

ADOPTION OF NEW CHAPTER

CHAPTER 220. AUTOMATED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §220.1 AND §220.3

SUBCHAPTER B. AUTHORIZATION TO OPERATE AN AUTOMATED MOTOR VEHICLE

43 TAC §§220.20, 220.23, 220.26, 220.28, AND 220.30

SUBCHAPTER C. ADMINISTRATIVE SANCTIONS

43 TAC §220.50

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts new 43 Texas Administrative Code (TAC) Chapter 220, Automated Motor Vehicles; Subchapter A, General Provisions, §220.1 and §220.3; Subchapter B, Authorization to Operate an Automated Motor Vehicle, §§220.20, 220.23, 220.26, 220.28, and 220.30; and Subchapter C, Administrative Sanctions, §220.50, concerning automated motor vehicles.

The department adopts the following new sections without changes to the proposed text as published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4386). These rules will not be republished: §§220.1, 220.3, 220.20, 220.28, and 220.50. The department adopts the following new sections with changes at adoption to the proposed text as published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4386). These rules will be republished: §§220.23, 220.26 and 220.30. The changes at adoption are described in the Reasoned Justification below.

Adopted new Chapter 220 is necessary to implement Senate Bill (SB) 2807, 89th Legislature, Regular Session (2025), which requires a person to hold an automated motor vehicle authorization to operate one or more automated motor vehicles to transport property or passengers in furtherance of a

commercial enterprise on highways and streets in Texas without a human driver (authorization). SB 2807 became effective on September 1, 2025.

A portion of SB 2807 amends Subchapter J (Operation of Automated Motor Vehicles) of Chapter 545 of the Transportation Code. SB 2807 requires the Board of the Texas Department of Motor Vehicles (board) and the Public Safety Commission to adopt rules to implement certain provisions in SB 2807 regarding automated motor vehicles by December 1, 2025. However, Section 12(b) of SB 2807 says that a person is not required to comply with Subchapter J of Chapter 545 of the Transportation Code, as amended by SB 2807, until the 90th day after the effective date of rules adopted by the board (as required by Subchapter J of Chapter 545) and rules adopted by the Public Safety Commission (as required by Transportation Code, §545.455(c)(2)). The effective date of Chapter 220 is February 27, 2026; however, a person is not required to comply with Subchapter J of Chapter 545 of the Transportation Code, as amended by SB 2807, and Chapter 220 until the later of May 28, 2026, or the 90th day after the effective date of the rules adopted by the Public Safety Commission as required by Transportation Code, §545.455(c)(2).

The department considered all written comments that were timely received during the public comment period regarding Chapter 220. The department made one change to §220.26(a) at adoption in response to a public comment from the City of Austin by adding language to provide an example of a material change to information in a document, which triggers the requirement for an authorization holder to provide the department with an update under Transportation Code, §545.456(e).

REASONED JUSTIFICATION.

Subchapter A. General Provisions

Adopted new §220.1 provides the purpose and scope of new Chapter 220. Adopted new §220.3 specifies that the definitions for new Chapter 220 are the definitions contained in Transportation Code, Chapter 545, Subchapter J.

Subchapter B. Authorization to Operate an Automated Motor Vehicle

For clarity and ease of reference, adopted new §220.20 provides the purpose and scope of new Subchapter B regarding the form and manner of an application for authorization, as well as the requirements to update certain documents under Transportation Code, §545.456.

Adopted new §220.23 prescribes the form and manner by which a person may apply to the department for an authorization, as required by Transportation Code, §545.456(a). Adopted new §220.23 also prescribes certain requirements for an authorization application.

The application requirements are similar to the application requirements in the department's rules for other programs, such as operating authority for a motor carrier under 43 TAC Chapter 218. However, the department customized the application requirements under §220.23 to comply with Transportation Code, §545.456 and to obtain information and documents that the department needs to comply with new Chapter 220 and Transportation Code, §545.456 and §545.459.

The requirement for the applicant to provide the applicant's name, contact information, business entity type, and Texas Secretary of State file number, as applicable, will assist the department in identifying the applicant and verifying certain application information as necessary. If the department approves the application and issues an authorization to the applicant under Transportation Code, §545.456, the department will use the authorization holder's application information to send any notices to the authorization holder under Chapter 224 of this title regarding administrative sanctions, including the possible suspension, revocation, or cancellation of the authorization if the department determines that an automated motor vehicle operating under an authorization is not in safe operational condition

1 and the operation of the vehicle on a highway or street in Texas endangers the public. The department
2 will also use any documents provided by an applicant under §220.23 to enforce the relevant provisions
3 under new Chapter 220 and Transportation Code, §545.456 and §545.459 regarding the authorization
4 holder if the department approves the application and issues an authorization.

