify that the
22 subsection is limited by the language in §211.25(c) through (g), which state the type of motor carrier
23 operation to which subsections (c) through (g) apply. These adopted revisions to Chapter 211 will become

1 effective on May 1, 2026. The department intends to apply the adopted revisions prospectively, so that
2 the license of only those individuals who are imprisoned on or after May 1, 2026, will be automatically
3 revoked by operation of law for an offense specified under adopted new §211.25(c) through (g) that
4 applies to that license holder’s type of operation. Adopted new §211.25(h) requires that at least one of
5 the offenses that resulted in the imprisonment falls within the scope of any offense described in adopted
6 new §211.25(c) through (g) that applies to that license holder’s type of operation because these new
7 subsections identify the offenses that directly relate to the duties and responsibilities of a licensed motor
8 carrier as required by Occupations Code, §53.021(b)(1)(A).

9 **SUMMARY OF COMMENTS.**

10 No comments on the proposed revisions were received.

11

12 **SUBCHAPTER A. GENERAL PROVISIONS**

13 **43 TAC §211.1**

14

15 **STATUTORY AUTHORITY.** The Texas Department of Motor Vehicles (department) adopts the new section
16 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale,
17 and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise
18 that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications
19 of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required
20 by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other
21 abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer
22 Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155,
23 which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code,

1 Chapter 2301 and to govern practice and procedure before the board; Occupations Code, §2301.651,
2 which gives the board authority to deny an application for a license, to revoke or suspend a license, to
3 place on probation, or to reprimand a license holder in certain situations, such as if the applicant or license
4 holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution,
5 financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement
6 with a retail purchaser of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to
7 adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002,
8 which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503;
9 Transportation Code, §643.003, which authorizes the department to adopt rules to administer
10 Transportation Code, Chapter 643; Transportation Code, §1002.001, which authorizes the board to adopt
11 rules that are necessary and appropriate to implement the powers and the duties of the department; and
12 the statutory authority referenced throughout this preamble and in the rule text, which is incorporated
13 herein by reference.

14 **CROSS REFERENCE TO STATUTE.** The adopted new section implements Occupations Code, Chapters 53,
15 2301 and 2302; and Transportation Code, Chapters 503, 643, and 1002.

16

17 Text.

18 §211.1. Purpose and Definitions.

19 (a) The purpose of this chapter is to implement Texas Occupations Code, Chapter 53 regarding
20 the consequences of a criminal conviction on a license that the department is authorized to issue.

21 (b) Except as stated otherwise in this chapter, the definitions contained in the following laws
22 apply to this chapter regarding specific offenses, control in the event of a conflict with this chapter, and
23 are incorporated by reference into this chapter:

1 (1) the Texas Code of Criminal Procedure, Texas Health and Safety Code, Texas
2 Occupations Code, Texas Penal Code, Texas Transportation Code, other Texas statutes, and Texas
3 administrative rules;

4 (2) the federal statutes and regulations of the United States;

5 (3) the laws of other states of the United States; and

6 (4) the laws of a foreign jurisdiction.

7 (c) When used in this chapter, the word “department” means the Texas Department of Motor
8 Vehicles.

9

10 **STATUTORY AUTHORITY.** The Texas Department of Motor Vehicles (department) adopts the repeals
11 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale,
12 and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise
13 that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications
14 of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required
15 by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other
16 abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer
17 Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155,
18 which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code,
19 Chapter 2301 and to govern practice and procedure before the board; Occupations Code, §2301.651,
20 which gives the board authority to deny an application for a license, to revoke or suspend a license, to
21 place on probation, or to reprimand a license holder if the applicant or license holder is unfit, makes a

1 material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of
2 motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser
3 of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary
4 to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the
5 board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code,
6 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
7 the powers and the duties of the department; and the statutory authority referenced throughout this
8 preamble and in the rule text, which is incorporated herein by reference.

9 **CROSS REFERENCE TO STATUTE.** The adopted repeals implement Occupations Code, Chapters 53, 2301
10 and 2302; and Transportation Code, Chapters 503 and 1002.

