

1	ADOPTION OF REVISIONS TO
2	SUBCHAPTER A. MOTOR VEHICLE TITLES
3	43 TAC §§217.2-217.9, 217.11 AND 217.14-217.16
4	SUBCHAPTER B. MOTOR VEHICLE REGISTRATION
5	43 TAC §§217.22, 217.23, 217.25-217.29, 217.33, 217.36, 217.37, 217.40, 217.41, 217.43,
6	217.45, 217.46, AND 217.50-217.56
7	SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS
8	43 TAC §§217.71, 217.74, AND 217.75
9	SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES
10	43 TAC §§217.81-217.86, 217.88, AND 217.89
11	SUBCHAPTER E. TITLE LIENS AND CLAIMS
12	43 TAC §217.106
13	SUBCHAPTER F. MOTOR VEHICLE RECORDS
14	43 TAC §§217.122-217.125, 217.129, AND 217.131
15	SUBCHAPTER G. INSPECTIONS
16	43 TAC §217.143 AND §217.144
17	SUBCHAPTER H. DEPUTIES
18	43 TAC §§217.161 AND 217.168
19	SUBCHAPTER I. PROCESSING AND HANDLING FEES
20	43 TAC §§217.181 - 217.185
21	SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM
22	43 TAC §217.205
23	SUBCHAPTER L. ASSEMBLED VEHICLES

1 **43 TAC §217.404**

2 **NEW**

3 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

4 **43 TAC §217.31**

5 **REPEAL OF**

6 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

7 **43 TAC §217.34**

8 **SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES**

9 **43 TAC §217.87**

10 **INTRODUCTION.** The Texas Department of Motor Vehicles (department) adopts amendments, a new
11 section and repeals to 43 Texas Administrative Code (TAC) Chapter 217, Subchapter A, Motor Vehicle
12 Titles; §§217.2-217.9, 217.11, and 217.14-217.16; Subchapter B, Motor Vehicle Registration, §§217.22,
13 217.23, 217.25-217.29, 217.33, 217.36, 217.37, 217.40, 217.41, 217.43, 217.45, 217.46, 217.50-217.56;
14 Subchapter C, Registration and Title Systems, §§217.71, 217.74, and 217.75; Subchapter D, Nonrepairable
15 and Salvage Motor Vehicles, §§217.81-217.86, 217.88, and 217.89; Subchapter E, Title Liens and Claims,
16 §217.106; Subchapter F, Motor Vehicle Records, §§217.122-217.125, 217.129, and 217.131; Subchapter
17 G, Inspections §217.143 and §217.144; Subchapter H, Deputies, §§217.161 and 217.168; Subchapter I,
18 Fees, §§217.181 - 217.185; Subchapter J, Performance Quality Recognition Program, §217.205; and
19 Subchapter L, Assembled Vehicles, §217.404. The department adopts new §217.31 in Subchapter B and
20 adopts repeals of §217.34 in Subchapter B and §217.87 in Subchapter D.

21 The department adopts the following sections without changes to the proposed text as
22 published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5066) and they will not be
23 republished: §§217.3, 217.4, 217.6, 217.7, 217.8, 217.9, 217.11, 217.14, 217.15, 217.16, 217.23, 217.25,

1 217.26, 217.28, 217.29, 217.31, 217.33, 217.36, 217.37, 217.40, 217.41, 217.43, 217.45, 217.46, 217.50,
2 217.51, 217.52, 217.54, 217.55, 217.56, 217.71, 217.75, 217.85, 217.86, 217.88, 217.89, 217.106,
3 217.122, 217.124, 217.125, 217.129, 217.131, 217.143, 217.144, 217.161, 217.168, 217.181, 217.182,
4 217.183, 217.184, and 217.205.

5 The following sections are adopted with revisions to the proposed text as published in the July 12,
6 2024, issue of the *Texas Register* (49 TexReg 5066) and will be republished: §§217.2, 217.5, 217.22,
7 217.27, 217.53, 217.74, 217.81, 217.82, 217.83, 217.84, 217.123, 217.185 and 217.404.

8 In conjunction with this adoption, the department is adopting the repeal of §217.34 and §217.87,
9 which is also published in this issue of the *Texas Register*. The rule sections will not be republished.

10 The department adopts amendments, a new section, and repeals to bring the rules into
11 alignment with statute; to remove language that is redundant with statute; to clarify the purpose of a
12 rule by amending the title and language; to clarify existing requirements; to modernize language and
13 improve readability through the use of consistent terminology; to clarify or delete unused, archaic, or
14 inaccurate definitions, terms, and references; and to more specifically describe the department’s
15 methods and procedures.

16 Amendments are also adopted to implement House Bill (HB) 718, 88th Legislature, Regular
17 Session (2023), which amended various sections in Transportation Code, Chapters 501, 502, 503, 504,
18 520, and 548 to remove provisions authorizing a vehicle dealer or converter to issue a temporary tag for
19 a vehicle and replace these tags with categories of license plates, effective July 1, 2025. Accordingly, HB
20 718 requires a motor vehicle dealer to issue to a person who buys a vehicle from the dealer a license
21 plate or a set of license plates. HB 718 requires the department to determine new distribution methods,
22 systems, and procedures; set certain fees; and adopt related rules by December 1, 2024. Beginning July
23 1, 2025, if a new motor vehicle is sold to a Texas resident, a Texas dealer will assign a license plate to the

1 vehicle unless the buyer has a specialty or other qualifying license plate, and the assigned license plate
2 will stay with the vehicle if the vehicle is later sold to another Texas buyer.

3 Additionally, amendments are adopted to implement HB 3297, 88th Legislature, Regular Session
4 (2023), which amended various sections in Transportation Code, Chapters 502, 547, and 548. HB 3297
5 repealed Transportation Code provisions mandating vehicle safety inspections for noncommercial
6 vehicles but maintained safety inspections for commercial vehicles and vehicle emissions inspections for
7 vehicles in certain counties. HB 3297 is effective January 1, 2025.

8 Due to the delayed effective dates of HB 718 and HB 3297, it is necessary to delay the effective
9 dates of the rules implementing those bills. As a result, the amendments to §§217.4, 217.15, 217.27 and
10 217.89 are adopted to be effective January 1, 2025, and adopted amendments to §§217.8, 217.16, 217.40,
11 217.46, 217.52, 217.53, 217.168, 217.182 and 217.185 are adopted to be effective July 1, 2025. While the
12 amendments to §217.83 were proposed to be effective immediately, the amendments to §217.83 are
13 adopted to be effective January 1, 2025, to allow insurance companies time for the preparation and
14 training necessary to file owner-retained applications in webDEALER, as required by the amendments to
15 §217.83. All other adopted rules will be effective 20 days after filing with the Secretary of State.

16 **REASONED JUSTIFICATION.**

17 **Subchapter A. Motor Vehicle Titles**

18 Adopted amendments to §217.2 delete the definitions for “all-terrain vehicle or ATV,” “house
19 moving dolly,” “implements of husbandry,” “obligor,” “off-highway vehicle,” “recreational off-highway
20 vehicle or ROV,” “sand rail,” and “utility vehicle or UTV” because none of these terms are used in
21 adopted amended Chapter 217. Another adopted amendment adds a new definition for “current photo
22 identification” in new §217.2(4), using language that currently appears in §217.5(d)(4) to allow the
23 department the flexibility to accept government-issued photo identification as well as state-issued

1 personal identification certificates that do not have expiration dates. At adoption and in response to a
2 public comment, the phrase “within 12 months of the expiration date” in the definition of “current
3 photo identification” was replaced with “expired not more than 12 months” to make the definition
4 clearer and provide for ease of reading. The remaining paragraphs in §217.2 are adopted to be
5 renumbered accordingly. An adopted amendment to §217.2(25) deletes subparagraphs A, B, and C
6 from the definition of “verifiable proof,” as those subparagraphs are unnecessary and duplicative of
7 language in §217.7, relating to Replacement of Title.

8 An adopted amendment to the introductory sentence in §217.3 adds the words “or this
9 subchapter” to clarify that the rules in 43 TAC Chapter 217, Subchapter A, relating to Motor Vehicle
10 Titles, regulate applications for title by motor vehicle owners. An adopted amendment deletes
11 §217.3(1)(B) to remove unnecessary language that is duplicative of the definition of “moped” in §217.2
12 and removes the letter for subparagraph (A) because there would only be one subparagraph in
13 §217.3(1) due to the adopted deletion of subparagraph (B). An adopted amendment deletes
14 §217.3(2)(A) to conform the rule to the Texas Transportation Code, Chapter 501, which does not
15 prohibit the titling of implements of husbandry. An adopted amendment to §217.3(2)(C) replaces “farm
16 tractors” with “tractors” to clarify that while farm tractors may be exempt from registration, tractors
17 used to mow rights of way or to move commodities are not. Another adopted amendment deletes
18 §217.3(2)(D) to remove unnecessary language that is duplicative of language in the Transportation Code.
19 The remaining subsections of §217.3(2) are adopted to be renumbered accordingly. An adopted
20 amendment to §217.3(4) deletes the portion of the paragraph reciting the weight requirements for
21 mandatory titling of trailers, as well as the portion of the paragraph stating that trailers under 4,000
22 pounds may be permissively titled, to remove unnecessary language that is duplicative of language in
23 the Transportation Code.

1 An adopted amendment to §217.4(d)(4) deletes language requiring completion of a vehicle
2 inspection under Transportation Code, Chapter 548 for all title applications, and substitutes language
3 specifying that for vehicles last registered in another state, applicants must verify the vehicle
4 identification number (VIN) by a process described on a department self-certification form if the vehicle
5 is not subject to Transportation Code, Chapter 548. The adopted changes would implement HB 3297,
6 which removed the vehicle safety inspection as a prerequisite for registration and titling while still
7 allowing the department to deter fraud by verifying the VINs of out-of-state vehicles. The adopted
8 amendment also clarifies that if an applicant is registering or titling a vehicle in a county subject to
9 emissions testing, the emissions testing requirements must be satisfied. An adopted amendment to
10 §217.4(d)(5) deletes paragraphs (A) and (B) and re-organizes the rule accordingly. The adopted deletion
11 of paragraphs (A) and (B) removes language that is unnecessary because it is duplicative of language in
12 the Transportation Code. These amendments to §217.4 are adopted for a future effective date of
13 January 1, 2025, in accordance with the effective date of HB 3297.

14 An adopted amendment to §217.5(a)(1)(A) adds new requirements for a manufacturer’s
15 certificate of origin (MCO). Adopted new §217.5(a)(1)(A)(i) requires that a manufacturer’s name be
16 listed on the MCO, to eliminate confusion as to the name of the manufacturer when shortened versions
17 or abbreviations of a manufacturer’s name are printed on an MCO. Adopted new §217.5(a)(1)(A)(vi)
18 requires that motor bus MCOs list seating capacity (number of passengers), to help the department
19 quickly determine, based on the seating capacity, whether a vehicle should be registered or titled as a
20 bus. The remainder of §217.5(a)(1)(A) is renumbered accordingly.

21 Section 217.5(a)(2) sets requirements for the evidence of motor vehicle ownership that must
22 accompany an application for title on a used motor vehicle. The adopted amendment to §217.5(a)(2)
23 deletes vague language relating to “other evidence of ownership” because the term is confusing and

1 does not offer clear guidance to the public as to the type of ownership evidence that is acceptable to the
2 department. Adopted new paragraphs §217.5(a)(2)(A)-(E) clarify the application requirements by listing
3 the specific types of evidence of ownership that must be submitted as part of a title application,
4 reflecting current department procedure. At adoption, the department corrected a capitalization error
5 in the proposed text for §217.5(a)(2)(A).

6 An adopted amendment to §217.5(a)(4)(C)(ii) modernizes the rule by deleting a reference to “an
7 original United States Customs stamp” that is not required under relevant statutes governing
8 importation of motor vehicles. An adopted amendment to §217.4(a)(4)(C)(v) inserts a hyphen into the
9 phrase “non United States” to correct a grammatical error.

10 An adopted amendment to §217.5(b)(4) changes the case of the term “Statement of Fact” from
11 upper to lower case to correct a syntax error. An adopted amendment to §217.5(d)(1) removes “and
12 expiration date” and replaces “document” with “current photo identification” to employ the adopted
13 new defined term. An additional adopted amendment to §217.5(d)(1) deletes “concealed handgun
14 license or,” as this term is not used in the Texas Government Code. Another adopted amendment
15 deletes the definition of “current” from §217.5(d)(4) because it is adopted into new §217.2(4). The
16 remaining subsections of §217.5(d) are renumbered accordingly. The adopted amendments to
17 renumbered §§217.5(d)(5) and (6) remove an inaccurate reference to Occupations Code, Chapter 2301
18 as the source of authority for issuing a general distinguishing number (GDN).

19 An adopted amendment to §217.6 adds a new subsection (d) clarifying the requirements for the
20 department to place a hold on processing a title application under Transportation Code, §501.051(d).
21 Adopted new §217.6(d)(1) clarifies the requirements for evidence of a legal action regarding ownership
22 of a lien interest in a motor vehicle by specifying that the evidence must show a legal action that was
23 filed in a district, county, statutory probate, or bankruptcy court. Adopted new §217.6(d)(1) allows the

1 parties to maintain the status quo in a legal dispute over a motor vehicle by placing a hold on the
2 transfer of the title until the dispute is resolved, without the necessity of obtaining a temporary
3 injunction against the department. This enhances procedural efficiency for the department and saves
4 resources for both the department and the parties involved in the legal dispute.

5 Adopted new §217.6(d)(2) clarifies that evidence of a legal action filed in a municipal or justice
6 of the peace court is not sufficient evidence for a title processing hold unless the legal action is related
7 to Code of Criminal Procedure, Chapter 47 or Government Code, §27.031. This adopted amendment
8 makes the rule consistent with Transportation Code, §501.0521, which states that a justice of the peace
9 or municipal court may not issue an order related to a motor vehicle title except in limited
10 circumstances.

11 Adopted new §217.6(d)(3) clarifies that to qualify for a title processing hold, the legal action
12 regarding ownership of or a lien interest in a motor vehicle must be active on a court’s docket, and that
13 evidence of a legal action that has been resolved through a final nonappealable judgment will not
14 support placing of a title processing hold. Adopted new §217.6(d)(5) defines “final nonappealable
15 judgment” as one for which 30 days have passed from the date of judgment without appeal, to
16 eliminate ambiguity as to what constitutes a non-appealable judgment for the purposes of releasing a
17 title processing hold. When there is a final nonappealable judgment, adopted new §217.6(d)(3) requires
18 evidence of post-judgment legal action before the department can place a hold on processing a title.
19 These adopted amendments make the department’s procedures consistent with Transportation Code,
20 §501.051(d), which states that a hold is terminated when a case is resolved by a final judgment.

21 Adopted new §217.6(d)(4) requires the department to place a ten-day temporary hold when a
22 party submits the vehicle’s VIN and an explanation that the hold is requested to commence legal action.
23 This adopted amendment reflects the current department practice of providing a temporary 10-day

1 processing hold to allow a party to time to file a lawsuit and to present evidence of the legal action to
2 the department. The adopted amendment acknowledges that title or lienholders, who are challenging
3 legal bonded title applications or engaged in other types of disputes related to their title or lien
4 interests, need time to prepare a legal action. Adopted new §217.6(d)(4) requires a party to submit a
5 VIN for the vehicle at issue because title processing holds are placed in the department’s record system
6 by VIN. Adopted new §217.6(d)(4) also requires a party to attest that the temporary hold is being
7 requested in order to commence a legal action disputing a title or lien interest in a motor vehicle and
8 not for purposes of delay, to ensure that the temporary hold is in furtherance of Transportation Code,
9 §501.051(d).

10 Adopted amendments to §217.7 implement the adopted new defined term “current photo
11 identification” in §217.2(4) by adding it §217.7(b)(1) in place of “document,” adding it to §217.7(b)(3)(A)
12 - (C), and deleting the definition of “current” from §217.7(b)(4). The remaining subsections of §217.7(b)
13 are renumbered accordingly. These adopted amendments improve readability of the rule and ensure
14 consistent use of terminology throughout the subchapter. An adopted amendment to §217.7(b)(1)(F)
15 deletes the phrase “concealed handgun license” because Government Code, Chapter 411 does not use
16 the term “concealed handgun license” and this type of license is no longer required by law.