5 The vehicle descriptive information specified in adopted new §220.23(b)(1)(B) is consistent with
6 certain data fields that are included on Form 130-U, which is the department's Application for Texas Title
7 and/or Registration. Transportation Code, §545.456(b)(1)(B) requires the department's rules to require
8 an applicant for an authorization to provide the department with vehicle descriptive information as
9 prescribed by the department. Adopted new §220.23(b)(1)(B) requires the applicant to provide vehicle
10 descriptive information that is generally used by the department to identify vehicles and that is consistent
11 with terminology used in the department's form for an application for Texas title and/or registration for
12 a vehicle. Transportation Code, §545.455(b)(5) prohibits an automated motor vehicle from being
13 operated on a highway or street in Texas with the automated driving system engaged unless the vehicle
14 is registered and titled in accordance with Texas law. Also, Transportation Code, §545.456(b)(2)(E)
15 requires the department's rules to require an applicant for an authorization to provide the department
16 with a written statement by the applicant or the manufacturer of the vehicle or the automated driving
17 system acknowledging that each automated motor vehicle is registered and titled in accordance with
18 Texas law. Law enforcement uses the vehicle registration and title information that the department
19 maintains on vehicles that are titled and registered in Texas. It is therefore important that the vehicle
20 descriptive information in the department's designated system for automated motor vehicles is
21 consistent with the vehicle descriptive information in the department's designated system for vehicle
22 titles and registration.

1 The information required under new §220.23 will assist law enforcement with determining
2 whether an automated motor vehicle is being operated under an authorization, so law enforcement can
3 determine whether to issue a citation to the owner of the vehicle or the authorization holder for the
4 vehicle. Transportation Code, §545.454(b) states that when an automated driving system that is installed
5 on an automated motor vehicle is engaged, the authorization holder for the automated motor vehicle
6 shall be issued any citation for a violation of traffic or motor vehicle laws related to the vehicle. If the
7 automated motor vehicle is not being operated under an authorization, Transportation Code, §545.454(b)
8 states that the citation shall be issued to the owner of the vehicle.

9 In addition, the information required under new §220.23 may help law enforcement determine
10 whether a person committed an offense under Transportation Code, §545.455(d). A person commits an
11 offense under Transportation Code, §545.455(d) if the person operates an automated motor vehicle in
12 violation of Transportation Code, §545.455(c), which prohibits a person from operating an automated
13 motor vehicle to transport property or passengers in furtherance of a commercial enterprise on a highway
14 or street in Texas without a human driver unless the person receives and maintains authorization to
15 operate automated motor vehicles from the department under Transportation Code, §545.456 and
16 provides the Texas Department of Public Safety with the prescribed plan specifying how a person who
17 provides firefighting, law enforcement, ambulance, medical, or other emergency services should interact
18 with the automated motor vehicle during the provision of those services.

19 The department adopts §220.23(c) with a change at adoption to replace the word “with” with the
20 word “to” because an applicant submits an application to the department.

21 Adopted new §220.26 prescribes the requirements and process regarding an authorized holder’s
22 obligation to provide the department with updated documents under Transportation Code, §545.456(e)
23 and §545.456(f)(2). The department needs updated information and documents to enforce the relevant

1 provisions under new Chapter 220 and Transportation Code, §545.456 and §545.459 regarding an
2 authorization holder.

3 The department adopts §220.26(a) and (b) with changes at adoption to delete the references to
4 paragraphs (1) and (2) in the citation to §220.23(b) because the references are not necessary as
5 §220.23(b) only includes two paragraphs. The department also adopts §220.26(a) with a change at
6 adoption in response to a public comment from the City of Austin regarding whether an authorization
7 holder's addition of an automated motor vehicle to its fleet is a change in material information that
8 triggers the requirement for the authorization holder to provide the department with an update under
9 Transportation Code, §545.456(e). This change at adoption clarifies, but does not limit, the term "material
10 information changes" in §220.26(a) by adding the phrase "including, but not limited to, the addition of
11 another vehicle." The addition of a vehicle to the fleet is a material change because Transportation Code,
12 §545.459(g) specifies that the department is authorized to regulate each individual vehicle by authorizing
13 the department to impose restrictions on the operation of "the" vehicle, rather than a unit of a fleet. This
14 addition will ensure that authorization holders understand the materiality of adding another automated
15 motor vehicle to their fleet, but will not restrict the department's authority to determine materiality
16 beyond this example based on the specific facts of each case.