11

12 Text.

13 [~~§211.1. Purpose and Definitions.~~]

14 [~~(a) The licenses issued by the department create positions of trust. License holder services~~
15 ~~involve access to confidential information; conveyance, titling, and registration of private property;~~
16 ~~possession of monies belonging to or owed to private individuals, creditors, and governmental entities;~~
17 ~~and compliance with federal and state environmental and safety regulations. License holders are~~
18 ~~provided with opportunities to engage in fraud, theft, money laundering, and related crimes, and to~~
19 ~~endanger the public through violations of environmental and safety regulations. Many license holders~~
20 ~~provide services directly to the public, so licensure provides persons predisposed to commit assaultive~~
21 ~~or sexual crimes with greater opportunities to engage in such conduct. To protect the public from these~~
22 ~~harms, the department shall review the criminal history of license applicants before issuing a new or~~

1 ~~renewal license and may take action on a license holder who commits an offense during the license~~
2 ~~period based on the guidelines in this chapter.]~~

3 ~~[(b) When used in this chapter, the following words and terms have the following meanings,~~
4 ~~unless the context clearly indicates otherwise.]~~

5 ~~[(1) "Department" means the Texas Department of Motor Vehicles.]~~

6 ~~[(2) "License" means any license issued by the department under:]~~

7 ~~[(A) Transportation Code, Chapter 503;]~~

8 ~~[(B) Occupations Code, Chapter 2301; or]~~

9 ~~[(C) Occupations Code, Chapter 2302.]~~

10 ~~[(3) "Retail license types" means those license types which require holders to interact~~
11 ~~directly with the public, but does not include other license types that do not generally interact directly~~
12 ~~with the public, including manufacturers, distributors, and general distinguishing number holders for the~~
13 ~~following vehicle categories: ambulance, axle, bus, engine, fire truck/fire fighting vehicle, heavy duty~~
14 ~~truck, transmission, wholesale motor vehicle dealer, and wholesale motor vehicle auction.]~~

15

16 ~~[\$211.2. Application of Chapter.]~~

17 ~~[(a) This chapter applies to the following persons:]~~

18 ~~[(1) applicants and holders of any license; and]~~

1 material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of
2 motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser
3 of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary
4 to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the
5 board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code,
6 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
7 the powers and the duties of the department; and the statutory authority referenced throughout this
8 preamble and in the rule text, which is incorporated herein by reference.

9 **CROSS REFERENCE TO STATUTE.** The adopted revisions implement Occupations Code, Chapters 53, 2301
10 and 2302; and Transportation Code, Chapters 503 and 1002.

11
12 Text.

13 §211.7. Definitions and Purpose.

14 (a) When used in this subchapter, the following words and terms have the following meanings,
15 unless the context clearly indicates otherwise.

16 (1) License--Any license issued by the department under:

17 (A) Texas Transportation Code, Chapter 503;

18 (B) Texas Occupations Code, Chapter 2301; or

19 (C) Texas Occupations Code, Chapter 2302.

20 (2) Retail license types--Those license types which require holders to interact directly with the
21 public, but do not include other license types that do not generally interact directly with the public,
22 including manufacturers, distributors, and general distinguishing number holders for the following

1 vehicle categories: ambulance, axle, bus, engine, fire truck/fire fighting vehicle, heavy duty truck,
2 transmission, wholesale motor vehicle dealer, and wholesale motor vehicle auction.

3 (b) The licenses issued by the department create positions of trust. License holder services
4 involve access to confidential information; conveyance, titling, and registration of private property;
5 possession of monies belonging to or owed to private individuals, creditors, and governmental entities;
6 and compliance with federal and state environmental and safety regulations. License holders are
7 provided with opportunities to engage in fraud, theft, money laundering, and related crimes, and to
8 endanger the public through violations of environmental and safety regulations. Many license holders
9 provide services directly to the public, so licensure provides persons predisposed to commit assaultive
10 or sexual crimes with greater opportunities to engage in such conduct. To protect the public from these
11 harms, the department shall review the criminal history of license applicants before issuing a new or
12 renewal license and may take action on a license holder who commits an offense during the license
13 period based on the guidelines in this subchapter.

14

15 §211.9. Application of Subchapter B.

16 (a) This subchapter applies to the following persons:

17 (1) applicants and holders of a license; and

18 (2) persons who are acting at the time of application, or will later act, in a representative
19 capacity for an applicant or holder of a license, including the applicant's or holder's officers, directors,
20 members, managers, trustees, partners, principals, or managers of business affairs.

1 (b) In this subchapter a “conviction” includes a deferred adjudication that is considered to be a
2 conviction under Texas Occupations Code, §53.021(d).

3

4 §211.11. Imprisonment.

5 (a) The department shall deny a license application if the applicant or a person described by
6 §211.9(a)(2) of this title (relating to Application of Subchapter B) is imprisoned while a new or renewal
7 license application is pending.

8 (b) The department shall revoke a license upon the imprisonment of a license holder following a:

9 (1) felony conviction for:

10 (A) an offense that directly relates to the duties and responsibilities of the
11 licensed occupation;

12 (B) an offense listed in Texas Code of Criminal Procedure, Article 42A.054; or

13 (C) a sexually violent offense, as defined by Texas Code of Criminal Procedure,
14 Article 62.001;

15 (2) felony community supervision revocation;

16 (3) revocation of parole; or

17 (4) revocation of mandatory supervision.