17 The adopted amendments to §217.8 implement HB 718, which amended Transportation Code,
18 §501.147 to mandate that dealers holding a GDN submit notifications to the department of sales or
19 transfers of motor vehicles to the dealer. An adopted amendment to §217.8(a) removes dealers that
20 hold a GDN from the rule on voluntary notifications to the department since notification is now
21 mandatory rather than voluntary under Transportation Code, §501.147, as amended by HB 718.
22 Adopted new §217.8(b) requires dealers with a GDN to submit notifications to the department of sales
23 or transfers of motor vehicles to the dealer, including all information required under Transportation

1 Code, §501.147(b), as amended by HB 718. Adopted new §217.8(b) also clarifies that dealers with a GDN
2 can submit the written notification to the department through a variety of methods, including
3 electronically through the department’s website portal, as is required by Transportation Code,
4 §501.147, as amended by HB 718. The other subsections of §217.8 are renumbered accordingly to
5 accommodate the addition of adopted new §217.8(b). An adopted amendment to prior §217.8(b)
6 clarifies that dealers that hold a GDN are identified as transferors for purposes of the department
7 updating its records documenting the vehicle transfer. These amendments to §217.8 are adopted for a
8 future effective date of July 1, 2025, in accordance with the effective date of HB 718.

9 Adopted amendments to §217.9(a)(1) delete the phrase “and the surety bonding company
10 ensures lien satisfaction or” and insert new language specifying that an applicant, rather than a surety
11 bond company, must provide both a release of all liens and a bond. The adopted amendment conforms
12 the rule with Transportation Code, §501.053(a)(3), which requires an applicant to produce a release of
13 all liens with a bond and does not authorize a surety bond company to ensure lien satisfaction in lieu of
14 a release of all liens from the relevant lienholders. An adopted amendment to §217.9(e)(7) deletes
15 language related to certification of lien satisfaction by the surety bond company and a notice of
16 determination letter. This adopted amendment makes the paragraph consistent with the adopted
17 amendment to §217.9(a)(1) and conforms the rule to Transportation Code, §501.053(a)(3), which does
18 not provide for certification of lien satisfaction by a surety bond company, but instead requires a release
19 of all liens and a surety bond for an applicant to qualify for bonded title.

20 Adopted amendments to §217.11(a) delete unnecessary and duplicative language that simply
21 repeats requirements from Transportation Code §501.051(b), and substitute citations to Transportation
22 Code §501.051(b). The adopted amendments create new paragraph (b) from former paragraph (a)(5),
23 delete language from former paragraph (a)(5) referring to language in paragraph (a)(3)(B) that is

1 adopted for deletion, and add language to the adopted new paragraph (b) clarifying and restating the
2 current requirement that an affidavit for recission must be accompanied by an odometer disclosure
3 statement if the vehicle was ever in the possession of the title applicant. The adopted amendments also
4 delete prior §217.11(b) because it refers to language in paragraph (a)(3)(B) that is adopted for deletion.
5 The adopted amendments thus remove unnecessary language and improve readability.

6 An adopted amendment to §217.14 deletes the phrase “registered with the following
7 distinguishing license plates” and replaces it with the “eligible for machinery license plates and permit
8 license plate, in accordance with Transportation Code, §502.146.” The adopted deletion clarifies that
9 the exemption from titling for vehicles eligible for machinery license and permit plates is not limited to
10 vehicles that have been registered and applies to all vehicles eligible for machinery license plates and
11 permit license plates. An additional amendment deletes unnecessary language that is duplicative of
12 statute.

13 An adopted amendment to §217.15(c) implements HB 3297 by replacing a reference to a “state
14 inspection” fee with a broader reference to any fee “under Transportation Code, Chapter 548.” The
15 adopted amendment aligns the rule with HB 3297 which amended Transportation Code, Chapter 548 to
16 eliminate the requirement for a state safety inspection. These amendments to §217.15 are adopted for
17 a future effective date of January 1, 2025, in accordance with the effective date of HB 3297.

18 An adopted amendment to §217.16(f)(4) implements HB 718 by replacing “buyer’s temporary
19 tag fee” with “fee associated with the issuance of a license plate or set of plates.” The adopted
20 amendment aligns the rule with HB 718, which amended Transportation Code Chapter 503 to eliminate
21 buyer’s temporary tags. The amendments to §217.16 are adopted for a future effective date of July 1,
22 2025, in accordance with the effective date of HB 718.

23 **Subchapter B. Motor Vehicle Registration.**

1 Adopted amendments to §217.22 add a new definition of “current photo identification” in new
2 §217.22(11), using language that appears prior in §217.26(c) to allow the department the flexibility to
3 accept government-issued photo identification as well as state-issued personal identification certificates
4 that do not have expiration dates. At adoption, the phrase “within 12 months of the expiration date” to
5 describe the definition of current photo identification” in new §217.22(11) was replaced with “expired
6 not more than 12 months” in response to a public comment to make the definition clearer and provide
7 for ease of reading.

8 Other adopted amendments to §217.22 delete the definition “legally blind” in §217.22(24)
9 because it is not used in the subchapter, and delete the definition of “vehicle inspection sticker” in
10 §217.22(47) to align with changes to the law to no longer require separate vehicle inspection stickers.
11 The remaining subsections of §217.22 are renumbered accordingly. An adopted amendment to
12 §217.22(27) adds a citation to Transportation Code, Chapter 503 for completeness, clarity, and ease of
13 reference. An adopted amendment to §217.22(38) removes the phrase “under SA” to remove
14 unnecessary and confusing wording. At adoption, a minor grammatical change was made to §217.22(11)
15 and (22) by removing a space following the hyphens.

16
17 Adopted amendments to §217.23(b)(1) add a cross reference to §217.5, relating to Evidence of
18 Motor Vehicle Ownership, for clarity and ease of reference, and remove an unnecessary statutory
19 reference.

20 Adopted amendments to §217.25 add a reference to Transportation Code, §502.145 to clarify
21 that the statute creates an exception to the rule: Transportation Code, §502.145 allows a nonresident
22 owner of a privately owned passenger car that is registered in the state or country in which the person

1 resides and that is not operated for compensation to not register in Texas as long as the car’s licenses in
2 the owner’s state of residence are valid.

3 Adopted amendments to §217.26(a) implement the adopted new defined term “current photo
4 identification” in §217.22(11) by adding it to §217.26(a) in place of “document,” adding it to
5 §§217.26(b)(2)(B), 217.26(b)(3), and 217.26(b)(4)(B) in place of “government issued,” deleting the
6 definition of “current” from §217.26(c), and relettering the remaining subsections of §217.26
7 accordingly. An adopted amendment to §217.26(a)(6) deletes “concealed handgun license” from the
8 list of acceptable forms of identification as this type of license is no longer required by law.

9 Adopted amendments to §§217.27(a)(1) add the defined term “vehicle registration insignia” for
10 clarity and consistency and delete unused or archaic terms and references. At adoption and in response
11 to a public comment, the phrase “the symbol, tab, or other device prescribed by and issued by the
12 department” was replaced in §217.27(a)(2) with “the vehicle registration insignia,” which is a defined term
13 in §217.22, to align the use of that same phrase in §217.27(a)(1). Adopted amendments to §217.27(b)
14 move the carve-out for a vehicle described by Transportation Code, §621.2061 to place the rear license
15 plate so that it is clearly visible, readable, and legible, from paragraph (b)(1), which addresses vehicles
16 that display two plates, to paragraph (b)(2), which addresses vehicles that only display one plate. This
17 amendment acknowledges that vehicles described in Transportation Code, §621.2061 are carrying a load
18 that obscures the license plate.

19 Adopted amendments to §217.27(c)(2)(A) implement HB 3297, which amended Transportation
20 Code, §502.0024 to specify which vehicles may obtain a registration insignia for a period consisting of
21 12, 24, 36, 48 or 60 consecutive months on payment of all fees for each full year of registration. The
22 adopted amendments to §217.27(c)(2)(A) further implement HB 3297 by deleting outdated text that
23 referenced vehicle inspections and sections of the Transportation Code that HB 3297 eliminated. Due to

1 the adopted amendments implementing HB 3297, the amendments to §217.27 are adopted for a future
2 effective date of January 1, 2025, in accordance with the effective date of HB 3297.

3 Adopted amendments to §217.27(d)(1)(2), (2)(A), (3), (e), (f), and (h) substitute the term
4 “license plate number” for “alphanumeric pattern” to implement HB 718, which requires that the
5 department issue license plates rather than temporary tags. An adopted amendment to §217.27(d)(1)
6 substitutes the term “general issue” for the word “regular” to implement HB 718 with consistent
7 terminology that distinguishes among types of license plates that the department will now issue.

8 The repeal of §217.28(e)(1) is adopted because the language is redundant with statute. The
9 remaining sections are renumbered accordingly. Adopted amendments add new §217.28(e)(6) to clarify
10 that the operation of a vehicle with an expired registration that has been stored or otherwise not in
11 operation, that is driven only to an inspection station for the purpose of obtaining an inspection if
12 required for registration, will not affect the determination of whether the registrant has a valid or invalid
13 reason for being delinquent. This adopted amendment removes a deterrent to inspection and further
14 clarifies when a vehicle will be assessed delinquency penalties.

15 Adopted amendments to §217.29 repeal §217.29(d) and §217.29(f) as these subsections are
16 outdated and apply only to vehicle registrations expiring prior to January 1, 2017. The remaining
17 subsections are adopted to be relettered accordingly. Adopted amendments to relettered §217.29(e)
18 remove outdated language about vehicle registrations around January 1, 2017. Adopted amendments to
19 relettered §217.29(f) modernize the rule by removing more outdated language about registration
20 renewals in 2017, and by updating the wording to require the department and the department’s third-
21 party centralized vendor to promptly facilitate and mail vehicle registration insignias to applicants who
22 submit registration renewals via the Internet.

1 Adopted new §217.31 is a standalone rule regarding the federal heavy vehicle use tax (HVUT)
2 requirements, which are imposed by 26 U.S.C. §4481, *et seq.* and 26 C.F.R. Part 41. Although the Internal
3 Revenue Service (IRS) collects the HVUT, the department requires compliance with the HVUT
4 requirements prior to issuing vehicle registration for applicable vehicles, to prevent the state’s loss of
5 federal-aid highway funds under 23 U.S.C. §141(c) and 23 U.S.C. §104(b)(1). The department also
6 complies with 23 C.F.R. Part 669, Federal Highway Administration (FHWA) regulations regarding the
7 enforcement of the HVUT requirements via the vehicle registration process for a highway motor vehicle
8 as defined by the federal law on the HVUT.

9 Adopted new §217.31 also incorporates by reference IRS regulation 26 C.F.R. §41.6001-2
10 regarding the circumstances under which a state must require proof of payment of the HVUT and the
11 required manner in which such proof of payment must be received by a state as a condition of issuing a
12 registration for a highway motor vehicle as defined by the federal law regarding the HVUT. Section
13 41.6001-2(c) states that proof of payment of the HVUT consists of a receipted Schedule 1 (Form 2290
14 “Heavy Vehicle Use Tax Return”) that is returned by the IRS, by mail or electronically. Section 41.6001-
15 2(c) also authorizes an acceptable substitute for a receipted Schedule 1. The IRS provides guidance on its
16 website regarding Form 2290 for the collection of the HVUT. The IRS website for Form 2290 is located at
17 the following address: <https://www.irs.gov/forms-pubs/about-form-2290>.

18 Although the department complies with the HVUT requirements for all applicable vehicle
19 registrations, multiple rules in Chapter 217 reference the HVUT requirements. New §217.31 helps
20 vehicle registration applicants find the applicable HVUT requirements because new §217.31 is titled
21 “Heavy Vehicle Use Tax.” Also, federal law imposes the requirements for the payment of the HVUT, as
22 well as the circumstances under which a state must require proof of payment of the HVUT and the
23 required manner in which such proof of payment must be received by a state.

1 Adopted amendments to §217.33 implement HB 718 by adding the word “license” before
2 “plate” in several places in subparagraphs (a), (b), and (d) to improve readability through the use of
3 consistent terminology.

4 The repeal of §217.34 is adopted to remove language that is redundant with statute.

5 Amendments to §§217.36(c)(1), 217.36(c)(4), and 217.36(c)(5) are adopted to modernize
6 language and match current practices by removing references to submitting information to the
7 department on magnetic tape and replacing them with references to submitting information through
8 the secure transfer portal.

9 Adopted amendments to §217.37 clarify that the department and the county will only charge
10 fees provided by statute or rule. The adopted amendments repeal §217.37(b) because it is a
11 restatement of the \$2 fee for a duplicate registration receipt required in Transportation Code,
12 §502.058(a).

13 Adopted amendments to §217.40 implement HB 718 by creating new plate types and ensuring
14 consistency in the terminology used to refer to the new plates in rule. In accordance with the effective
15 date of HB 718, the amendments to §217.40 are adopted for a future effective date of July 1, 2025.

16 Adopted amendments to §217.40(a) implement HB 718 by updating terminology and adding “special
17 registration license plates” in addition to “special registration permits.”

18 Adopted amendments to §217.40(b)(1) add a statutory reference to Transportation Code,
19 §502.434 and delete unnecessary language in §217.40(b)(1)(A) -(D) that is redundant with the statute to
20 streamline the rule text and to improve readability and ease of reference. The remaining subsections in
21 §217.40(b)(1) are relettered accordingly. Adopted amendments to §217.40(b)(2) add a reference to
22 Transportation Code, §502.093 and delete unnecessary language in subparagraph (A) for ease of
23 reference. An adopted amendment deletes §217.40(b)(2)(B) because it is redundant with statute, and

1 the remaining subsections of §217.40(b)(2) are relettered accordingly. Adopted amendments to create
2 new §217.40(b)(2)(C) implement HB 718 by specifying that the department will issue a license plate for
3 an annual permit under Transportation Code, §502.093, and also provide a definition for the term
4 “foreign commercial motor vehicle.” Adopted amendments delete §217.40(b)(2)(C)(ii) because it is
5 redundant with statute. Adopted amendments to §217.40(b)(3) clarify that 72-hour permits and 144-
6 hour permits are governed in accordance with Transportation Code, §502.094 and delete existing
7 language in subparagraphs (3)(A-D), and (4)(A-D) that is redundant with the statutory requirements, to
8 streamline the rules and improve readability and consistency with other subsections.

9 Adopted new §217.40(c) implements HB 718 by providing for the issuance of various categories
10 of special registration license plates and incorporates language that is currently §217.40(b)(5)-(6). An
11 adopted amendment to renumbered §217.40(c)(1) implements HB 718 by substituting “license plates”
12 for “permits,” and removes unnecessary language that duplicates the requirements of Transportation
13 Code, §502.095. The remaining subsections of §217.40(c) are relettered and renumbered accordingly.
14 Adopted new §217.40(c)(1)(C) requires a one-trip license plate to be displayed as required by
15 §217.27(b), relating to Vehicle Registration Insignia, for clarity, ease of reference, and consistency with
16 other subsections.

17 Adopted amendments to prior §217.40(b)(6), adopted to be renumbered §217.40(c)(2),
18 substitute “license plates” for “temporary registration permits” to implement HB 718, and remove
19 language that is redundant of Transportation Code §502.095. An adopted amendment to adopted
20 relettered §217.40(c)(2)(A) substitutes “license plate” for “temporary permit” and “30-day license plate”
21 for “permit” to implement HB 718. Another adopted amendment to §217.40(b)(6), adopted to be
22 relettered as §217.40(c)(2)(A), aligns the rule with statute by striking motorcycles from the list of the
23 types of vehicles for which a 30-day license plate is available because Transportation Code §502.095

1 does not allow issuance of 30-day license plates to motorcycles. The remaining subsections are
2 relettered accordingly. Adopted new §217.40(c)(2)(B) clarifies that a 30-day license plate must be
3 displayed as required by §217.27(b), relating to Vehicle Registration Insignia, for clarity, ease of
4 reference, and consistency with other subsections.

5 An adopted amendment to prior §217.40(c), which is adopted to be relettered as §217.40(d)(1),
6 implements HB 718 by substituting the word “special” for “temporary” and adding “or special
7 registration license plate” for consistency with other subsections. Adopted amendments to
8 §217.40(d)(3)(A) delete unnecessary, redundant language. Adopted amendments to prior
9 §217.40(c)(4)(B), which is adopted to be relettered as §217.40(d)(4)(B), delete temporary agricultural
10 permits from being obtained through the county tax assessor-collectors’ offices. This amendment
11 implements HB 718 and aligns the rule with statute because HB 718 repealed Transportation Code,
12 §502.092. Adopted amendments to adopted relettered §217.40(d)(4)(C) implement HB 718 by
13 substituting “license plates” for “permits” and “temporary registration permits.”