17 Adopted new §220.26(b)(3) imposes a five-day deadline for an authorization holder to
18 electronically submit an updated or current document when the department requests the authorization
19 holder for an updated or current document under Transportation Code, §545.456(f)(2). The five-day
20 deadline to respond to a department request under Transportation Code, §545.456(f)(2) is different than
21 the general 30-day deadline under §545.456(e) for an authorization holder to update their documents
22 without a department request. Transportation Code, §545.456(f)(2) addresses situations in which the
23 department needs an updated or current document more quickly than 30 days, such as when the

1 operation of an automated motor vehicle endangers the public, as described in Transportation Code,
2 §545.459(a) and (b). However, adopted new §220.26(b)(3) also authorizes the department to grant an
3 extension on the five-day deadline in response to a written request from the authorization holder.

4 Adopted new §220.26(b)(4) requires the authorization holder to submit any requests for an
5 extension prior to the department's deadline for submission of the updated or current document. A
6 request for an extension after the deadline has passed is not a reasonable request. Adopted new
7 §220.26(b)(4) also requires an extension request to be sent to the designated address listed in the
8 department's request to the authorization holder for an updated or current document. This will allow the
9 department flexibility in determining how best to staff and monitor communications with authorization
10 holders.

11 Adopted new §220.26(b)(5) requires the authorization holder's request for an extension to
12 contain an explanation on why five days is not reasonable, why the authorization holder needs more time
13 (including the specific deadline the authorization holder is requesting), and whether the authorization
14 holder's requested deadline is likely to result in harm to the public health, safety, or welfare. Automated
15 motor vehicles are a new and evolving technology. The authorization holder is in the best position to know
16 about the automated motor vehicles that it operates and the automated motor vehicle industry in
17 general. The authorization holder is in the best position to articulate its reasons for requesting an
18 extension of the five-day deadline.

19 Adopted new §220.28 provides clarity to the automated motor vehicle industry regarding the
20 computation of time under new Chapter 220, as well as under Transportation Code, §545.456 and
21 §545.459, by aligning the computation with Government Code, §311.014 and specifying calendar days
22 rather than business days.

Adopted new §220.30 specifies that the written statement and certification, required by Transportation Code, §545.456, must contain an authorized signature to ensure that the statement and certification are accurate, authorized, and enforceable. An electronic signature is legally acceptable under Business and Commerce Code, §322.007.

The department adopts §220.30 with a change at adoption to clarify that it applies to both an applicant for an authorization and an authorization holder. The written statements and the certification referenced in Transportation Code, §545.456(b) apply both to an application for an authorization and to updates that an authorization holder must provide to the department.

Subchapter C. Administrative Sanctions

Adopted new §220.50 states that the department's rules regarding administrative sanctions for authorization holders are located in Chapter 224 of the department's rules. This new section is consistent with other department rules, which state where to find the department's rules relating to adjudicative practice and procedure as a useful reference for the regulated industries and others.

SUMMARY OF COMMENTS.

The department received nine timely written comments on the proposal. Each of the following submitted a written comment: one individual, the City of Austin, the Alliance for Automotive Innovation (Auto Innovators), Torc Robotics (Torc), Lyft, Stack AV Co. (Stack), the Autonomous Vehicle Industry Association (AVIA), the City of Dallas, and May Mobility, Inc. (May Mobility).

Comment: An individual commenter believes that autonomous vehicles should be heavily regulated and should have to pass a driving test to get a license. Also, the individual commenter believes the automated motor vehicle companies should be heavily taxed by being charged a significant yearly fee to operate each vehicle and an income tax percentage per ride.

1 **Response:** The department disagrees with this comment because it is outside the scope of the
2 department's rulemaking authority.

3 **Comment:** The City of Austin requests clarification on whether municipalities can be parties to the
4 adjudication process for the issuance of an authorization to operate automated motor vehicles.

5 **Response:** The department disagrees with this comment because it is outside the scope of the
6 department's rulemaking authority. The legislature specified that the department, rather than a political
7 subdivision, has the authority to administer the laws regarding an automated motor vehicle authorization
8 under Transportation Code, §545.456.