18 (c) A person currently imprisoned because of a felony conviction may not obtain a license,
19 renew a previously issued license, or act in a representative capacity for an application or license holder
20 as described by §211.9(a)(2) of this title.

1 (d) The department may revoke a license upon the imprisonment for a felony conviction, felony
2 community supervision revocation, revocation of parole, or revocation of mandatory supervision of a
3 person described by §211.9(a)(2) of this title who remains employed with the license holder.

4

5

SUBCHAPTER C. CRIMINAL OFFENSE GUIDELINES: MOTOR CARRIERS

6

43 TAC §211.23 and §211.25

7

8 **STATUTORY AUTHORITY.** The Texas Department of Motor Vehicles (department) adopts new Subchapter
9 C under Transportation Code, §643.003, which authorizes the department to adopt rules to administer
10 Transportation Code, Chapter 643; Transportation Code, §1002.001, which authorizes the board to adopt
11 rules that are necessary and appropriate to implement the powers and duties of the department under
12 the Transportation Code and other laws of this state; and the statutory authority referenced throughout
13 this preamble and in the rule text, which is incorporated herein by reference.

14 **CROSS REFERENCE TO STATUTE.** The adopted new subchapter implements Occupations Code,
15 §53.021(b)(1)(A) and Transportation Code, Chapter 643.

16

17 Text.

18 §211.23. Definition and Criminal Offense Guidelines.

19 (a) When used in this subchapter, the word “license” means a certificate of registration issued
20 by the department under Texas Transportation Code, Chapter 643 to a sole proprietor motor carrier. A
21 license authorizes a motor carrier to engage in certain operations under Transportation Code, Chapter
22 643.

1 (b) The particular offenses referenced in §211.25 of this title (relating to Criminal Offense
2 Guidelines; Imprisonment) relate to the duties and responsibilities of a license holder under Texas
3 Transportation Code, Chapter 643 because an individual who is predisposed to commit violations of
4 certain laws may have a greater opportunity to commit such offenses with a license, in addition to the
5 following reasons regarding particular types of motor carrier operations under Texas Transportation
6 Code, Chapter 643:

7 (1) For the felony offenses referenced in §211.25(c) of this title, a licensed motor carrier
8 controls, operates, or directs the operation of one or more motor vehicles that transport persons or
9 cargo, which enables the license holder to commit certain offenses that involve the use of a motor
10 vehicle. Also, a licensed motor carrier provides the department with certain information and documents
11 that the department uses to administer and enforce Texas Transportation Code, Chapter 643 and that
12 law enforcement uses to enforce certain laws, including Texas Transportation Code, Chapter 644 and
13 the administrative rules that the Texas Department of Public Safety adopted under Texas Transportation
14 Code, Chapter 644. In addition, a potential customer of a motor carrier has access to certain information
15 on the department's website to determine whether to use the services of a particular licensed motor
16 carrier, and the licensed motor carrier must provide the department with most of this information as
17 part of a license application and any required updates. A licensed motor carrier is in a position of trust
18 with the department because a licensed motor carrier must provide accurate information and
19 documents to the department, so the department's records are reliable for the department, law
20 enforcement, and potential shippers or passengers of the motor carrier.

21 (2) For the offenses referenced in §211.25(d) of this title regarding a motor carrier of
22 passengers, a license creates a position of trust between the motor carrier and their passengers.
23 Passengers lose some of their autonomy over themselves and their tangible personal property,

1 documents, and cargo while they are in another person’s motor vehicle. If the passenger is a child, there
2 is even more risk of a crime involving the child or the child’s tangible personal property, documents, or
3 cargo.

4 (3) For the offenses referenced in §211.25(e) of this title regarding a for-hire motor
5 carrier of any cargo (including any tangible personal property or a document), a license creates a
6 position of trust between the motor carrier and its shipper. A shipper and an individual associated with
7 the shipper may interact with the motor carrier in person, which provides an opportunity for the motor
8 carrier to commit an offense against the individual. Also, a shipper loses control over their cargo when
9 the motor carrier has possession of the cargo. In addition, the motor carrier likely has access to
10 information regarding the location and description of the shipper’s cargo at least a day before the
11 contractual deadline for loading the cargo for transport, which may provide an opportunity for the
12 motor carrier to commit offenses regarding a shipper’s cargo.

13 (4) For the offenses referenced in §211.25(f) of this title regarding a household goods
14 carrier, a license creates a position of trust between the motor carrier and its shipper and potentially
15 provides the household goods carrier with access to the shipper’s home, the shipper, and other
16 individuals located in or around the shipper’s home, including children.