14 Adopted amendments to prior §217.40(d), which is adopted to be relettered as §217.40(e),
15 implement HB 718 by adding “special registration” and “or special registration license plate” where
16 “permit” appears throughout the subsection for consistency in the description of the new plate. The
17 adopted amendments to prior §217.40(d) delete unnecessary language that is redundant with statute.
18 Adopted amendments to prior §217.40(e), which is adopted to be relettered to §217.40(f), implement
19 HB 718 by replacing “temporary” with “special registration” and adding “or special registration license
20 plates” wherever “permit” appears throughout the subsection, for consistency in the description of the
21 new plate.

22 Adopted amendments to §217.41(b)(2)(A) replace “regular motor vehicle license plates” with
23 “general issue license plates” to implement HB 718, modernize language and improve readability

1 through the use of consistent terminology. Adopted amendments to §217.41(b)(3) update applicable
2 statutory references governing the issuance of windshield disabled parking placards.

3 Adopted amendments to §217.43 add the word “license” in multiple places to improve
4 readability through consistent terminology.

5 Adopted amendments to §217.45(b)(2)(B) remove language that is redundant with statute.

6 Adopted amendments to §217.45(b)(4) add the word “license” to modify “plate” in several places to
7 implement HB 718 with consistent terminology. Adopted amendments to §217.45(c)(2)(A)(iii)
8 implement HB 718 by replacing “alpha numeric pattern” with “license plate number” to modernize
9 language and improve readability with consistent terminology. Adopted amendments to §§217.45(c),
10 (d), (e), (f), (h), and (i) implement HB 718 with consistent terminology by adding “license” to modify
11 “plate” in multiple places.

12 An adopted amendment to §217.46(a) clarifies that a motor vehicle is required to register as a
13 commercial vehicle if it meets the definition under Transportation Code, §502.001(7) and deletes
14 unnecessary language that repeats the statutory requirements. An adopted amendment to
15 §217.46(b)(3)(A) deletes the words “and full trailers” because Transportation Code, §502.255 only
16 authorizes a truck-tractor or commercial motor vehicle with a combination license plate to be used in
17 combination with a semitrailer that has a gross weight of more than 6,000 pounds. Although
18 Transportation Code, §502.255(e) says that for registration purposes, a semitrailer that has been
19 converted to a trailer by means of an auxiliary axle assembly retains its status as a semitrailer, this
20 exception under §502.255(e) is already addressed in §217.46(b)(3)(B). Another adopted amendment to
21 §217.46(b)(3)(A) also clarifies that a truck or truck-tractor displaying a combination license plate issued
22 under Transportation Code, §502.255 may only pull a semitrailer issued a license plate from another
23 state to the extent authorized under a registration reciprocity agreement under Transportation Code,

1 §502.091. Transportation Code, §502.255 regarding combination license plates does not authorize a
2 truck or truck-tractor with a combination license plate to pull a semitrailer with a license plate issued by
3 another state; however, Transportation Code, §502.091 provides such authority if there is a registration
4 reciprocity agreement that authorizes it.

5 Adopted amendments to §217.46(b)(3)(A)(i) and (ii) modify the language because
6 Transportation Code, §502.255(a) requires the truck or truck tractor in the combination to have a gross
7 weight of “more than 10,000 pounds,” which means a truck or truck-tractor that has a gross weight of
8 10,000 pounds or less does not qualify for registration under Transportation Code, §502.255. Adopted
9 amendments to §217.46(b)(3)(A)(ix) replace “temporary” with “special registration,” replace “permits”
10 with “special registration license plates,” and replace “permits” with “license plates” to improve
11 readability through consistent terminology. An adopted amendment to §217.46(b)(3)(B) deletes the
12 word “full” from the term “full trailers” because the language summarizes the authority under
13 Transportation Code, §502.255(e) for a semitrailer that has been converted to a trailer by means of an
14 auxiliary axle assembly to retain its status as a semitrailer. Transportation Code, §502.001 defines the
15 word “trailer,” but does not define the term “full trailer.” Therefore, the adopted amendment deletes
16 the word “full” from the term “full trailers” to provide clarity. An adopted amendment to
17 §217.46(b)(3)(D)(iii) adds the word “license” to modify “plates,” to improve readability and clarity
18 through consistent terminology. An adopted amendment deletes §217.46(b)(6) because in transit
19 license plates under Transportation Code, §503.035 are addressed under 43 TAC §215.143. The
20 remaining paragraphs of §217.46(b) are adopted to be renumbered accordingly.

21 An adopted amendment to renumbered §217.46(b)(7)(A) replaces the word “required” with the
22 word “authorized” because a token trailer license plate is available for semitrailers that qualify for a
23 token trailer license plate under the law. An adopted amendment to renumbered §217.46(b)(7)(B)

1 deletes language regarding an exemption under Transportation Code, §502.094 because Transportation
2 Code, §502.001(40) and §502.255 do not provide an exemption. Transportation Code, §502.001(40)
3 defines a token trailer and states that a token trailer is only authorized to be operated in combination
4 with a truck or truck-tractor that has been issued an apportioned license plate, a combination license
5 plate or a forestry vehicle license plate. Transportation Code, §502.001(40) does not list a truck or truck-
6 tractor registered with a special registration permit under Transportation Code, §502.094, so a special
7 registration permit under Transportation Code, §502.094 may not be used to increase the combined
8 gross weight of a truck or truck-tractor to pull a token trailer, even if the truck or truck-tractor is
9 registered for a lower combined gross weight under one of the types of registration referenced in
10 Transportation Code, §502.001(40). If the truck or truck-tractor is only authorized to operate at a higher
11 combined gross weight (combined gross weight of the truck or truck-tractor and the token trailer)
12 because of the authority under Transportation Code, §502.094 for a 72- or 144-hour permit, then the
13 truck or truck-tractor is operating under the registration authority under Transportation Code, §502.094,
14 rather than the registration authority of a registration type referenced in Transportation Code,
15 §502.001(40). However, a vehicle combination may be eligible under Transportation Code, Chapters 621
16 through 623 to operate at a higher gross weight than a registered gross weight of 80,000 pounds
17 provided the vehicle combination is operated in compliance with such laws, but provisions in
18 Transportation Code, Chapters 621 through 623 might require such vehicle combination to operate at
19 less than 80,000 pounds gross weight even if the combination is registered for 80,000 pounds gross
20 weight. Vehicle registration is a different issue than maximum weight authorized under Transportation
21 Code, Chapters 621 through 623. Also, Transportation Code, §623.011 is not the only statute in
22 Transportation Code, Chapter 623 that might authorize the vehicle combination to exceed 80,000
23 pounds gross weight. For these reasons, an adopted amendment to renumbered §217.46(b)(7)(B)

1 replaces the reference to Transportation Code, §623.011 with a reference to Transportation Code,
2 Chapters 621 through 623.

3 Adopted amendments to renumbered §217.46(b)(7)(D) change the catchline from “Full trailers”
4 to “Trailer” and delete the word “full” from the term “full trailer” because Transportation Code,
5 §502.255 only authorizes a semitrailer to be eligible for a token trailer license plate, and Transportation
6 Code, §502.001 defines the word “trailer,” but does not define the term “full trailer.” §217.46(b)(3)(B)
7 already includes the exception under Transportation Code, §502.255(e), which says that for registration
8 purposes, a semitrailer converted to a trailer by means of an auxiliary axle assembly retains its status as
9 a semitrailer. An adopted amendment to renumbered §217.46(b)(7)(D) also replaces the word “will”
10 with the word “shall” before the word “not” because Government Code, §311.016 defines the word
11 “shall” to impose a duty. Because Transportation Code, §502.255 does not authorize the department to
12 issue a token trailer license plate for a trailer, this adopted amendment to renumbered §217.46(b)(7)(D)
13 clarifies that the department is prohibited from issuing a token trailer license plate for a trailer.
14 Government Code, Chapter 311 applies to each rule adopted under a code, such as the rules under
15 Chapter 217.

16 An adopted amendment to §217.46(c)(1) clarifies that an applicant shall apply to the
17 appropriate county tax assessor-collector or the department, as applicable, for commercial license
18 plates. An adopted amendment to §217.46(c)(3)(B)(ii) clarifies the reference to the laws regarding
19 overweight vehicles. An adopted amendment to §217.46(c)(4) provides an option to establish ownership
20 of a vehicle by securing a bond if no VIN or serial number can be identified, to give vehicle owners
21 flexibility with more avenues to establish ownership.

22 Adopted amendments to §217.46(c)(5)(C) clarify the sentence and remove an outdated
23 reference to an international stamp under Chapter 218 of Title 43. Transportation Code, §502.046 says

1 that evidence of financial responsibility as required by Transportation Code, §601.051, other than for a
2 trailer or semitrailer, shall be submitted with the application for registration under Transportation Code,
3 §502.046. If the vehicle is registered in compliance with Chapter 218, this is evidence that
4 Transportation Code, §601.051 does not apply because Transportation Code, §601.007(c) says that
5 Transportation Code, Chapter 601 (other than §601.054) does not apply to a motor vehicle that is
6 subject to Transportation Code, Chapter 643. If Transportation Code, Chapter 643 requires a motor
7 carrier to register its vehicle under Chapter 643, the motor carrier must obtain such registration under
8 43 TAC Chapter 218 and Transportation Code, Chapter 643. The reference to registration under Chapter
9 218 is a reference to operating authority, rather than vehicle registration as provided under
10 Transportation Code, Chapter 502.

11 Adopted amendments to §217.46(c) delete paragraphs (6) and (7) because the department is
12 adopting new §217.31, which provides the HVUT requirements. Federal law imposes the requirements
13 for the payment of the HVUT, the circumstances under which a state must require proof of payment of
14 the HVUT and the required manner in which such proof of payment must be received by a state.
15 Adopted new §217.31 cites to the applicable federal law regarding the HVUT and incorporates the
16 applicable IRS regulation by reference.

17 Adopted amendments to §217.46(d)(1) delete language regarding fixed five-year vehicle
18 registration terms for rental trailers and token trailers because the language is not supported by statute.
19 Transportation Code 502.0024(a), as amended by HB 3297, states, “Payment for all applicable fees...for
20 the entire registration period is due at the time of registration.” Also, Transportation Code, §502.0024
21 authorizes the applicant to choose a registration term up to five years. Further, HB 2357, 82nd
22 Legislature, Regular Session (2011) deleted language regarding a five-year registration period for a token

1 trailer. In addition, the department does not require trailers that are registered under Transportation
2 Code, §502.0024 to have a March 31st expiration date, unless the registration term begins on April 1st.

3 An adopted amendment to §217.46(e)(1) adds the word “license” to modify “plates” for
4 improved readability and clarity through consistent terminology. In accordance with the effective date
5 of HB 718, the amendments to §217.46 are adopted for a future effective date of July 1, 2025.

6 An adopted amendment to §217.50 adds the word “license” to modify “plate” for improved
7 readability and clarity through consistent terminology. Another adopted amendment to §217.50 deletes
8 the definition of highway construction project to remove unused, archaic language.

9 Adopted amendments to §217.51 add the word “license” to modify “plate” for improved
10 readability and clarity through consistent terminology.

11 Adopted amendments to §217.52 add the word “license” to modify “plate” in multiple places to
12 implement HB 718, and for improved readability and clarity through consistent terminology. In
13 addition, adopted amendments to §217.52(e)(3) add the word “special” and the term “specialty license
14 plate” to implement HB 718 and clarify with consistent terminology. Adopted amendments to
15 §217.52(h)(7) remove references to “alphanumeric patterns” and instead use “department-approved
16 alpha numeric license plate numbers” to implement HB 718 with consistent terminology. Amendments
17 are also adopted for §217.52(h)(7) to replace the word “pattern” with “license plate number” and to
18 add the word “license” to modify “plate” to implement HB 718 with consistent terminology.

19 Additionally, adopted amendments to §217.52(h)(9) add the word “license” to modify “plates” in several
20 places to use consistent terminology for clarity. Amendments are adopted to §217.52(k) to add
21 “specialty” to modify “license plate” for clarity with consistent use of terminology, and to replace “will
22 need to be remanufactured” with “may be remanufactured” for clarity and to provide flexibility.

23 Adopted amendments to §217.52(k)(5) add “to law enforcement” to clarify where license plate numbers

1 and license plates must be reported stolen. Adopted amendments to §217.52(l)(1) create consistent use
2 of the term “specialty license plates” throughout the section to implement HB 718 and to align with the
3 terminology used in other provisions of this chapter. An adopted amendment to §217.52(l)(1)(B)
4 deletes the word “particular” as unnecessary language. Adopted amendments to §217.52(l)(2) update
5 terminology by adding “specialty license plate” number and “license plate” to replace “pattern” and
6 “alphanumeric pattern” to implement HB 718 and to be consistent in the use of terminology throughout
7 the chapter. Adopted amendments to §217.52(m) add the word “license” to modify “plates” in multiple
8 places to implement HB 718 and to create consistency in terminology for clarity. Adopted amendments
9 to §217.52(n)(1)(A) clarify, implement HB 718, and create consistent use of terminology by replacing
10 “pattern is an auction pattern” with “license plate number was purchased through auction.” In
11 accordance with the effective date of HB 718, the amendments to §217.52 are adopted for a future
12 effective date of July 1, 2025.

13 Adopted amendments to the §217.53 section title substitute the word “disposition” for
14 “removal” and add “or transfer” to implement HB 718 by broadening the heading language to
15 incorporate allowing license plates to remain with the vehicle when it is sold or transferred, while the
16 registration insignia is removed and disposed of. Adopted amendments to §217.53(a) implement
17 Transportation Code, §502.491 and §504.901, as amended by HB 718, clarifying that upon the sale or
18 transfer of a motor vehicle to a dealer that holds a GDN, general issue license plates shall be removed
19 and retained for issuance to a subsequent purchaser or transferor of that motor vehicle and the
20 registration insignia shall be removed and disposed of by the dealer.

21 At adoption, §217.53(a) was modified in response to a public comment by substituting a
22 reference to §215.151(d) for the proposed broader references to the Transportation Code and to
23 another rule in Chapter 215, and by removing a vague statement about license plates transferring with

1 the motor vehicle in a nonretail sale. Section 215.151(d) specifically addresses the disposition of general
2 issued license plates upon a subsequent retail or nonretail sale of a motor vehicle by a dealer to an in-
3 state or out of state purchaser. This modification will align §217.53(a) with §215.151(d) as to the
4 disposition of general issue license plates for motor vehicles purchased and sold by dealers.

5 Adopted amendments to §217.53(b) implement Transportation Code, §502.491(b) and
6 §504.901(b), as amended by HB 718, by clarifying that upon the sale or transfer of a motor vehicle in
7 which neither party is a dealer, the registration insignia and the general issue license plates remain with
8 the motor vehicle. At adoption, the proposed language of §217.53(b) was modified to remove
9 references to registration insignia and to Transportation Code, §502.491(b). These changes at adoption
10 align the adopted rule with Transportation Code, §502.491(a), which requires removal of registration
11 insignia at the time of sale.

12 Adopted new §217.53(c) implements HB 718 and mitigates the risk of license plate fraud by
13 requiring that a license plate other than a general issue license plate shall be removed by the owner of a
14 motor vehicle that is sold or transferred, and that removed license plates may be transferred if eligible.
15 Otherwise, such plates must be disposed of in a manner that renders the license plate unusable or that
16 ensures the license plates will not be available for fraudulent use on a motor vehicle. The adopted
17 amendments delete prior §217.53(c) to remove language that is redundant with statute. Adopted
18 amendments create new §217.53(d) to implement HB 718 and to mitigate the risk of license plate fraud
19 by requiring that a retail purchaser who chooses to obtain replacement general issue license plates
20 dispose of the replaced license plates in a manner that renders the license plates unusable. In
21 accordance with the effective date of HB 718, the amendments to §217.53 are adopted for a future
22 effective date of July 1, 2025.