9 **Comment:** The City of Austin requests clarification on whether automated motor vehicle companies that
10 are new to Texas or have not yet deployed must obtain authorization before testing and mapping on Texas
11 roadways.

12 **Response:** The department disagrees. Transportation Code, §545.455(c) and §545.456 address the issue,
13 and it is not necessary to repeat statutory language in rule. Also, the answer depends on the facts. In
14 addition, Section 12(b) of SB 2807 states when a person is required to comply with Transportation Code,
15 Chapter 545, Subchapter J.

16 **Comment:** The City of Austin requests that the rules establish a clear process requiring automated motor
17 vehicle authorization holders to coordinate with local emergency responders to provide classroom, hands-
18 on, and simulated incident and cybersecurity training prior to deployment. The City of Austin also
19 recommends that the emergency plans that authorization holders are required to submit to the Texas
20 Department of Public Safety be shared with local public safety departments to ensure operational
21 readiness, training and interoperability. In addition, the City of Austin recommends that automated motor
22 vehicle operators provide a 24-hour emergency contact email and phone number to city public safety
23 personnel to assist with establishing automated motor vehicle exclusion zones in times of emergencies.

1 **Response:** The department disagrees with this comment because it is outside the scope of the
2 department's rulemaking authority.

3 **Comment:** The City of Austin recommends that the proposed rules clarify what data, if any, must be
4 reported to local jurisdictions, including information related to automated motor vehicle routes, collisions
5 under the National Highway Traffic Safety Administration's Standing General Order, incidents, operational
6 design domain (ODD) parameters, fleet size and local counts, and emergency response interactions.

7 **Response:** The department disagrees with this comment because it is outside the scope of the
8 department's rulemaking authority.

9 **Comment:** The City of Austin states that compliance timelines should allow for flexibility, particularly for
10 jurisdictions with existing automated motor vehicle pilot programs. The City of Austin also states that
11 transitional provisions should protect ongoing coordination between local agencies and automated motor
12 vehicle operators.

13 **Response:** The department disagrees. The department is required to adopt rules by December 1, 2025,
14 according to Section 12 of SB 2807. Also, the department is making these rules effective as soon as
15 possible to implement SB 2807 as directed by the legislature. In addition, as explained above, the effective
16 date of Chapter 220 is February 27, 2026; however, a person is not required to comply with Subchapter J
17 of Chapter 545 of the Transportation Code, as amended by SB 2807, and Chapter 220 until the later of
18 May 28, 2026, or the 90th day after the effective date of the rules adopted by the Public Safety Commission
19 as required by Transportation Code, §545.455(c)(2).

20 **Comment:** At a high level, Auto Innovators supports the department's proposed rules to implement SB
21 2807.

22 **Response:** The department agrees.

23 **Comment:** Torc, Lyft, Stack, and AVIA support the department's proposed rules.

1 **Response:** The department agrees.

2 **Comment:** The City of Dallas encourages the department to require robust safety documentation,
3 including crash history and proof of community stakeholder coordination, and to make information about
4 approved operators publicly accessible.

5 **Response:** The department disagrees. The requested rules are outside the scope of the department's
6 rulemaking authority. Transportation Code, §545.453 and §545.456 do not allow the department to
7 require authorization holders to submit crash history or proof of community stakeholder coordination.
8 Also, whether the department makes information about authorization holders publicly accessible is based
9 on statutory confidentiality requirements in Government Code, Chapter 552 and other statutes, and is
10 therefore not a matter that should be included in an administrative rule.

11 **Comment:** The City of Dallas recommends effective coordination between automated motor vehicle
12 companies and local first responders, including a standard for First Responder Interaction Plans.

13 **Response:** The department disagrees with this comment because it is outside the scope of the
14 department's rulemaking authority. The Public Safety Commission, rather than the department, is
15 authorized to adopt rules under Transportation Code, §545.455(c)(2) regarding a plan that specifies how
16 a person who provides firefighting, law enforcement, ambulance, medical, or emergency services should
17 interact with the automated motor vehicle during the provision of those services.

18 **Comment:** The City of Dallas believes there must be strong safeguards to quickly suspend or revoke an
19 authorization when safety is compromised.

20 **Response:** The department disagrees with this comment to the extent that it is outside of the
21 department's rulemaking authority. Regarding potential safety issues, Transportation Code, §545.456
22 authorizes the department to immediately suspend, revoke, or cancel an authorization for the

1 authorization holder's failure to update documents that the authorization holder previously provided to
2 the department.