17 (5) For the offenses referenced in §211.25(g) of this title regarding a motor carrier who
18 transports hazardous materials, a license provide such motor carriers with access to hazardous
19 materials, which are potentially dangerous to the public and the environment if the motor carrier does
20 not comply with the applicable laws.

21

22 §211.25 Criminal Offense Guidelines; Imprisonment.

1 (a) Under Texas Occupations Code, §53.021(b)(1)(A), a license holder's license is automatically
2 revoked by operation of law on the license holder's imprisonment after a felony conviction for an
3 offense that directly relates to the duties and responsibilities of the licensed occupation.

4 (b) The department has determined, under the factors listed in Texas Occupations Code,
5 §53.022, that the offenses detailed in subsections (c) through (g) of this section directly relate to the
6 duties and responsibilities of license holders under Texas Occupations Code, §53.021(b)(1)(A). Such
7 offenses include offenses under the laws of the United States or another state of the United States if the
8 offense contains elements that are substantially similar to the elements of an offense under the laws of
9 this state, except as otherwise stated in this subchapter.

10 (c) The following offenses apply to a license:

11 (1) an offense involving the smuggling of a person, as described by Texas Penal Code,
12 Chapter 20;

13 (2) an offense involving the use or intended use of a motor vehicle, as described by
14 Texas Penal Code, §20.07;

15 (3) an offense against public administration, as described by Texas Penal Code, Chapters
16 36 or 37;

17 (4) an offense involving the obstruction of a highway or other passageway as described
18 by Texas Penal Code, §42.03;

19 (5) an offense involving intoxication while operating a motor vehicle, as described by
20 Texas Penal Code, Chapter 49;

1 (6) an offense involving the delivery or intent to deliver a controlled substance,
2 simulated controlled substance, or dangerous drug, as described by Texas Health and Safety Code,
3 Chapter 481, 482, or 483;

4 (7) an offense as described by Texas Transportation Code, §548.6035 or §644.151; and

5 (8) an offense of attempting or conspiring to commit any of the foregoing offenses.

6 (d) The following additional felony offenses apply to a motor carrier of passengers:

7 (1) an offense against the person, as described by Texas Penal Code, Title 5;

8 (2) an offense against the family, as described by Texas Penal Code, §§25.04, 25.07,
9 25.072, 25.08, or 25.11;

10 (3) an offense against tangible personal property, a document, or cargo belonging to
11 another, as described by Texas Penal Code, Chapters 28, 29, or 31;

12 (4) an offense against public order and decency, as described by Texas Penal Code
13 §§43.24, 43.251, or 43.262;

14 (5) a reportable offense conviction under Texas Code of Criminal Procedure, Chapter 62
15 for which the person must register as a sex offender; and

16 (6) an offense of attempting or conspiring to commit any of the foregoing offenses.

17 (e) The following additional felony offenses apply to a for-hire motor carrier of any cargo,
18 including household goods and hazardous materials:

19 (1) an offense against the person, as described by Texas Penal Code, Title 5;

1 (2) an offense against tangible personal property, a document, or cargo belonging to
2 another, as described by Texas Penal Code, Chapters 28, 29, 30, 31, or 32;

3 (3) a reportable offense conviction under Texas Code of Criminal Procedure, Chapter 62
4 for which the person must register as a sex offender; and

5 (4) an offense of attempting or conspiring to commit any of the foregoing offenses.

6 (f) The following additional felony offenses apply to a household goods carrier:

7 (1) an offense against real property belonging to another, as described by Texas Penal
8 Code, Chapters 28 or 30;

9 (2) an offense against public order and decency, as described by Texas Penal Code
10 §§43.24, 43.251, or 43.262; and

11 (3) an offense of attempting or conspiring to commit any of the foregoing offenses.

12 (g) The following additional felony offenses apply to a motor carrier who transports hazardous
13 materials:

14 (1) an offense related to hazardous material, waste disposal, water contamination, air
15 pollution, or other environmental offense under a Texas statute or administrative rule;

16 (2) a federal statute or regulation of the United States related to hazardous material,
17 waste disposal, water contamination, air pollution, or other environmental offense; or

18 (3) the laws of another state of the United States related to hazardous material, waste
19 disposal, water contamination, air pollution, or other environmental offense, if the offense contains

1 elements that are substantially similar to the elements of an offense under Texas law or a law of the
2 United States.

3 (h) If a license holder's imprisonment occurs on or after May 1, 2026, for a conviction for any
4 offense described by subsections (c) through (g) of this section, the license holder's license is
5 automatically revoked on the date of the imprisonment if at least one of the offenses that resulted in
6 the imprisonment falls within the scope of any offense described in subsections (c) through (g) of this
7 section that applies to that license holder's type of operation.