1 Adopted amendments to §217.54(c)(2)(F) and §217.54(j) modify language to implement HB
2 3297 by replacing language regarding the state’s portion of the inspection fee with language regarding
3 any fee that is required to be collected at the time of registration under Transportation Code, §548.509
4 for the first year of registration under Transportation Code, §502.0023 and on an annual basis thereafter
5 for the remainder of the registration term.

6 An adopted amendment to §217.55(a) uses consistent terminology for clarity by adding the
7 word “license” to modify “plate” in several places. Adopted amendments to §217.55(b)(5) update the
8 language and correct a cross-reference to clarify that an affidavit for alias exempt registration must be
9 accompanied not by a regular title application, but instead by the specific, separate application required
10 by the department to create the alias record of vehicle registration and title as outlined in §217.13,
11 relating to Alias Certificate of Title. Adopted amendments to §217.55(e)(3) and §217.55(e)(6) modify the
12 language to implement HB 3297 by replacing language regarding the state’s portion of the inspection
13 fee with language regarding any fee that is required to be collected at the time of registration under
14 Transportation Code, §548.509 for the first year of registration under Transportation Code, §502.0025
15 and on an annual basis thereafter for the remainder of the registration term.

16 Adopted amendments to §217.56(b)(5) update terminology by replacing “rejection letters” with
17 “notices of determination” to better describe the department’s processes. An adopted amendment to
18 §217.56(b)(6) deletes the word “permit” in accordance with the implementation of HB 718.

19 An adopted amendment to §217.56(c)(2)(B) incorporates by reference the January 1, 2024,
20 version of the International Registration Plan (IRP). Texas is bound by IRP, which is a vehicle registration
21 reciprocity agreement between the 48 contiguous states, the District of Columbia, and the Canadian
22 provinces. Section 217.56 must incorporate the latest edition of IRP because it contains language
23 regarding the nature and requirements of vehicle registration under IRP. Texas is a member of IRP, as

1 authorized by Transportation Code, §502.091 and 49 U.S.C. §31704, and must comply with the current
2 edition of IRP. The jurisdictions that are members of IRP amended the January 1, 2022, version of IRP to
3 create the January 1, 2024, version of the IRP. An adopted amendment to §217.56(c)(2)(B) also provides
4 the online address where one can obtain a copy of the January 1, 2024, version of the IRP, as well as the
5 January 1, 2016, version of the IRP Audit Procedures Manual and prior versions of both of these IRP
6 documents. Because the department adopted documents by reference into an administrative rule, 1
7 TAC §91.40(e) requires the department to maintain and distribute a copy of the documents to
8 interested parties. In addition, adopted amendments to §217.56(c)(2)(B) move the rule text regarding a
9 request to the department for a copy of the documents and delete rule text regarding the review of the
10 IRP documents in the department’s Motor Carrier Division, which allows the department to comply with
11 1 TAC §91.40(e) in the most efficient manner.

12 An adopted amendment to §217.56(c)(2)(M)(v) replaces “TxIRP” with “TxFLEET” because the
13 department rebranded the TxIRP system as the TxFLEET system, which the department launched on
14 September 16, 2024. The department will refer to the system as the TxFLEET system throughout this
15 preamble, except when summarizing an adopted amendment that replaces “TxIRP” with “TxFLEET.”

16 **Subchapter C. Registration and Title Systems**

17 Adopted amendments to §217.71(a)(3) delete the phrase “for users who opt” as all dealers will
18 be required to use webDEALER to submit title and registration applications effective July 1, 2025.

19 Adopted amendments to §217.74 implement Transportation Code, §520.0055, created by HB
20 718, which requires all motor vehicle dealers to use the webDEALER system to submit title and
21 registration applications for purchasers after July 1, 2025. An adopted amendment to the title of
22 §217.74 revises the section title to “webDEALER Access, Use, and Training” to accurately reflect the
23 scope of the section. Adopted amendments to §217.74(c) implement HB 718 by making it required,

1 rather than discretionary, for all motor vehicle dealers who hold a GDN to get access to webDEALER, and
2 by requiring that all active holders must obtain access to webDEALER prior to July 1, 2025. To ensure
3 that all dealers are able to meet the deadline of July 1, 2025, adopted amendments to §217.74(c) allow
4 the department to provide dealers access to webDEALER in the county where the dealer is located
5 without waiting for a county tax assessor-collector to process the dealer’s application and provide
6 access. Adopted amendments to §217.74(e) add an “entity” to the webDEALER users that may have
7 their authorization to use webDEALER revoked, rescinded, or cancelled to allow the department to
8 cancel the access of tax assessor-collectors and their deputies or employees who abuse their access to
9 webDEALER to perpetuate fraud or other wrongdoing.

10 Adopted new §217.74(g) requires all existing webDEALER users who process title and
11 registration transactions through webDEALER complete training by April 30, 2025, and all new
12 webDEALER users created on or after April 30, 2025, complete webDEALER training before being given
13 webDEALER permissions. New adopted §217.74(g)(1) provides that the required webDEALER training
14 will include, at a minimum, training regarding transactions performed in webDEALER and proper use of
15 the system. The adopted amendments to new §217.74(g)(2) provide for an exemption from webDEALER
16 training for users who have had access to webDEALER for more than six months and who have
17 submitted more than 100 transactions within the system as of October 1, 2024. At adoption, the first
18 paragraph of 217.74(g) was amended to clarify that the training is for individual users of webDEALER
19 under a holder’s account, but is not required of individual license holders who do not personally enter
20 transactions into webDEALER and instead have employees that will be trained as users of webDEALER.
21 Also at adoption, new §217.74(g)(2) was amended to replace “holder” with “user” to ensure that all new
22 users of webDEALER, including those accessing webDEALER under an experienced holder’s account,
23 must receive training before accessing webDEALER. The adopted amendments to new §217.74(g)(3)

1 provide that the failure of holders and users to complete the required webDEALER training shall result in
2 denial of access to webDEALER. These adopted amendments to §217.74 implement HB 718 by ensuring
3 that webDEALER users are appropriately trained and given access to the webDEALER system before the
4 July 1, 2025, effective date for mandatory webDEALER use by all dealers.

5 Adopted amendments delete §217.75(c)(5), which references training required by August 31,
6 2020, because it is outdated. The remaining subsections in §217.75 are renumbered accordingly.

7 Adopted amendments to renumbered §217.75(c)(5) remove “after August 31, 2020” because it is
8 outdated and unnecessary.

9 **Subchapter D. Nonrepairable and Salvage Motor Vehicles.**

10 Adopted amendments throughout the entire Subchapter D eliminate the hyphen for the term
11 “non-repairable” to align with the use of that same term in Transportation Code, Chapter 501 and
12 maintain consistency. Additional adopted amendments throughout the subchapter add the phrase
13 “nonrepairable or salvage record of title” to each mention of nonrepairable or salvage vehicle title to
14 account for the department’s statutory authority under Transportation Code, Chapter 501 to issue
15 electronic titles for nonrepairable and salvage motor vehicles and the department’s current practice of
16 issuing electronic versions of nonrepairable and salvage vehicle titles in lieu of paper titles at the request
17 of applicants.

18 Adopted amendments to §217.81 clarify wording by replacing “certificates of” with “titles” and
19 adding “motor” to describe nonrepairable, salvage and rebuilt salvage motor vehicles. The adopted
20 changes provide consistency in the terms used throughout §217.81 to describe the purpose and scope
21 of the subchapter. At adoption, the department eliminated the hyphen in the term “non-repairable” in

1 §217.81 to maintain consistency with the use of that same term elsewhere in this chapter and in
2 Transportation Code, Chapter 501.

3 Adopted amendments to §217.82 define terms with the definitions of those same terms
4 provided in Transportation Code, §501.002 and §501.091 for purposes of consistency: “casual sale,” as
5 defined in Transportation Code, §501.091(2); “certificate of title” as defined by Transportation Code,
6 §501.002(1-a); “damage” as defined by Transportation Code, §501.091(3); “insurance company” as
7 defined by Transportation Code, §501.091(5); “metal recycler” as defined by Transportation Code
8 §501.091(7); “nonrepairable vehicle title” as defined by §501.091(10); “out-of-state buyer” as defined
9 by Transportation Code, §501.091(11); “salvage vehicle dealer” as defined by Transportation Code,
10 §501.091(17); and “salvage vehicle title” as defined by Transportation Code, §501.091(16). Adopted
11 amendments to §217.82 create a new §217.82(15) and §217.82(23) to add the defined terms
12 “nonrepairable record of title” and “salvage record of title,” respectively. These terms are used
13 throughout the subchapter and the adopted definitions align with their use and meaning in
14 Transportation Code, Chapter 501. Prior §217.82(15) through §217.82(21) are renumbered accordingly
15 based on the addition of adopted new §217.82(15). An adopted amendment to renumbered
16 §217.82(19) deletes “certificate of” and “regular certificate of” from the defined term “Rebuilt salvage
17 certificate of title” to account for the department’s current practice of issuing electronic or paper titles
18 and is consistent with the standalone term “title” that is defined in Transportation Code, Chapter 501 to
19 encompass both electronic and paper versions of a motor vehicle title. An adopted amendment to
20 renumbered §217.82(20) moves “is” under §217.82(20)(A) to §217.82(20)(A)(i) and deletes “damaged
21 and” from §217.82(20)(A)(ii) to conform the definition of “salvage motor vehicle” to the definition of the
22 same term provided in Transportation Code, §501.091(15), as the statutory definition does not specify
23 that a salvage motor vehicle coming into the state on an out of state title to evidence damage. At

1 adoption, minor grammatical changes were made to §217.82 by capitalizing the first word in each of the
2 descriptions for the defined terms.

3 The adopted amendment to §217.83(a)(2) makes a minor change by substituting “any” for
4 “alternate” to account for all methods developed and commonly used by insurance companies to assess
5 the condition of a motor vehicle to determine if the motor vehicle should be classified as a
6 nonrepairable motor vehicle. At adoption, a minor correction was made to §217.83(a)(2) by deleting a
7 space left between “non” and “repairable” to make it one word, “nonrepairable.” The adopted
8 amendment to §217.83(b)(1) deletes “certificate of” as the term “certificate of title” is limited to paper
9 titles, but the department issues both paper and electronic versions of titles that are more accurately
10 captured with the standalone term of “title.” The adopted repeal of prior §217.83(c)(1) eliminates text
11 specifying a Texas title requirement for a motor vehicle retained by an owner that becomes classified as
12 a nonrepairable or salvage motor vehicle, as this requirement conflicts with Transportation Code,
13 §501.1002 where no such requirement is specified for an owner-retained motor vehicle. The adopted
14 amendment to renumbered §217.83(c)(1) clarifies the method required for insurance companies to
15 submit owner-retained motor vehicle notice forms to the department by specifying that it be submitted
16 to the department through the department’s electronic system known as webDEALER. The
17 department’s infrastructure and operations have been modernized and this adopted amendment
18 provides guidance to insurance companies on the proper filing method for such forms. The adopted
19 repeal of §217.83(c)(5) eliminates text that is duplicative of the text in §217.83(c)(3) and §217.83(c)(4)
20 that prohibits the transfer of owner-retained motor vehicles that become classified as nonrepairable or
21 salvage motor vehicles without owners first securing the respective titles for the motor vehicles.
22 Adopted amendments to §§217.83(c)(2), 217.83(c)(3), 217.83(c)(4), and 217.83(c)(6) renumber those
23 sections based on the adopted repeal of §§217.83(c)(1) and 217.83(c)(5).

1 The adopted amendment to §217.84(b)(8) deletes “certificate of” as part of the description of
2 the application form to align with the defined terms for nonrepairable and salvage title specified in
3 Transportation Code, §501.091 and §217.82 of this subchapter that do not include the term “certificate
4 of.” At adoption, the department withdrew the proposed amendment to §217.84(b)(5), in which the
5 department had proposed language expanding the description of damage to a motor vehicle required
6 for an application for a nonrepairable or salvage title. The proposed expanded language would have
7 required the applicant to identify the major component parts that needed to be repaired or replaced on
8 the vehicle. The department is withdrawing this proposed amendment to allow further time to make the
9 technology enhancements required to implement such enhanced reporting.

10 The adopted amendments to §217.84(d)(1)(A) and (B) delete “certificate of” from “Texas
11 Certificate of Title” to rephrase the term as “Texas Title.” The deletion of “certificate of” would align with
12 the department’s current practice of issuing both paper and electronic versions of titles that is more
13 accurately captured with the standalone term “title,” which is defined in Transportation Code, Chapter
14 501 to encompass electronic and paper titles. The adopted amendments to §217.84(d)(1)(E) and (F) add
15 the phrase “or record of title” to account for the electronic versions of a title for a nonrepairable or
16 salvage motor vehicle. The adopted amendment to §217.84(d)(3) deletes the words “vehicle title” from
17 “salvage vehicle title” to create a new phrase of “salvage or nonrepairable vehicle title,” which is used
18 throughout the subchapter for ease of reading. The adopted amendment to §217.84(d)(4) deletes the
19 text and replaces it with a reference to Transportation Code, §501.0935, as the deleted text is
20 duplicative of the text in statute and is therefore unnecessary. The adopted amendment to
21 §217.84(f)(3)(B) deletes “certificate of” from the term “regular certificate of title” to be consistent with
22 term “regular title,” as specified in Transportation Code, §501.9112(b)(A).

1 The adopted amendment to §217.85(b) deletes “certificate of” as the term “certificate of title”
2 is limited to paper titles, but the department issues both paper and electronic versions of titles that is
3 more accurately captured with the standalone term of “title.”

4 The adopted amendments to §217.86 create a new §217.86(d) that requires a receipt from the
5 department evidencing the surrender of ownership documents for a vehicle transferred to a metal
6 recycler as specified in §217.86(c) and a department-prescribed form detailing the transfer. The adopted
7 amendment ensures vehicles delivered to metal recyclers follow the requirements set out in §217.86(a)
8 - (c) as a prerequisite to their dismantling, scrapping or destruction, as well as to ensure proper
9 documentation of the transfer and surrender of the receipt for purposes of reporting such information
10 to the department by the metal recycler. The adopted amendments to §§217.86(d), 217.86(e) and
11 217.86(f) re-letter the provisions to §§217.86(e), 217.86(f) and 217.86(g) based on the addition of
12 adopted new §217.86(d). Also, an adopted amendment to prior §217.86(f) clarifies that the 60-day
13 period for reporting to the department the delivery of a vehicle for dismantling, scrapping or
14 destruction, begins upon the delivery of the vehicle to the metal recycler to be consistent with the
15 deadline set out in Transportation Code, §501.107.

16 The adopted repeal of §217.87 eliminates text that is duplicative to Transportation Code,
17 §501.09111 and is therefore unnecessary.

18 The adopted amendment to §217.88(a) adds the phrase “Sale, transfer or release with” to the
19 title of the subsection to clarify its scope. The adopted amendments to §217.88(b) add the phase “Sale,
20 transfer or release without” to the title of the subsection to clarify its scope. Adopted amendments to
21 §217.88(b) also delete the remaining text for the subsection and replace it with a reference to
22 Transportation Code, §501.095(a), because the deleted text is duplicative to the text in statute and is
23 therefore unnecessary. The adopted amendment to §217.88(d) incorporates a reference to

1 Transportation Code, §501.091(2)(A-C) to exempt those persons not subject to the numerical limit for
2 casual sales. This adopted amendment acknowledges these persons or entities are not subject to the
3 limitations of the rule provided the sales are consistent with the requirements specified in the statute.
4 The adopted amendment to §217.88(e)(1)(D) deletes the existing description for a photo identification
5 and adds a reference to the list of current photo identifications provided in §217.7(b). The adopted
6 amendment provides consistency throughout Chapter 217 as to what forms of current photo
7 identification are acceptable to the department for purposes of the titling and/or registration of motor
8 vehicles. The adopted amendment to §217.88(g)(1) adds a three-year retention requirement for export-
9 only sales records to align with the records retention requirement specified in Transportation Code,
10 §501.099(g). The adopted amendment to §217.88(g)(2)(C) deletes the existing description for a photo
11 identification and adds a reference to the list of photo identifications provided in §217.88(f)(1)(B). The
12 adopted amendment provides consistency as to what photo identifications are acceptable to the
13 department for purposes of export-only sales of motor vehicles. The adopted amendments to
14 §217.88(g)(2)(E) delete certain data collection items from the export-only sale list and renumber the list
15 accordingly, to align with the requirements provided in Transportation Code, §501.099(g)(2).