3 The department is authorized under Transportation Code, §545.456(f)(2) to request the
4 authorization holder to provide an updated or current document described by Transportation Code,
5 §545.456(b), including when the department suspects a potential safety issue. The department drafted
6 §220.26 to require the authorization holder to submit the updated or current documents within five
7 calendar days of the date of the department's request, unless the department grants an extension on the
8 deadline. This requirement to update at the department's request is different than the general
9 requirement under Transportation Code, §545.456(e) for the authorization holder to update documents
10 without a department request within 30 days after the date material information in the document
11 changes.

12 Regarding the process for a suspension, revocation, or cancellation of an authorization under
13 Transportation Code, §545.456 or §545.459, the statutes provide the framework and the department's
14 revisions to Chapter 224 provide additional detail regarding the process and requirements. The
15 department also responded to this comment in the preamble for the adoption of revisions to Chapter
16 224, which is published in this issue of the *Texas Register*.

17 **Comment:** May Mobility stated that there is a slight discrepancy between the definition of the term
18 "automated driving system" referenced in the proposed rulemaking and the definition referenced in SB
19 2807, and recommends the definition in SB 2807.

20 **Response:** The department disagrees. The term "automated driving system" is not included in the rule
21 text in Chapter 220. Also, adopted new §220.3 states that the definitions contained in Transportation
22 Code, Chapter 545, Subchapter J (includes the definition for "automated driving system" in Transportation
23 Code, §545.451) govern Chapter 220.

1 **Comment:** May Mobility recommends that clear protocols be established in circumstances in which the
2 authorized representative identified in an application must be changed. In the alternative, May Mobility
3 requests that the department either provide applicants with the option to designate two authorized
4 representatives at the time of application, or require each applicant to designate at least two authorized
5 representatives for administrative purposes.

6 **Response:** The department disagrees with the comment because the requested protocols are not
7 necessary. The adopted rules do not require that the same authorized representative submit the
8 application and provide any updates. Adopted new section 220.23(a)(2) allows any authorized
9 representative to complete an application on behalf of the applicant. If an authorization holder needs to
10 update documents that it previously provided to the department, adopted new §220.26(a) and (b) state
11 that the requirement to update is subject to the requirements specified in §220.23, which does not
12 require the same authorized representative to provide the updated document as the authorized
13 representative who submitted the authorization holder's application.

14 **Comment:** May Mobility requested that applicants be provided with at least two authorized
15 representatives from the department for ongoing communication and that a protocol be established for
16 adding or removing vehicles from the fleet originally proposed in the application.

17 **Response:** The department disagrees with this comment because it is unnecessary to include contact
18 information in an administrative rule, and the contact information is subject to change. The department
19 will provide contact information on its website for communication with department staff. Also, the
20 process for adding or removing vehicles from the fleet will be programmed into the department's
21 designated system.

22 **Comment:** May Mobility recommends that the department make an affirmative statement of intent that
23 the department's administrative provisions are the primary administrative mechanism for autonomous

vehicle operations in Texas to reduce the potential of other agencies interposing potentially overlapping or conflicting provisions.

Response: The department disagrees with this comment because it is outside the scope of the department’s rulemaking authority. Also, the legislature addressed this issue in Transportation Code, Chapter 545, Subchapter J. For example, Transportation Code, §545.452(b) states that a political subdivision of this state may not impose a franchise or other regulation related to the operation of an automated motor vehicle or automated driving system.

§220.1

Comment: The City of Austin recommends that the department amend §220.1 to clarify whether Chapter 220 applies to vehicles operated by a remote human (teleoperator) by explicitly defining the term “without a human driver” to mean “without a human driver present in the vehicle” to ensure regulatory certainty and enforcement consistency in teleoperation cases.

Response: The department disagrees. This issue is already addressed in the definitions in Transportation Code, §545.451 for the terms “automated driving system,” “automated motor vehicle,” and “human driver.” The definitions in Transportation Code, Chapter 545, Subchapter J (includes Transportation Code, §545.451) govern Chapter 220, according to §220.3.