16 Adopted amendments throughout §217.89 delete the words “certificate of” from the phrase
17 “rebuilt salvage certificate of title” to read “rebuilt salvage title”. These adopted amendments account
18 for the department’s current practice of issuing electronic or paper titles and is consistent with the
19 standalone term “title” that is defined in Transportation Code, Chapter 501 that encompasses electronic
20 and paper versions of a motor vehicle title. The adopted amendments to §§217.89(a), 217.89(d),
21 217.89(f), and 217.89(g) delete “certificate of” from the phrase “certificate of title” as the term
22 “certificate of title” is limited to paper titles, while the department issues both paper and electronic
23 versions of titles, which are more accurately captured with the standalone term of “title.” The adopted

1 repeal of §217.89(d)(3), which required the submission of a motor vehicle safety inspection, is necessary
2 to comply with amendments to Transportation Code, Chapter 548 as amended by HB 3297, which
3 eliminated the mandatory motor vehicle safety inspections in the state. Adopted amendments to
4 §217.89(d)(4) through §217.89(d)(7) are renumbered accordingly based on the repeal of §217.89(d)(3).
5 An additional adopted amendment to prior §217.89(d)(5) qualifies the requirement for submitting proof
6 of financial responsibility in those instances where the vehicle is to be registered at the time of
7 application. The adopted amendment clarifies that such proof is not required where the application
8 seeks only to retitle the vehicle without registration. An additional adopted amendment to prior
9 §217.89(d)(6) deletes the requirement for attaining a motor vehicle inspection report for vehicles last
10 titled or registered in another state or country. The adopted amendment also clarifies the requirement
11 for motor vehicles last titled or registered in another country to secure a VIN inspection and require
12 those vehicles last titled or registered in another state to submit a form as referenced by §217.4(d)(4)
13 that would self-certify the VIN. The adopted amendments to §217.89(d)(5) are necessary to comply
14 with HB 3297, which eliminated the mandatory motor vehicle safety inspections in the state. The
15 amendments also ensure that motor vehicles being brought into the state from another state or country
16 are in alignment with the statutory requirements set out for VIN inspections under Transportation Code,
17 §501.030 and §501.032. The adopted amendment to §217.89(e)(1) adds the phrase “or record title” to
18 account for the electronic version of a title for a salvage motor vehicle. The adopted amendment to
19 §217.89(e)(2) substitutes “does” for “may” as it pertains to what is considered evidence of ownership
20 for a rebuilt salvage motor vehicle. This adopted amendment conforms to the requirements set out in
21 Transportation Code, Chapters 501 and 683 that prohibit the items listed in this subsection as qualifying
22 as evidence of ownership for a rebuilt salvage motor vehicle. The adopted amendment to §217.89(g)

1 deletes “on its face” as being unnecessary language. In accordance with the effective date of HB 3297,
2 the amendments to §217.89 are adopted for a future effective date of January 1, 2025.

3 **Subchapter E. Title Liens and Claims**

4 An adopted amendment to §217.106 adds language providing a citation to Transportation Code,
5 §501.115, which governs the time limits for a lienholder to provide a discharge of lien after receiving
6 final payment. The adopted amendment to §217.106 adds clarity, ease of reference, and improved
7 guidance to the public.

8 **Subchapter F. Motor Vehicle Records**

9 Adopted amendments to §217.122(b)(2) add a citation to Transportation Code, §730.003(5) to
10 define “person” for clarity and consistency between the rules and statutes.

11 An adopted amendment to §217.123(b)(5) deletes a concealed handgun license as a method of
12 current identification for a requestor of motor vehicle records as a concealed handgun license is no longer
13 required by law. Adopted amendments to §217.123(c)(3) align this section with statute by requiring a law
14 enforcement requestor seeking personal information from agency records to identify its intended use or
15 the agency’s incident or case number for which the personal information is needed. Adopted
16 amendments create new §217.123(e)(1)(D) and (E) to require a requestor of the department’s motor
17 vehicle records to provide in its application for a service agreement, blank copies of agreements used by
18 the requestor to release motor vehicle record information to third parties, and any additional material
19 provided to third party requestors detailing the process in which they obtain motor vehicle record
20 information and describing their limitations as how this information may be used, to ensure that
21 requestors are in compliance with the limitations on the use of personal information under Transportation
22 Code, Chapter 730. At adoption, §217.123(e)(1)(D) was modified in response to a public comment by
23 clarifying that the requestor’s application include blank versions of the agreements used by the requestor

1 to release motor vehicle record information to third parties. This modification will avoid the disclosure of
2 confidential or propriety information that could be contained in an actual agreement used by the
3 requestor to release motor vehicle record information to third parties.

4 The remaining subsections of §217.123(e)(1) are adopted to be relettered accordingly. Adopted
5 new §217.123(e)(2) clarifies that the department will not enter into a service agreement to release motor
6 vehicle record information if it determines any of the information provided in an application is incomplete,
7 inaccurate, or does not meet statutory requirement, to protect the confidentiality of motor vehicle
8 records from misuse or inappropriate disclosure. Adopted new §217.123(f)(1)(D) and (E) require
9 requestors of bulk records to provide in an application for a bulk contract blank copies of agreements
10 used by the requestor to release motor vehicle record information to third parties, and any additional
11 material provided to third party requestors detailing the process through which they obtain motor vehicle
12 record information and describing their limitations as to how this information may be used, to ensure that
13 requestors are in compliance with the limitations on the use of personal information under Transportation
14 Code, Chapter 730. At adoption, §217.123(f)(1)(D) was modified in response to a public comment by
15 clarifying that the requestor’s application include blank versions of the agreements used by the requestor
16 to release motor vehicle record information to third parties. This modification will avoid the disclosure of
17 confidential or propriety information that could be contained in the actual agreements used by the
18 requestor to release motor vehicle record information to third parties. The remaining subsections of
19 §217.123(f)(1) are adopted to be renumbered accordingly. Adopted new §217.123(f)(2) provides that the
20 department will not enter into a bulk contract to release motor vehicle record information if the
21 department determines any of the information provided by a requestor is incomplete, inaccurate, or does
22 not meet statutory requirements, to protect the confidentiality of motor vehicle records from misuse or

1 inappropriate disclosure. The remaining subsections of §217.123(f) are adopted to be renumbered
2 accordingly.

3 Adopted amendments to §217.124(e) delete “and” before “toll project entities” and add “and
4 federal governmental entities” as being exempt from the payment of fees except for the fees listed in
5 §217.124(d)(1), (6), or (8), to expedite and streamline the delivery of documents to federal government
6 entities. Adopted amendments to §217.124(f) add an “a” before “reciprocity,” delete the “s” in
7 agreements, replace “other” with “another” before “governmental,” and replace “entities” with “entity”
8 to improve readability and to use consistent terminology.

9 An adopted amendment to §217.125(b)(2) adds the word “proof” where it was inadvertently
10 left out of the rule to make the sentence comprehensible. Another adopted amendment to
11 §217.125(b)(2) clarifies that a requestor who is not yet involved in litigation must provide proof that the
12 request is in anticipation of litigation that would necessitate the release of the documents requested, to
13 limit the unnecessary release of confidential motor vehicle records and the resulting potential for
14 misuse of personal information. Adopted amendments to §217.125(b)(3), to further limit the
15 inappropriate release of confidential motor vehicle records, replace the requirement that a requestor
16 prove they are “in a researching occupation” with a more specific requirement that the requestor is
17 “employed by an entity in the business of conducting research related to the requested information,”
18 and gives the department discretion to determine whether the employment is valid and the business
19 research sufficiently related to the requested information.

20 An adopted amendment to §217.129(a) adds a citation to Transportation Code §730.005 and
21 §730.006 for clarity and ease of reference. An adopted amendment to §217.129(c) adds “has
22 previously been terminated” to align with the title of §217.130, relating to Approval for Persons Whose
23 Access to Motor Vehicle Records has Previously Been Terminated.

1 An adopted amendment to §217.131 deletes prior §217.131(a) and combines the language “has
2 previously received personal information from the department and” into renumbered §217.131(a) to
3 streamline the rule and improve readability. The remaining subsections of §217.131 are adopted to be
4 relettered accordingly.

5 **Subchapter G. Inspections.**

6 The adopted amendment to §217.143(c) adds a reference to Transportation Code, §731.102 to
7 the inspection requirements for an assembled vehicle. This adopted amendment clarifies the minimum
8 requirements set forth in statute that must be met to evaluate the function and structural integrity of an
9 assembled vehicle. The adopted amendment to §217.143(g) substitutes “any applicable” for “an” as it
10 pertains to an inspection or reinspection of an assembled vehicle under Transportation Code, Chapter
11 548. The adopted amendment is necessary to comply with amendments to Transportation Code,
12 Chapter 548 by HB 3297, which eliminated the mandatory motor vehicle safety inspections in the state.

13 Adopted amendments to §217.144 create new §217.144(b) and move the existing text in
14 §217.144 under new §217.144(a). These amendments restructure §217.144 for ease of reading, to
15 separate text addressing the training for inspectors from text addressing the outcome of identification
16 number inspections. Adopted new §217.144(b) prohibits the department from titling or registering a
17 motor vehicle where the inspector is unable to ascertain the motor vehicle’s make or year of
18 manufacture and further prohibits a motor vehicle being classified as an assembled, homemade, or shop
19 vehicle where the inspection is unable to determine the vehicle’s make or year of manufacture. The
20 adopted amendment clarifies the department’s existing interpretation of Transportation Code, Chapter
21 501 and the department’s existing practices and procedures for identification number inspections
22 performed on motor vehicles that are subject to such inspections under Transportation Code, §501.032.

1 The adopted amendments align those interpretations and practices to provide guidance to the public on
2 the requirements and consequences associated with a motor vehicle’s identity.

3 **Subchapter H. Deputies.**

4 An adopted amendment to §217.161 removes unnecessary transition language regarding a
5 deputy appointed under Transportation Code, §520.0071, on or before December 31, 2016. HB 2202
6 and HB 2741, 83rd Legislature, Regular Session, 2013, added Transportation Code, §520.0071 and
7 repealed Transportation Code, §§520.008, 520.009, 520.0091 and 520.0092, effective September 1,
8 2013. Both HB 2202 and HB 2741 stated that a deputy appointed under Transportation Code, §520.0091
9 on or before August 31, 2013, may continue to perform the services authorized under Transportation
10 Code, §§520.008, 520.009, 520.0091 and 520.0092 until the effective date of rules adopted by the board
11 regarding the types of deputies authorized to perform titling and registration duties under
12 Transportation Code, §520.0071 as added by HB 2202 and HB 2741. The board adopted rules under
13 Transportation Code, §520.0071, effective March 12, 2015; however, §217.161 authorized a deputy
14 appointed under Transportation Code, §520.0071 on or before December 31, 2016, additional time to
15 comply with the rules. All deputies were required to comply with the new and amended rules regarding
16 deputies, beginning on January 1, 2017. An adopted amendment to §217.161 also removes the
17 unnecessary reference to January 1, 2017.

18 An adopted amendment to §217.168(b)(1) adds the word “county” before the term “tax
19 assessor-collector” to make the terminology consistent throughout Chapter 217. An adopted
20 amendment to §217.168(b)(1) also creates a new subparagraph (A) for the second sentence in
21 §217.168(b)(1) due to the adopted addition of new §217.168(b)(1)(B), which clarifies that title
22 transaction fees collected by full service deputies authorized by a county tax assessor-collector can be

1 assessed on webDEALER title transactions where the full service deputies have been approved by a
2 county tax assessor-collector to approve title transactions through webDEALER. The adopted
3 amendment is necessary to address and account for the influx of title transactions due to the new
4 requirement of Transportation Code, §520.0055, as amended by HB 718, that dealers holding a GDN use
5 webDEALER for filing title transactions.

6 An adopted amendment to §217.168(d) replaces terminology related to one-trip permits and
7 30-day permits under Transportation Code, §502.095 with terminology describing one-trip special
8 registration license plates and 30-day special registration license plates, to implement the license plate
9 requirements of HB 718. In accordance with the effective date of HB 718, the amendments to §217.168
10 are adopted for a future effective date of July 1, 2025. An adopted amendment to §217.168(d) also
11 replaces the word “temporary” with the term “special registration” for consistency with the terminology
12 in §217.40(b) regarding the category of “special registration permits” under Transportation Code,
13 §502.094, which are called 72-hour permits and 144-hour permits. In addition, adopted amendments to
14 §217.168(d) reduce the amount of the processing and handling fee that a full service deputy may retain
15 for special registration permits and special registration license plates under Transportation Code,
16 §502.094 and §502.095 from \$4.75 to \$4.25. These adopted amendments to §217.168(d) provide that
17 \$0.50 of the processing and handling fee be remitted to the department by citing to the formula
18 established by §217.185(b), which the department is also adopting in this adoption. This adopted
19 amendment to §217.168(d) is necessary for the department to comply with Transportation Code,
20 §502.356, which requires the board by rule to adopt a fee (automation fee) of not less than \$0.50 and
21 not more than \$1.00 that shall be collected in addition to registration fees and deposited into a
22 subaccount in the Texas Department of Motor Vehicles fund. Section 502.356 specifies how the
23 department may use the automation fee to provide for or enhance the automation of and the necessary

1 infrastructure for certain services and procedures. The board established the automation fee at \$0.50
2 under §217.72(c). Transportation Code, §502.1911(b) requires the board by rule to include the
3 automation fee that is established under Transportation Code, §502.356 in the processing and handling
4 fee for registration transactions. Therefore, \$0.50 of each processing and handling fee must be remitted
5 to the department.

6 **Subchapter I. Fees.**

7 An adopted amendment to Subchapter I updates the title of the subchapter by adding the
8 words “Processing and Handling” to read “Processing and Handling Fees,” to more accurately describe
9 the content and scope of the subchapter. An adopted amendment to §217.181 replaces the word “fee”
10 with the word “fees” because Subchapter I prescribes the department’s processing and handling fees
11 authorized by Transportation Code, §502.1911. Section 217.183 includes two processing and handling
12 fees, which are more fully described in the summary of adopted amendments to §217.183. Adopted
13 amendments to §217.181 also amend other words to ensure that there is subject-verb agreement
14 between the word “fees” and the applicable verbs.

15 Adopted amendments to §217.182(1) add the term “special registration license plate” and the
16 words “special registration” to modify the word “permit” to clarify that each constitutes a “registration
17 transaction,” and implement HB 718, which requires the department to issue license plates rather than
18 paper permits, with consistent use of terminology across the chapter. In accordance with the effective
19 date of HB 718, the amendments to §217.182 are adopted for a future effective date of July 1, 2025.

20 Adopted amendments to §217.183 clarify that the department charges two different processing
21 and handling fees under Transportation Code, §502.1911: 1) a flat fee of \$4.75 for a registration

1 transaction that is processed outside of the department’s TxFLEET system; and 2) \$4.75 plus the
2 applicable service charge for each registration transaction processed through the TxFLEET system.
3 Transportation Code, §502.1911(b)(2) requires the board by rule to set the applicable processing and
4 handling fee in an amount that is sufficient to cover the expenses associated with collecting the
5 registration fees. The applicable service charge for a registration transaction processed through the
6 TxFLEET system is the fee that the Texas Department of Information Resources (DIR) sets under
7 Government Code, §2054.2591, which states that a state agency may charge such fee for a transaction
8 that uses the state electronic Internet portal project. The department uses the state electronic Internet
9 portal project for the payment engine for the TxFLEET system as required by Government Code,
10 §2054.113. The department must pass the DIR fee to the registration applicant to comply with
11 Transportation Code, §502.1911(b)(2).

12 Although the department included the DIR fee in the processing and handling fee of \$4.75 for a
13 registration transaction that is processed outside of the TxFLEET system, the department did not include
14 the DIR fee in the \$4.75 charge that is a portion of the processing and handling fee for a registration
15 transaction that is processed through the TxFLEET system. For a registration transaction that is
16 processed through the TxFLEET system, the processing and handling fee consists of the \$4.75 charge
17 plus the DIR fee, which is generally represented by the following mathematical formula: 2.25 percent
18 plus \$0.25 for each credit card or debit card transaction processed. However, \$0.25 is added to the
19 amount of the underlying fee prior to multiplying that amount by 2.25 percent, and an additional \$0.25
20 is added to that calculation to compute the DIR fee. For example, if the underlying fee is \$100.00
21 (including the \$4.75 charge), the DIR fee would be \$2.51, which would result in a total cost of \$102.51
22 for the registration transaction.