Transportation Code, §545.451 defines the term “automated driving system” to mean the “hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of operating the vehicle with Level 3 automation, Level 4 automation, or Level 5 automation by performing the entire dynamic driving task for the vehicle on a sustained basis, regardless of whether the system is limited to a specific operational design domain.” Transportation Code, §545.451 defines the term “automated motor vehicle” to mean “a motor vehicle on which an automated driving system is installed that is capable of being operated with Level 4 automation or Level 5 automation.” According to the

1 definitions for the terms “automated driving system” and “automated motor vehicle,” a motor vehicle is
2 not an automated motor vehicle unless the automated driving system (the hardware and software) is
3 capable of operating the vehicle with Level 4 automation or Level 5 automation without human
4 intervention.

5 Transportation Code, §545.451 defines the term “human driver” to mean “a natural person in an
6 automated motor vehicle who controls all or part of the dynamic driving task.” Therefore, a remote
7 operator who is not in the vehicle does not fit within the statutory definition of “human driver.”

8 **Comment:** The City of Austin recommends requiring applicants for authorization to disclose the Society
9 of Automotive Engineers (SAE) automation level. The City of Austin also recommends that automated
10 vehicle operators disclose when passenger and commercial vehicles do not have driver controls. The City
11 of Austin explained that this information is critical to inform law enforcement, fire, and EMS response
12 protocols and ensure appropriate classification of vehicle capabilities.

13 **Response:** The department disagrees with this comment because it is outside the scope of the
14 department’s rulemaking authority.

15 **§220.23**

16 **Comment:** The City of Austin recommends requiring an identifier (such as a sticker or placard) to be
17 displayed on each permitted autonomous vehicle. The City of Austin also recommends that the identifier
18 should include the vehicle’s permit number, registered agent name and contact information, and a QR
19 code linking to the first responder interaction plan to aid enforcement, enhance accountability, and
20 support public safety during incident response.

21 **Response:** The department disagrees with this comment because it is outside the scope of the
22 department’s rulemaking authority.

23 **§220.23(b)(1)(A)**

1 **Comment:** The City of Austin recommends requiring the applicant to provide its registered agent’s name
2 and address to streamline complaint and citation service by law enforcement.

3 **Response:** The department disagrees with this comment because it is outside the scope of the
4 department’s rulemaking authority.

5 **§220.26(a)**

6 **Comment:** The City of Austin recommends clarifying whether §220.26(a) requires updates for every added
7 vehicle or only major changes. The City of Austin also recommends specifying reporting for the following:
8 1) major changes to fleet size; 2) major changes to operational design domain (ODD); 3) removal of human
9 driver controls; 4) addition of new vehicle types (such as large delivery vans or buses); and 5) changes in
10 autonomous vehicle speed capabilities.

11 **Response:** The department disagrees. Adopted new section 220.26(a) is written to be as broad as
12 Transportation Code, §545.456(e), which requires an update to a document described by §545.456(b) not
13 later than the 30th day after the date material information in the document changes. Section 545.456(b)
14 includes vehicle descriptive information as prescribed by the department. The department prescribed the
15 following vehicle descriptive information in adopted new §220.23(b)(1)(B): the vehicle identification
16 number, year, make, and model. As stated above regarding the changes to §220.26(a) in response to the
17 City of Austin’s comment, the addition of a vehicle to the fleet is a change in material information in the
18 document that an authorization holder provided to the department. The department needs to know
19 which vehicles the authorization holder is operating under its authorization, including the addition of a
20 new vehicle and the descriptive information regarding such vehicle. In response to this comment, the
21 department added the phrase “including, but not limited to, the addition of another vehicle” to new
22 §220.26(a) at adoption.

1 Transportation Code, §545.456(b) does not expressly require the authorization holder to tell the
2 department that there was a major change to the ODD, that human driver controls were removed, or that
3 there was a change to the speed capabilities of the vehicle. The department does not have the rulemaking
4 authority to require an authorization holder to provide the department with updates that are outside the
5 scope of Transportation Code, §545.456(b).

6 The authorization holder may be required to provide the department with an updated written
7 statement that acknowledges one or more of the factors listed in Transportation Code, §545.456(b)(2), or
8 an updated certification that acknowledges that the authorization holder provided the Texas Department
9 of Public Safety with the updated plan under Transportation Code, §545.456(b)(3) if a major change to
10 the ODD or a change to the speed of the vehicle impacts one or more of the factors listed in Transportation
11 Code, §545.456(b)(2) or the plan referenced in Transportation Code, §545.455(c)(2).

12 **§220.26(b)**

13 **Comment:** Auto Innovators encourages the department to replace the five-day deadline in §220.26(b) for
14 an authorization holder to provide the department with an update in response to the department's
15 request with a default deadline of 10 business days and to give the department the ability to expedite
16 urgent requests to a period of five days. Auto Innovators also strongly recommends that the computation
17 of time under Transportation Code, §545.459(b) be modified to reference "business days" rather than
18 "calendar days."

19 **Response:** The department disagrees. The requirement to update documents under Transportation Code,
20 §545.456 is a basic requirement with which the authorization holder must comply. For an authorization
21 holder responsibly operating a safe vehicle, it should not be difficult or time-consuming to specify and
22 certify to the basic information required under Transportation Code, §545.456. As previously stated, the
23 department is authorized to request an authorization holder to update documents, including when the

1 department thinks there may be a potential safety issue. In addition, the rule allows the authorization
2 holder to request an extension on the five-day deadline.

3 The portion of this comment regarding the “computation of time” under Transportation Code,
4 §545.459(b) appears to be an error because that subsection does not involve the computation of time. To
5 the extent this portion of the comment was intended to apply to §220.28(b), the department disagrees
6 with this comment for the reasons stated above.

7
8 **CHAPTER 220. AUTOMATED MOTOR VEHICLES**

9 **SUBCHAPTER A. GENERAL PROVISIONS**

10
11 **STATUTORY AUTHORITY.** The department adopts new sections under Transportation Code, §545.456, as
12 added by Senate Bill (SB) 2807, 89th Legislature, Regular Session (2025), which requires the Board of the
13 Texas Department of Motor Vehicles (board) by rule to prescribe the form and manner by which a person
14 may apply to the department for authorization to operate automated motor vehicles to transport
15 property or passengers in furtherance of a commercial enterprise on highways and streets in this state
16 without a human driver; Transportation Code, §545.453, as added by SB 2807, which authorizes the board
17 to adopt rules that are necessary to administer Subchapter J of Chapter 545 of the Transportation Code;
18 Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature
19 and requirements of all available formal and informal procedures; Transportation Code, §1002.001, which
20 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and
21 duties of the department; and the statutory authority referenced throughout this preamble and in the
22 rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The adopted new sections implement Transportation Code, Chapter 545, Subchapter J, and §1002.001; and Government Code, Chapter 2001.

Text.

CHAPTER 220. AUTOMATED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

§220.1. Purpose and Scope.

This chapter prescribes the form and manner by which a person may apply to the department for authorization to operate one or more automated motor vehicles to transport property or passengers in furtherance of a commercial enterprise on highways and streets in this state without a human driver, as well as the requirements for an authorization holder to provide the department with certain updated documents, under Transportation Code, §545.456. This chapter also references the department's authority to impose administrative sanctions against an authorization holder under Transportation Code, §545.456 and §545.459.

§220.3. Definitions.

The definitions contained in Transportation Code, Chapter 545, Subchapter J govern this chapter. In the event of a conflict, the definitions referenced in Transportation Code, Chapter 545, Subchapter J control.

SUBCHAPTER B. AUTHORIZATION TO OPERATE AN AUTOMATED MOTOR VEHICLE

1 **STATUTORY AUTHORITY.** The department adopts new sections under Transportation Code, §545.456, as
2 added by SB 2807, which requires the board by rule to prescribe the form and manner by which a person
3 may apply to the department for authorization to operate automated motor vehicles to transport
4 property or passengers in furtherance of a commercial enterprise on highways and streets in this state
5 without a human driver; Transportation Code, §545.453, as added by SB 2807, which authorizes the board
6 to adopt rules that are necessary to administer Subchapter J of Chapter 545 of the Transportation Code;
7 Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature
8 and requirements of all available formal and informal procedures; Transportation Code, §1001.102, which
9 authorizes the board by rule to provide for the filing of a license application and the issuance of a license
10 by electronic means; Transportation Code, §1002.001, which authorizes the board to adopt rules that are
11 necessary and appropriate to implement the powers and duties of the department; and the statutory
12 authority referenced throughout this preamble and in the rule text, which is incorporated herein by
13 reference.

14 **CROSS REFERENCE TO STATUTE.** The adopted new sections implement Transportation Code, Chapter
15 545, Subchapter J, §1001.102, and §1002.001; and Government Code, Chapter 2001.

16
17 Text.

18 §220.20. Purpose and Scope.

19 This subchapter prescribes the form and manner by which an applicant may apply for
20 authorization to operate one or more automated motor vehicles, and the requirements to update
21 certain documents provided to the department, under Transportation Code, §545.456.