1 The registration fees for the vehicle registration transactions that are processed through the
2 TxFLEET system are typically more expensive than vehicle registration transactions that are processed
3 outside of the TxFLEET system. For example, Transportation Code, §502.0023 authorizes the extended
4 registration of commercial fleet vehicles for up to an eight-year term for which the applicant must pay
5 all registration fees, as well as all other applicable fees, for the selected term at the time of registration.
6 In addition, a commercial fleet could include vehicles with a gross weight that exceeds 6,000 pounds.
7 Transportation Code, §502.252 states that the fee for a registration year for registration of a vehicle
8 with a gross weight of 6,000 pounds or less is \$50.75, unless otherwise provided by Transportation
9 Code, Chapter 502. Transportation Code, §502.253 provides a fee schedule for a registration year for
10 registration of a vehicle with a gross weight of more than 6,000 pounds, unless otherwise provided by
11 Transportation Code, Chapter 502. The fee schedule in Transportation Code, §502.253 provides a fee for
12 seven different ranges of weight classifications based on pounds, starting with a fee of \$54.00 for a
13 vehicle that falls within the weight classification of 6,001 pounds through 10,000 pounds and ending
14 with a fee of \$840.00 for a vehicle that falls within the weight classification of 70,001 through 80,000
15 pounds. If an applicant wanted to register 12 fleet vehicles for a five-year term under Transportation
16 Code, §502.0023, the DIR fee would greatly exceed \$4.75.

17 Adopted amendments to §217.183 also separate the language by adding subsections (a)
18 through (c) to provide clarity. Adopted new §217.183(a) contains the current language regarding the
19 processing and handling fee that is \$4.75 for a registration transaction that is not processed through the
20 TxFLEET system. Adopted new §217.183(a) also clarifies that the language is subject to the language in
21 new subsections (b) and (c). Adopted new §217.183(a) also modifies the rule text to state that certain
22 registration transactions are exempted by §217.184. Adopted new §217.183(b) replaces the existing
23 language with clarified language to describe the processing and handling fee that applies to a

1 registration transaction that is processed through the TxFLEET system. Adopted new §217.183(b) also
2 clarifies that it is subject to the language in new subsection (c) and the exemptions under §217.184.
3 Adopted new §217.183(c) separates existing rule text that explains that the department shall only
4 collect the processing and handling fee on the registration transaction if the transaction includes both
5 registration and issuance of a license plate or specialty plate.

6 Adopted amendments to §217.184 replace the word “fee” with the word “fees” because
7 Subchapter I prescribes the department’s processing and handling fees authorized by Transportation
8 Code, §502.1911. Section 217.183 includes two processing and handling fees, which are more fully
9 described in the summary of adopted amendments to §217.183.

10 An adopted amendment to the title of §217.185 changes the word “Fee” to “Fees” and an
11 adopted amendment to §217.185(a) changes the word “amount” to “amounts” because the department
12 has two different processing and handling fees under §217.183. Adopted amendments to §217.185(a)(1)
13 also combine language in §217.185(a)(1) and §217.185(a)(2) for consistency and ease of understanding
14 without changing the meaning. An adopted amendment to prior §217.185(a)(2) deletes the paragraph
15 to remove redundancy, and renumber the remaining paragraphs accordingly. An adopted amendment
16 to renumbered §217.185(a)(2) replaces “TxIRP” with “TxFLEET” because the department rebranded the
17 TxIRP system as the TxFLEET system, which the department launched on September 16, 2024. At
18 adoption, the department deleted “or (d)(1)(B)(i)” in §217.185(a)(2) as a reference to §217.46(d)(1)(B)(i)
19 since that provision is adopted for repeal.

20 An adopted amendment to renumbered §217.185(a)(3) replaces a reference to the
21 department’s online registration portal with a reference to Texas by Texas (TxT) or the department’s

1 Internet Vehicle Title and Registration Service (IVTRS) because the department currently provides the \$1
2 discount if the registration transaction was processed through either one of these systems.

3 An adopted amendment to §217.185(b) deletes the reference to Transportation Code, §502.092
4 because HB 718 repeals §502.092, effective July 1, 2025. An adopted amendment to §217.185(b) also
5 clarifies the rule by specifying the allocation of the \$4.75 processing and handling fee collected by
6 entities that process applications for special registrations under Transportation Code, §§502.093 -
7 502.095. Adopted amendments to §217.185(b) further provide that the \$0.50 remainder of the
8 processing and handling fee be remitted to the department. This adopted amendment is necessary for
9 the department to comply with Transportation Code, §502.356, which requires the board by rule to
10 adopt an automation fee of not less than \$0.50 and not more than \$1.00 that shall be collected in
11 addition to registration fees and deposited into a subaccount in the Texas Department of Motor Vehicles
12 fund. Section 502.356 specifies how the department may use the automation fee to provide for or
13 enhance the automation of and the necessary infrastructure for certain services and procedures. The
14 board established the automation fee at \$0.50 under §217.72(c). Transportation Code, §502.1911(b)
15 requires the board by rule to include the automation fee that is established under Transportation Code,
16 §502.356 in the processing and handling fee for registration transactions. Therefore, \$0.50 of each
17 processing and handling fee must be remitted to the department. Other amendments to §217.185(b)
18 replace the word “temporary” with the words “special registration” to describe the referenced permit,
19 and add the words “special registration license plate” to implement HB 718 and to ensure consistent use
20 of terminology across the chapter. In accordance with the effective date of HB 718, the amendments to
21 §217.185 are adopted for a future effective date of July 1, 2025.

22 **Subchapter J. Performance Quality Recognition Program.**

1 The adopted amendment to §217.205(e) replaces the current deadline of 90 calendar days for
2 the department’s decision to award or deny a service recognition in response to an application from a
3 county tax assessor-collector’s office by specifying a reoccurring annual deadline of December 31. The
4 adopted amendment streamlines the department’s process and allows the department more flexibility
5 to address all submitted applications in a timely and efficient manner without sacrificing the quality of
6 the review based on the current deadline structure.

7 **Subchapter L. Assembled Vehicles**

8 An adopted amendment to §217.404(a) deletes the phrase “prior to applying for title” because
9 this phrase is unnecessary and clarifies that an application for title for an assembled vehicle is part of the
10 process for an applicant applying for title. An adopted amendment to §217.404(b) adds the phrase
11 “under Transportation Code, Chapter 731” to clarify that applications for assembled vehicles are
12 required to comply with that chapter. At adoption, a minor correction was made to §217.404(b) by
13 capitalizing the word “Code” that was proposed in lowercase text.

14 **SUMMARY OF COMMENTS.**

15 The department received four written comments on the proposal.

16 The department received written comments from one individual, the Texas Independent
17 Automobile Dealers Association (TIADA), the Texas Automobile Dealers Association (TADA), and the
18 Coalition for Sensible Public Records Access (CSPRA).

19 **Comment:** An individual commented that the phrase “within 12 months of the expiration date” within
20 the definition of “current photo identification” in §§217.2(4) and 217.22(11) is confusing and suggests
21 replacing the phrase with “or is expired not more than 12 months.”

1 **Response:** The department agrees. The department modified the proposed language in §217.2(4) and
2 §217.22(11) at adoption to address this concern by replacing “within 12 months of the expiration date”
3 with “expired not more than 12 months” for clarity and ease of reading.

4 **Comment:** An individual commented that the phrase “the symbol, tab, or other device prescribed by and
5 issued by the department” in §217.27(a)(2) should be replaced with “vehicle registration insignia” to align
6 with the use of that same term in §217.27(a)(1), which is a defined term in §217.22.

7 **Response:** The department agrees. The department modified the proposed language in §217.27(a)(2) at
8 adoption to address this concern by replacing “the symbol, tab, or other device prescribed by and issued
9 by the department” with “the vehicle registration insignia” for consistent use of a defined term in the
10 chapter.

11 **Comment:** An individual commented that since §217.4(d)(4) requires no physical documentation to
12 comply with the vehicle inspection process under Transportation Code, Chapter 548, they request the
13 department to make changes to webDEALER to allow dealers to comply with the VIN self-certification
14 process electronically within webDEALER as opposed to completing and uploading the form in
15 webDEALER.

16 **Response:** The department disagrees because this comment is outside the scope of this rulemaking
17 process; however, the department will take the suggestion into consideration in the future development
18 of webDEALER.

19 **Comment:** An individual commented that there is a potential conflict between §217.53(a) and
20 §215.151(d) concerning the disposition of license plates because §215.151(d) directs a dealer to dispose
21 of the existing license plates for a motor vehicle sold to an out of state buyer or sold by export and
22 §217.53(a) directing the dealer to transfer the existing plates of sold motor vehicles without any specified

1 exceptions. The comment further provided the rule did not seem to address situations of motor vehicles
2 sold out of state through wholesale auctions or through dealer-to-dealer transactions.

3 **Response:** The department agrees. At adoption, the department modified §217.53(a) by incorporating a
4 reference to §215.151(d) that addresses the disposition of general issue license plates upon a subsequent
5 retail or nonretail sale of a motor vehicle by a dealer to an in-state or out of state purchaser. This
6 modification will align §217.53(a) with §215.151(d) as to the disposition of general issue license plates for
7 motor vehicles purchased and sold by dealers. The department anticipates future rulemaking prior to July
8 1, 2025, to clarify the procedures for the secure transfer of general issue license plates in the context of
9 auction sales, after consulting with the department’s advisory committees and seeking further
10 stakeholder input.

11 **Comment:** An individual commented that §217.71(b)(7) references a nonexistent system, “webLIEN”.

12 **Response:** The department agrees and acknowledges that webLIEN does not currently exist but that it
13 represents a potential future deployment of online interface and should remain in §217.71(b)(7) as a
14 placeholder. The webLIEN language was not proposed for amendment in this rulemaking.

15 **Comment:** TADA and TIADA commented that the webDEALER training requirements in §217.74(g) should
16 be struck from the rule because dealers have already completed webDEALER training from alternative
17 sources and would be unfairly penalized by having to complete a department required training program
18 that would be duplicative of their previous training.

19 **Response:** The department disagrees. The adopted new language in §217.74(g) limits the required
20 training to new dealers and those dealers lacking sufficient experience in processing transactions in
21 webDEALER. A dealer who had access to webDEALER for more than six months prior to October 1,
22 2024, and submitted more than 100 transactions is exempt from the training requirement. The
23 training requirements will ensure dealers have the knowledge and information they need to accurately

1 enter transactions into webDEALER so that transactions can be efficiently reviewed and approved by the
2 county tax assessor-collectors. To further assist dealers with these requirements, the department intends
3 to expand accessibility to webDEALER training by offering 24/7 online access.

4 **Comment:** TADA commented that §217.74(g) should distinguish license holders who do not personally
5 input transactions into webDEALER and instead employ staff to input the transactions from license holders
6 who personally enter transactions into webDEALER. TADA commented that only those license holders
7 personally entering transactions into webDEALER and staff entering transactions under a license holder's
8 account should be required to be trained on webDEALER.

9 **Response:** The department agrees. At adoption, changes to the first paragraph of §217.74(g) and
10 subsection §217.74(g)(2) clarify that only users entering data into webDEALER are required to
11 complete webDEALER training.

12 **Comment:** TIADA commented that §217.40 should allow a dealer to apply for a temporary 30-day
13 registration extension for the license plates issued by the dealer in lieu of applying for a 30-day license
14 plate when the dealer is unable to timely obtain the permanent registration for a motor vehicle.

15 **Response:** The department disagrees. Transportation Code, §503.063, as amended by HB 718, provides
16 that the license plates issued for a motor vehicle sold by a dealer are valid for the operation of the vehicle
17 while the motor vehicle's application for registration is submitted by the dealer under Transportation
18 Code, §501.0234 and is pending approval. Thus, an extension of registration is not necessary during the
19 pendency of the application for registration nor is there a need to issue a 30-day license plate.

20 **Comment:** TADA commented that §217.36 should provide a specific reference to the exemption to
21 registration refusals under Transportation Code, §702.003(f) to avoid any misunderstanding of the
22 application of §217.36 by the department and/or county tax assessor-collectors.

1 **Response:** The department disagrees. §217.36 sufficiently addresses this concern by stating the refusal to
2 register a motor vehicle must be in accordance with Transportation Code, §702.003. The reference to this
3 statutory provision and requirement that the refusal to register be in accordance with this provision make
4 clear that any exemption noted in the statutory provision prohibits such action by a county tax assessor-
5 collector.

6 **Comment:** CSPRA stated the proposed language in Chapter 217, Subchapter F, requiring requestors to
7 submit copies of the agreements they use to release motor vehicle record information to third parties,
8 would disclose propriety information and is unnecessary given the assurances and prohibitions a
9 requestor is obligated to comply with under Transportation Code, Chapter 730 concerning motor vehicle
10 records.

11 **Response:** The department agrees. At adoption, §§217.123(e)(1)(D) and 217.123(f)(1)(D) were modified
12 to clarify that the applications submitted by requestors include blank copies of the agreements used by
13 requestors to release motor vehicle record information to third parties to avoid the disclosure of
14 confidential or propriety information that could be contained in an actual agreement used by the
15 requestor to release motor vehicle record information to third parties.

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17

SUBCHAPTER A. MOTOR VEHICLE TITLES

18

43 TAC §§217.2-9, 217.11, AND 217.14-16

19

20 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
21 Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code,
22 Chapter 501, Certificate of Title Act; Transportation Code, §501.023, which authorizes the department to
23 prescribe the process and procedures for applying for a motor vehicle title; Transportation Code,

1 §501.0235, which authorizes the department to adopt rules requiring current personal identification from
2 applicants requesting a motor vehicle title; Transportation Code, §501.0236, as amended by HB 718,
3 which authorizes the department to adopt rules governing the issuance of a motor vehicle titles and
4 permits to purchasers of a motor vehicle where a motor vehicle dealer goes out of business;
5 Transportation Code, §501.025, which authorizes the department to specify the requirements for a
6 manufacturer’s certificate of origin for issuance of a motor vehicle title; Transportation Code, §501.029,
7 which authorizes the department to adopt rules to identify documents that are acceptable as proof of
8 ownership of a motor vehicle for registration purposes only; Transportation Code, §501.030, which
9 authorizes the department to adopt rules governing identification number inspections for motor vehicles
10 brought into the state; Transportation Code, §501.0315, which authorizes the department to adopt rules
11 governing the designation of a beneficiary by a motor vehicle owner; §501.0321; Transportation Code
12 §501.0322, which provides the department with authority to adopt rules to establish an alternative
13 identification number inspection; Transportation Code, §501.051(d), which gives the department
14 authority to place a hold on processing a title application for a motor vehicle if the department receives a
15 request for a hold accompanied by evidence of a legal action regarding ownership of or a lien interest in
16 the motor vehicle until a final, nonappealable judgment is entered in the action or the party requesting
17 the hold requests that the hold be removed; Transportation Code, §501.147, as amended by HB 718,
18 which authorizes the department to adopt rules governing the submission of transfer notifications to the
19 department; and Transportation Code, §1002.001, which authorizes the department to adopt rules that
20 are necessary and appropriate to implement the powers and the duties of the department, as well as the
21 statutes referenced throughout this preamble.

22 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
23 Chapters 501 and 548.

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Text.

§217.2. Definitions.

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

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

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

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

(4) Current photo identification-- A government-issued photo identification that is currently valid or is expired not more than 12 months, or a state-issued personal identification certificate issued to a qualifying person if the identification states that it has no expiration.

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

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

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

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

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

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

11 (11) Moped--A motor vehicle as defined by Transportation Code, §541.201.

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

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

18 (14) Person--An individual, firm, corporation, company, partnership, or other entity.

19 (15) Safety certification label--A label placed on a motor vehicle by a manufacturer
20 certifying that the motor vehicle complies with all federal motor vehicle safety standards.

21

22 (16) Statement of fact--A written declaration that supports an application for a
23 title, that is executed by an involved party to a transaction involving a motor vehicle, and that

1 clarifies an error made on a title or other negotiable evidence of ownership. An involved party is
2 the seller, or an agent of the seller involved in the motor vehicle transaction. When a written
3 declaration is necessary to correct an odometer disclosure error, the signatures of both the seller
4 and buyer when the error occurred are required.

5 (17) Title application--A form prescribed by the division director that reflects the
6 information required by the department to create a motor vehicle title record.

7 (18) Verifiable proof--Additional documentation required of a vehicle owner,
8 lienholder, or agent executing an application for a certified copy of a title.

9

10 §217.3. Motor Vehicle Titles.

11 Unless otherwise exempted by law or this chapter, the owner of any motor vehicle that is
12 required to be titled, including any motor vehicle required to be registered in accordance with
13 Transportation Code Chapter 502, shall apply for a Texas title in accordance with Transportation
14 Code Chapter 501 or 731, or this subchapter.

15 (1) Motorcycles, autocycles, and mopeds. The title requirements for a motorcycle,
16 autocycle, and moped are the same requirements prescribed for any motor vehicle.

17 (2) Farm vehicles.

18 (A) Farm tractors owned by agencies exempt from registration fees in
19 accordance with Transportation Code §502.453, are required to be titled and registered with
20 "Exempt" license plates issued in accordance with Transportation Code §502.451.

21 (B) Tractors used as road tractors to mow rights of way or used to move
22 commodities over the highway for hire are required to be registered and titled.

1 (3) Neighborhood electric vehicles. The title requirements of a neighborhood
2 electric vehicle (NEV) are the same requirements prescribed for any motor vehicle.

3 (4) Trailers, semitrailers, and house trailers. If a trailer or semitrailer with a gross
4 weight of 4,000 pounds or less has been titled previously, any subsequent owner shall apply for a
5 Texas title for the trailer or semitrailer. Travel trailer-type vehicles must meet the criteria outlined
6 in subparagraph (C) of this paragraph to be titled:

7 (A) The rated carrying capacity will not be less than one-third of its empty
8 weight.

9 (B) Mobile office trailers, mobile oil field laboratories, and mobile oil field
10 bunkhouses are not designed as dwellings, but are classified as commercial semitrailers and must
11 be registered and titled as commercial semitrailers if operated on the public streets and highways.

12 (C) House trailer-type vehicles and camper trailers must meet the following
13 criteria in order to be titled.

14 (i) A house trailer-type vehicle that is less than eight feet six inches
15 in width or less than 45 feet in length is classified as a travel trailer and shall be registered and
16 titled.

17 (ii) A camper trailer shall be titled as a house trailer and shall be
18 registered with travel trailer license plates.

19 (iii) A recreational park model type trailer that is primarily designed
20 as temporary living quarters for recreational, camping or seasonal use, is built on a single chassis,
21 and is 400 square feet or less when measured at the largest horizontal projection when in the set
22 up mode shall be titled as a house trailer and may be issued travel trailer license plates.

1 (5) Assembled vehicles. The title requirements for assembled vehicles are
2 prescribed in Subchapter L of this title (relating to Assembled Vehicles).

3 (6) Not Eligible for Title. The following are not eligible for a Texas title regardless of
4 the vehicle's previous title or registration in this or any other jurisdiction:

5 (A) vehicles that are missing or are stripped of their motor, frame, or body,
6 to the extent that the vehicle loses its original identity or makes the vehicle unsafe for on-road
7 operation as determined by the department;

8 (B) vehicles designed by the manufacturer for on-track racing only;

9 (C) vehicles designed or determined by the department to be for off-
10 highway use only, unless specifically defined as a "motor vehicle" in Transportation Code Chapter
11 501; or

12 (D) vehicles assembled, built, constructed, rebuilt, or reconstructed in any
13 manner with:

14 (i) a body or frame from a vehicle which is a "nonrepairable motor
15 vehicle" as that term is defined in Transportation Code §501.091(9); or

16 (ii) a motor or engine from a vehicle which is flood damaged, water
17 damaged, or any other term which may reasonably establish the vehicle from which the motor or
18 engine was obtained is a loss due to a water related event.

19

20 §217.4. Initial Application for Title.

21 (a) Time for application. A person must apply for the title not later than the 30th day after
22 the date of assignment, except:

1 (1) in a seller-financed sale, the title must be applied for not later than the 45th day
2 after the date the motor vehicle is delivered to the purchaser;

3 (2) a member of the armed forces or a member of a reserve component of the
4 United States, a member of the Texas National Guard or of the National Guard of another state
5 serving on active duty, must apply not later than the 60th day after the date of assignment of
6 ownership; or

7 (3) as otherwise provided by Transportation Code, Chapter 501.

8 (b) Place of application. Except as otherwise provided by Transportation Code, Chapters
9 501 and 502, and by §217.84(a) of this title (relating to Application for Nonrepairable or Salvage
10 Vehicle Title), when motor vehicle ownership is transferred, a title application must be filed with:

11 (1) the county tax assessor-collector in the county in which the applicant resides or
12 in the county in which the motor vehicle was purchased or encumbered; or

13 (2) a county tax assessor-collector of a county who is willing to accept the
14 application.

15 (c) Information to be included on application. An applicant for an initial title must file an
16 application on a form prescribed by the department. The form will at a minimum require the:

17 (1) motor vehicle description including, but not limited to, the motor vehicle:

18 (A) year;

19 (B) make;

20 (C) identification number;

21 (D) body style; and

22 (E) empty weight;

1 (2) license plate number, if the motor vehicle is subject to registration under
2 Transportation Code, Chapter 502;

3 (3) odometer reading and brand, or the word "exempt" if the motor vehicle is
4 exempt from federal and state odometer disclosure requirements;

5 (4) previous owner's legal name and municipality and state, if available;

6 (5) legal name as stated on the identification presented and complete address of
7 the applicant;

8 (6) name and mailing address of any lienholder and the date of lien, if applicable;

9 (7) signature of the seller of the motor vehicle or the seller's authorized agent and
10 the date the title application was signed; and

11 (8) signature of the applicant or the applicant's authorized agent and the date the
12 title application was signed.

13 (d) Accompanying documentation. The title application must be supported by, at a
14 minimum, the following documents:

15 (1) evidence of vehicle ownership, as described in §217.5 of this title (relating to
16 Evidence of Motor Vehicle Ownership);

17 (2) an odometer disclosure statement properly executed by the seller of the motor
18 vehicle and acknowledged by the purchaser, if applicable;

19 (3) proof of financial responsibility in the applicant's name, as required by
20 Transportation Code, §502.046, unless otherwise exempted by law;

21 (4) for a vehicle last registered or titled in another state, verification of the vehicle
22 identification number by a process prescribed on a form by the department for the applicant to

1 self-certify the vehicle identification number if the vehicle is not subject to Transportation Code,
2 Chapter 548;

3 (5) a release of any liens, provided that if any liens are not released, they will be
4 carried forward on the new title application; and

5 (6) any documents required by §217.9 of this title (relating to Bonded Titles).

6

7 §217.5. Evidence of Motor Vehicle Ownership.

8 (a) Evidence of motor vehicle ownership properly assigned to the applicant must
9 accompany the title application. Evidence must include, but is not limited to, the following
10 documents.

11 (1) New motor vehicles. A manufacturer's certificate of origin assigned by the
12 manufacturer or the manufacturer's representative or distributor to the original purchaser is
13 required for a new motor vehicle that is sold or offered for sale.

14 (A) The manufacturer's certificate of origin must be in the form prescribed
15 by the department and must contain, at a minimum, the following information:

16 (i) manufacturer's name on the face of the manufacturer's
17 certificate of origin;

18 (ii) motor vehicle description including, but not limited to, the motor
19 vehicle year, make, model, identification number, and body style;

20 (iii) the empty or shipping weight;

21 (iv) the gross vehicle weight when the manufacturer's certificate of
22 origin is invoiced to a licensed Texas motor vehicle dealer and is issued for commercial motor
23 vehicles as that term is defined in Transportation Code, Chapter 502;

1 (v) a statement identifying a motor vehicle designed by the
2 manufacturer for off-highway use only;

3 (vi) if the vehicle is a motor bus, the manufacturer must show the
4 seating capacity (number of passengers) of the motor bus on the manufacturer's certificate; and

5 (vii) if the vehicle is a "neighborhood electric vehicle," a statement
6 that the vehicle meets Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500) for low-
7 speed vehicles.

8 (B) When a motor vehicle manufactured in another country is sold directly
9 to a person other than a manufacturer's representative or distributor, the manufacturer's
10 certificate of origin must be assigned to the purchaser by the seller.

11 (2) Used motor vehicles. Applicants applying for title to a used motor vehicle must
12 relinquish as evidence of ownership one of the following documents:

13 (A) a title issued by the department;

14 (B) a title issued by another state if the motor vehicle was last titled in
15 another state;

16 (C) documents evidencing a transfer of motor vehicle ownership by
17 operation of law as listed in Transportation Code §501.074;

18 (D) a registration receipt if the applicant is coming from a state that no
19 longer titles vehicles after a certain period of time; or

20 (E) a bill of sale when the applicant presents:

21 (i) an out-of-state or out-of-country registration receipt that does
22 not provide a transfer of ownership section;

1 (ii) an out of state title when all dealer reassignment sections have
2 been completed and the issuing state does not utilize supplemental dealer reassignment forms; or

3 (iii) a non-titled vehicle.

4 (3) Evidence of Ownership for Purpose of Identification Number Assignment or
5 Reassignment. An applicant for assignment or reassignment of an identification number under
6 Transportation Code §501.033 who is unable to produce evidence of ownership under this section,
7 may file a bond with the department in accordance with Transportation Code §501.053 and §217.9
8 of this title (relating to Bonded Titles). The bond will serve as evidence of ownership for purposes
9 of §501.033(b).

10 (4) Motor vehicles brought into the United States. An application for title for a
11 motor vehicle last registered or titled in a foreign country must be supported by documents
12 including, but not limited to, the following:

13 (A) the motor vehicle registration certificate or other verification issued by
14 a foreign country reflecting the name of the applicant as the motor vehicle owner, or reflecting
15 that legal evidence of ownership has been legally assigned to the applicant;

16 (B) the identification number inspection required under Transportation
17 Code §501.032(a)(2), except as provided in §501.032(b); and

18 (C) for motor vehicles that are less than 25 years old, proof of compliance
19 with United States Department of Transportation (USDOT) regulations including, but not limited to,
20 the following documents:

21 (i) the original bond release letter with all attachments advising that
22 the motor vehicle meets federal motor vehicle safety requirements or a letter issued by the

1 USDOT, National Highway Traffic Safety Administration, verifying the issuance of the original bond
2 release letter;

3 (ii) a legible copy of the motor vehicle importation form validated
4 with a signature as filed with the USDOT confirming the exemption from the bond release letter
5 required in clause (i) of this subparagraph, or a copy thereof certified by United States Customs;

6 (iii) a verification of motor vehicle inspection by United States
7 Customs certified on its letterhead and signed by its agent verifying that the motor vehicle
8 complies with USDOT regulations;

9 (iv) a written confirmation that a physical inspection of the safety
10 certification label has been made by the department and that the motor vehicle meets United
11 States motor vehicle safety standards;

12 (v) the original bond release letter, verification thereof, or written
13 confirmation from the previous state verifying that a bond release letter issued by the USDOT was
14 relinquished to that jurisdiction, if the non-United States standard motor vehicle was last titled or
15 registered in another state for one year or less; or

16 (vi) verification from the vehicle manufacturer on its letterhead
17 stationery.

18 (b) Alterations to documentation. An alteration to a registration receipt, title,
19 manufacturer's certificate, or other evidence of ownership constitutes a valid reason for the
20 rejection of any transaction to which altered evidence is attached.

21 (1) Altered lien information on any surrendered evidence of ownership requires a
22 release from the original lienholder or a statement from the proper authority of the state in which
23 the lien originated. The statement must verify the correct lien information.

1 (2) A strikeover that leaves any doubt about the legibility of any digit in any
2 document will not be accepted.

3 (3) A corrected manufacturer's certificate of origin will be required if the
4 manufacturer's certificate of origin contains an:

5 (A) incomplete or altered vehicle identification number;

6 (B) alteration or strikeover of the vehicle's model year;

7 (C) alteration or strikeover to the body style, or omitted body style on the
8 manufacturer's certificate of origin; or

9 (D) alteration or strikeover to the weight.

10 (4) A statement of fact may be requested to explain errors, corrections, or
11 conditions from which doubt does or could arise concerning the legality of any instrument. A
12 statement of fact will be required in all cases:

13 (A) in which the date of sale on an assignment has been erased or altered in
14 any manner; or

15 (B) of alteration or erasure on a Dealer's Reassignment of Title.

16 (c) Rights of survivorship. A signed "rights of survivorship" agreement may be executed by
17 a natural person acting in an individual capacity in accordance with Transportation Code,
18 §501.031.

19 (d) Identification required.

20 (1) An application for title is not acceptable unless the applicant presents a current
21 photo identification of the owner containing a unique identification number. The current photo
22 identification must be a:

1 (A) driver's license or state identification certificate issued by a state or
2 territory of the United States;

3 (B) United States or foreign passport;

4 (C) United States military identification card;

5 (D) North Atlantic Treaty Organization identification or identification issued
6 under a Status of Forces Agreement;

7 (E) United States Department of Homeland Security, United States
8 Citizenship and Immigration Services, or United States Department of State identification
9 document; or

10 (F) license to carry a handgun issued by the Texas Department of Public
11 Safety under Government Code, Chapter 411, Subchapter H.

12 (2) If the motor vehicle is titled in:

13 (A) more than one name, then the identification of one owner must be
14 presented;

15 (B) the name of a leasing company, then:

16 (i) proof of the Federal Employer Identification Number/Employee
17 Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the
18 application, and can be entered into the department's titling system. The number must correspond
19 to the name of the leasing company in which the vehicle is being titled; and

20 (ii) the leasing company may submit:

21 (I) a government issued photo identification, required under
22 paragraph (1) of this subsection, of the lessee listed as the registrant; or

1 (II) a government issued photo identification, required under
2 paragraph (1) of this subsection, of the employee or authorized agent who signed the application
3 for the leasing company, and the employee's or authorized agent's employee identification, letter
4 of authorization written on the lessor's letterhead, or a printed business card. The printed business
5 card, employee identification, or letter of authorization written on the lessor's letterhead must
6 contain the name of the lessor, and the employee's or authorized agent's name must match the
7 name on the government issued photo identification;

8 (C) the name of a trust, then a government issued photo identification,
9 required under paragraph (1) of this subsection, of a trustee must be presented; or

10 (D) the name of a business, government entity, or organization, then:

11 (i) proof of the Federal Employer Identification Number/Employee
12 Identification Number (FEIN/EIN) of the business, government entity, or organization must be
13 submitted, written on the application, and can be entered into the department's titling system.
14 The number must correspond to the name of the business, government entity, or organization in
15 which the vehicle is being titled;

16 (ii) the employee or authorized agent must present a government
17 issued photo identification, required under paragraph (1) of this subsection; and

18 (iii) the employee's or authorized agent's employee identification;
19 letter of authorization written on the business', government entity's, or organization's letterhead;
20 or a printed business card. The printed business card, employee identification, or letter of
21 authorization written on the business', government entity's, or organization's letterhead must
22 contain the name of the business, governmental entity, or organization, and the employee's or
23 authorized agent's name must match the name on the government issued photo identification.

1 (3) In addition to the requirements of paragraphs (1) and (2) of this subsection, if a
2 power of attorney is being used to apply for a title, then the applicant must show:

3 (A) identification, required under paragraph (1) of this subsection, matching
4 the person named as power of attorney; or

5 (B) identification, required under paragraph (1) of this subsection, and
6 employee identification or a printed business card or authorization written on the letterhead of
7 the entity named as power of attorney that matches the identification of the employee if the
8 power of attorney names an entity.

9 (4) Within this subsection, an identification document such as a printed business
10 card, letter of authorization, or power of attorney, may be an original or a photocopy.

11 (5) A person who holds a general distinguishing number issued under
12 Transportation Code, Chapter 503 is exempt from submitting to the county tax assessor-collector,
13 but must retain:

14 (A) the owner's identification, as required under paragraph (1) of this
15 subsection; and

16 (B) authorization to sign, as required under paragraph (2) of this subsection.

17 (6) A person who holds a general distinguishing number issued under
18 Transportation Code, Chapter 503 is not required to submit photo identification or authorization
19 for an employee or agent signing a title assignment with a secure power of attorney.

20
21 §217.6. Title Issuance.