22
23 §220.23. Application Requirements.

(a) An application for authorization to operate one or more automated motor vehicles under Transportation Code, §545.456 must be:

- (1) submitted electronically in the department's designated system; and
- (2) completed by the applicant or an authorized representative of the applicant.

(b) An application for authorization to operate one or more automated motor vehicles under Transportation Code, §545.456 must contain the following:

(1) a written statement by the person that includes the following information:

(A) the applicant's name, business entity type (such as sole proprietor, corporation, or limited liability company), telephone number, email address, mailing address, and Texas Secretary of State file number, as applicable; and

(B) the following information for each automated motor vehicle the applicant intends to operate under its authorization:

- (i) the vehicle identification number;
- (ii) year;
- (iii) make; and
- (iv) model; and

(2) the written statement and certification required by Transportation Code, §545.456(b)(2) and (3).

(c) An authorized representative of the applicant who submits an application to the department on behalf of an applicant may be required to provide written proof to the department of authority to act on behalf of the applicant.

§220.26. Updates under Transportation Code, §545.456(e) and §545.456(f)(2).

1 (a) Under Transportation Code, §545.456(e), an authorization holder shall provide the
2 department with an update to a document described by §220.23(b) of this title (relating to
3 Application Requirements) not later than the 30th day after the date material information changes,
4 including, but not limited to, the addition of another vehicle. The authorization holder shall
5 electronically submit the update in the form and manner, and subject to the requirements specified
6 in §220.23 of this title.

7 (b) Under Transportation Code, §545.456(f)(2), the department may request the
8 authorization holder to provide the department with an updated or current document described by
9 §220.23(b) of this title. Such requests are subject to the following requirements:

10 (1) The department shall make such request by email, using the authorization
11 holder's email address on file in the department's electronic system referenced in §220.23 of this
12 title;

13 (2) The authorization holder shall electronically submit the updated or current
14 document in the form and manner, and subject to the requirements specified in §220.23 of this title;
15 and

16 (3) The deadline for the authorization holder to electronically submit the updated or
17 current document is five days from the date of the department's request, unless the department
18 grants an extension on the five-day deadline in response to a written request from the authorization
19 holder for an extension that the department determines is reasonable and unlikely to result in harm
20 to the public health, safety, or welfare.

21 (4) Any request for an extension must be submitted:

22 (A) prior to the department's deadline for the updated or current
23 document; and

(B) to the designated address listed in the department's request to the authorization holder for an updated or current document.

(5) Any request for an extension must contain an explanation regarding the following:

- (A) why five days is not reasonable;
- (B) why the authorization holder needs more time and the specific deadline the authorization holder is requesting; and
- (C) whether the authorization holder's requested deadline is likely to result in harm to the public health, safety, or welfare.

§220.28. Computation of Time.

(a) Any time period prescribed or allowed by this chapter or Transportation Code, §545.456 and §545.459 shall be computed in accordance with Government Code, §311.014.

(b) Time shall be computed using calendar days rather than business days, unless otherwise specified in statute.

§220.30. Signature Requirement on Written Statement and Certification.

A written statement and certification required by Transportation Code, §545.456 must be signed by the applicant or authorization holder or its authorized representative.

SUBCHAPTER C. ADMINISTRATIVE SANCTIONS

1 **STATUTORY AUTHORITY.** The department adopts this new section under Transportation Code, §545.456,
2 as added by SB 2807, which requires the department to prescribe the form and manner by which an
3 authorization holder must update a document described by Transportation Code, §545.456(b);
4 Transportation Code, §545.453, as added by SB 2807, which authorizes the board to adopt rules that are
5 necessary to administer Subchapter J of Chapter 545 of the Transportation Code; Government Code,
6 §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements
7 of all available formal and informal procedures; Transportation Code, §1002.001, which authorizes the
8 board to adopt rules that are necessary and appropriate to implement the powers and duties of the
9 department; and the statutory authority referenced throughout this preamble and in the rule text, which
10 is incorporated herein by reference.

11 **CROSS REFERENCE TO STATUTE.** The adopted new section implements Transportation Code, Chapter
12 545, Subchapter J, and §1002.001; and Government Code, Chapter 2001.

13
14 Text.

15 §220.50. Administrative Sanctions.

16 The department may take action against the authorization holder in accordance with
17 Chapter 224 of this title (relating to Adjudicative Practice and Procedure) and Transportation Code,
18 §545.456 and §545.459.