22 (a) Issuance. The department or its designated agent will issue a receipt and process the
23 application for title on receipt of:

- 1 (1) a completed application for title;
- 2 (2) required accompanying documentation;
- 3 (3) the statutory fee for a title application, unless exempt under:
 - 4 (A) Transportation Code, §501.138; or
 - 5 (B) Government Code, §437.217 and copies of official military orders are
 - 6 presented as evidence of the applicant's active duty status and deployment orders to a hostile fire
 - 7 zone; and
 - 8 (4) any other applicable fees.
- 9 (b) Titles. The department will issue and mail or deliver a title to the applicant or, in the
- 10 event that there is a lien disclosed in the application, to the first lienholder unless the title is an
- 11 electronic record of title.
- 12 (c) Receipt. The receipt issued at the time of application for title may be used only as
- 13 evidence of title and may not be used to transfer any interest or ownership in a motor vehicle or to
- 14 establish a new lien.
- 15 (d) Temporary hold. The department shall place a hold on processing a title application for
- 16 a motor vehicle if the department receives a request for a hold accompanied by evidence of a legal
- 17 action regarding ownership of or a lien interest in the motor vehicle. The hold shall continue until a
- 18 final, nonappealable judgment is entered in the action or the party requesting the hold requests
- 19 that the hold be removed.
- 20 (1) Evidence of a legal action regarding ownership of or a lien interest in a motor
- 21 vehicle means evidence showing a legal action regarding ownership of or a lien interest in a motor
- 22 vehicle filed in a district, county, statutory probate court, or bankruptcy court.

1 (2) Legal actions filed in justice of the peace or municipal courts do not qualify as
2 evidence for purposes of this section unless the case is related to Chapter 47, Code of Criminal
3 Procedure, or Section 27.031, Government Code.

4 (3) Legal actions regarding ownership of or a lien interest in a motor vehicle must
5 be active on a court’s docket. If the evidence presented in support of a request for a hold is a legal
6 action that has been resolved through a final nonappealable judgment, additional evidence of
7 post-judgment legal actions must be presented to place a hold on processing a title.

8 (4) The department shall place a ten-day temporary hold on processing a title if a
9 party seeking to obtain a 10-day temporary hold presents the VIN of the vehicle for which the hold
10 is sought, and attests that the hold is being requested in order to commence a legal action
11 disputing a title or lien interest in a motor vehicle and not for purposes of delay.

12 (5) For the purposes of this subsection, a final nonappealable judgment is a
13 judgment for which 30 days have passed from the day the judgment was entered without a notice
14 of appeal being filed.

15
16 §217.7. Replacement of Title.

17 (a) Lost or destroyed title. If a title is lost or destroyed, the department will issue a certified
18 copy of the title to the owner, the lienholder, or a verified agent of the owner or lienholder in
19 accordance with Transportation Code, Chapter 501, on proper application and payment of the
20 appropriate fee to the department.

21 (b) Identification required.

1 (1) An owner or lienholder may not apply for a certified copy of title unless the
2 applicant presents a current photo identification of the owner or lienholder containing a unique
3 identification number and expiration date. The current photo identification must be a:

4 (A) driver's license or state identification certificate issued by a state or
5 territory of the United States;

6 (B) United States or foreign passport;

7 (C) United States military identification card;

8 (D) North Atlantic Treaty Organization identification or identification issued
9 under a Status of Forces Agreement;

10 (E) United States Department of Homeland Security, United States
11 Citizenship and Immigration Services, or United States Department of State identification
12 document; or

13 (F) license to carry a handgun issued by the Texas Department of Public
14 Safety under Government Code, Chapter 411, Subchapter H.

15 (2) If the motor vehicle is titled in:

16 (A) more than one name, then the identification for each owner must be
17 presented;

18 (B) the name of a leasing company, then the lessor's employee or
19 authorized agent who signed the application for the leasing company must present:

20 (i) a government issued photo identification, required under
21 paragraph (1) of this subsection; and

22 (ii) employee identification, letter of authorization written on the
23 lessor's letterhead, or a printed business card. The printed business card, employee identification,

1 or letter of authorization written on the lessor's letterhead must contain the name of the lessor,
2 and the employee's or authorized agent's name must match the name on the government issued
3 photo identification;

4 (C) the name of a trust, then a government issued photo identification,
5 required under paragraph (1) of this subsection, of a trustee must be presented; or

6 (D) the name of a business, government entity, or organization, then:

7 (i) the employee or authorized agent must present a government
8 issued photo identification, required under paragraph (1) of this subsection; and

9 (ii) the employee's or authorized agent's employee identification;
10 letter of authorization written on the business', government entity's, or organization's letterhead;
11 or a printed business card. The printed business card, employee identification, or letter of
12 authorization written on the business', government entity's, or organization's letterhead must
13 contain the name of the business, governmental entity, or organization, and the employee's or
14 authorized agent's name must match the name on the government issued photo identification.

15 (3) In addition to the requirements of paragraphs (1) and (2) of this subsection, if a
16 power of attorney is being used to apply for a certified copy of title, then the applicant must show:

17 (A) current photo identification, required under paragraph (1) of this
18 subsection, matching the person named as power of attorney;

19 (B) current photo identification, required under paragraph (1) of this
20 subsection, and employee identification or a printed business card or authorization written on the
21 letterhead of the entity named as power of attorney that matches the identification of the
22 employee if the power of attorney names an entity; or

1 (C) current photo identification, required under paragraph (1) of this
2 subsection, of the owner or lienholder.

3 (4) Within this subsection, an identification document, such as a printed business
4 card, letter of authorization, or power of attorney, may be an original or a photocopy.

5 (c) Issuance. An application for a certified copy must be properly executed and supported
6 by appropriate verifiable proof of the vehicle owner, lienholder, or agent regardless of whether
7 the application is submitted in person or by mail. A certified copy will not be issued until after the
8 14th day that the original title was issued.

9 (d) Denial. If issuance of a certified copy is denied, the applicant may resubmit the request
10 with the required verifiable proof or may pursue the privileges available in accordance with
11 Transportation Code, §501.052 and §501.053.

12 (e) Additional copies. An additional certified copy will not be issued until 30 days after
13 issuance of the previous certified copy.

14 (f) Fees. The fee for obtaining a certified copy of a title is \$2 if the application is submitted
15 to the department by mail and \$5.45 if the application is submitted in person for expedited
16 processing at one of the department's regional offices.

17

18 §217.8. Second-Hand Vehicle Transfers.

19 (a) Voluntary notification. A transferor, other than a dealer who holds a general
20 distinguishing number, of a motor vehicle may voluntarily make written notification to the
21 department of the sale of the vehicle, in accordance with Transportation Code, §501.147. The
22 written notification may be submitted to the department by mail, in person at one of the
23 department's regional offices, or electronically through the department's Internet website.

1 (b) Required notification. A dealer who holds a general distinguishing number is required to
2 submit a written vehicle transfer notification to the department including the information required
3 under Transportation Code, §501.147(b) upon the sale or transfer of a motor vehicle to the dealer.
4 The written notification may be submitted to the department by mail, in person at one of the
5 department's regional offices, or electronically through the department's Internet website.

6 (c) Records. On receipt of written notice of transfer from the transferor of a motor vehicle
7 or dealer who holds a general distinguishing number, the department will mark its records to
8 indicate the date of transfer and will maintain a record of the information provided on the written
9 notice of transfer.

10 (d) Title issuance. A title will not be issued in the name of a transferee until the transferee
11 files an application for the title as described in this subchapter.

12

13 §217.9. Bonded Titles

14 (a) Who may file. A person who has an interest in a motor vehicle to which the department
15 has refused to issue a title or has suspended or revoked a title may request issuance of a title from
16 the department on a prescribed form if the vehicle is in the possession of the applicant; and

17 (1) there is a record that indicates a lien that is less than ten years old and the
18 applicant provides a release of all liens and a bond;

19 (2) there is a record that indicates there is not a lien or the lien is ten or more years
20 old; or

21 (3) the department has no previous motor vehicle record.

22 (b) Administrative fee. The applicant must pay the department a \$15 administrative fee in
23 addition to any other required fees.

1 (c) Value. The amount of the bond must be equal to one and one-half times the value of
2 the vehicle as determined under Tax Code §152.0412 regarding Standard Presumptive Value (SPV).
3 If the SPV is not available, then a national reference guide will be used. If the value cannot be
4 determined by the department through either source, then the person may obtain an appraisal. If
5 a motor vehicle is 25 years or older, a person may obtain an appraisal to determine the value
6 instead of using a national reference guide.

7 (1) The appraisal must be on a form specified by the department from a Texas
8 licensed motor vehicle dealer for the categories of motor vehicles that the dealer is licensed to sell
9 or a Texas licensed insurance adjuster who may appraise any type of motor vehicle.

10 (2) The appraisal must be dated and be submitted to the department within 30 days
11 of the appraisal.

12 (3) If the motor vehicle is 25 years or older and the appraised value of the vehicle is
13 less than \$4,000, the bond amount will be established from a value of \$4,000.

14 (4) If the motor vehicle is a trailer or semitrailer, the person may, as an alternative
15 to an appraisal, have the bond amount established from a value of:

16 (A) \$4,000, if under 20 feet in length, or

17 (B) \$7,000, if 20 or more feet in length.

18 (d) Vehicle identification number inspection. If the department has no motor vehicle record
19 for the vehicle, the vehicle identification number must be verified by an inspection under
20 Transportation Code §501.0321.

21 (e) Required documentation. An applicant may apply for a bonded title if the applicant
22 submits:

23 (1) any evidence of ownership;

- 1 (2) the original bond within 30 days of issuance;
- 2 (3) the notice of determination within one year of issuance and the receipt for \$15
- 3 paid to the department;
- 4 (4) the documentation determining the value of the vehicle;
- 5 (5) proof of the vehicle identification number inspection, as described in subsection
- 6 (d) of this section, if the department has no motor vehicle record for the vehicle;
- 7 (6) a weight certificate if the weight cannot otherwise be determined;
- 8 (7) a release of lien, if the lien is less than ten years old; and
- 9 (8) any other required documentation and fees.

10 (f) Report of Judgment. The bond must require that the surety report payment of any
11 judgment to the department within 30 days.

12

13 §217.11. Rescission, Cancellation or Revocation by Affidavit.

14 (a) Under Transportation Code §501.051(b), the department may rescind, cancel, or revoke
15 an existing title or application for a title if a notarized or county stamped affidavit is completed
16 and presented to the department within 90 days of initial sale containing all of the information
17 required by Transportation Code §501.051(b)(1)-(4).

18 (b) An affidavit must be accompanied by an odometer disclosure statement
19 executed by the purchaser of the motor vehicle and acknowledged by the dealer if the vehicle was
20 ever in the possession of the title applicant.

21

22 217.14. Exemptions from Title.

1 Vehicles eligible for machinery license plates and permit license plates in accordance with
2 Transportation Code, §502.146 may not be titled under Transportation Code, Chapter 501.

3

4 §217.15. Title Issuance to Government Agency for Travel Trailer.

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

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

10 (c) The department will issue a title to a government agency under this section without
11 payment of a fee if the government agency is not applying for registration at the same time. If the
12 government agency is also applying for registration, the government agency must pay any
13 applicable fee under Transportation Code, Chapter 548 to the department at the time of
14 application.

15

16 §217.16. Application for Title When Dealer Goes Out of Business.

17 (a) A person who purchased a vehicle from a dealer who is required to apply for a title on
18 the purchaser's behalf under Transportation Code, §501.0234 may apply for title as prescribed by
19 this section if the dealer has gone out of business and did not apply for title.

20 (b) For purposes of this section, a dealer has gone out of business if:

21 (1) the dealer's license has been closed or has expired; or

22 (2) operations have ceased at the licensed location as determined by the
23 department.

1 (c) For purposes of this section, a person must obtain a letter on department letterhead
2 stating a dealer has gone out of business. A person may request the letter by contacting the
3 department, including a Regional Service Center, or a county tax assessor-collector's office.

4 (d) An application under subsection (a) of this section must meet the requirements of
5 §217.4 of this title (relating to Initial Application for Title) except the applicant:

6 (1) must provide the sales contract, retail installment agreement, or buyer's order
7 in lieu of evidence of vehicle ownership as described in §217.5(a) of this title (relating to Evidence
8 of Motor Vehicle Ownership);

9 (2) must provide the letter described by subsection (c) of this section; and

10 (3) is not required to provide a release of lien if the only recorded lienholder is the
11 dealer that has gone out of business.

12 (e) If a title application under this section does not include a properly completed odometer
13 disclosure statement, as required by Transportation Code, §501.072, the odometer brand will be
14 recorded as "NOT ACTUAL MILEAGE."

15 (f) The department will waive the payment of the following fees if the applicant can
16 provide evidence showing the fee was paid to the dealer:

17 (1) a title application fee under Transportation Code, §501.138;

18 (2) delinquent transfer penalty under Transportation Code, §501.146;

19 (3) all fees under Transportation Code, Chapter 502; and

20 (4) the fee associated with the issuance of a license plate or set of license
21 plates under Transportation Code, §503.063.

22

23

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

1 **43 TAC §§217.22, 217.23, 217.25-29, 217.31, 217.33, 217.34, 217.36, 217.37, 217.40,**
2 **217.41, 217.43, 217.45, 217.46, AND 217.50-56**

3
4 **STATUTORY AUTHORITY.** In addition to the rulemaking authority provided in Section 34 of HB 718, the
5 department adopts amendments to Chapter 217 under Transportation Code §502.0021, which gives the
6 department authority to adopt rules to administer Transportation Code Chapter 502, Registration of
7 Vehicles; Transportation Code §502.0024, as amended by HB 3297, which requires the department
8 develop and implement a system of registration to allow an owner of a vehicle to register the vehicle for
9 an extended period of not more than five years; Transportation Code §502.040, which authorizes the
10 department to prescribe the process and procedures for applying for a motor vehicle registration;
11 Transportation Code §502.059, which authorizes the department to adopt rules providing for an
12 automated registration process; Transportation Code §502.095, as amended by HB 718, which gives the
13 department authority to issue one-trip and 30-day license plates; Transportation Code §502.1911, which
14 authorizes the board to adopt rules to set registration processing and handing fees; Transportation Code
15 §502.451(c), which authorizes the department to adopt rules to provide for the issuance of specially
16 designated license plates for vehicles exempt by law, and Transportation Code §502.451(f), which
17 authorizes the department to adopt rules to provide for the issuance of regularly designed license plates
18 not bearing the word “exempt” for a vehicle that is exempt by law. Transportation Code §504.0011,
19 which gives the department authority to implement and administer Transportation Code, Chapter 504,
20 License Plates; Transportation Code §504.010, which authorizes the department to adopt rules
21 governing the placement of license plates on motor vehicles; Transportation Code §520.003, which
22 authorizes the department to adopt rules to administer Transportation Code §520, Miscellaneous
23 Provisions; Transportation Code §520.004, which authorizes the department to adopt rules to establish

1 standards for uniformity and service quality for counties conducting registration and titling services;
2 Transportation Code §520.0055, as created by HB 718, gives the department authority to mandate
3 motor vehicle dealers use a department designated electronic system to submit title and registration
4 applications to county tax assessor-collectors for motor vehicle transactions; and Transportation Code
5 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
6 the powers and the duties of the department, as well as the statutes referenced throughout the this
7 preamble.

8 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
9 Chapters 502, 504 and 520.

10

11 Text.

12 §217.22. Definitions.

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

15 (1) Affidavit for alias exempt registration--A form prescribed by the director that
16 must be executed by an exempt law enforcement agency to request the issuance of exempt
17 registration in the name of an alias.

18 (2) Agent--A duly authorized representative possessing legal capacity to act for an
19 individual or legal entity.

20 (3) Alias--The name of a vehicle registrant reflected on the registration, different
21 than the name of the legal owner of the vehicle.

22 (4) Alias exempt registration--Registration issued under an alias to a specific vehicle
23 to be used in covert criminal investigations by a law enforcement agency.

1 (5) Axle load--The total load transmitted to the road by all wheels whose centers
2 may be included between two parallel transverse vertical planes 40 inches apart, extending across
3 the full width of the vehicle.

4 (6) Border commercial zone--A commercial zone established under Title 49, C.F.R.,
5 Part 372 that is contiguous to the border with Mexico.

6 (7) Bus--A motor vehicle used to transport persons and designed to accommodate
7 more than 10 passengers, including the operator; or a motor vehicle, other than a taxicab,
8 designed and used to transport persons for compensation.

9 (8) Carrying capacity--The maximum safe load that a commercial vehicle may carry,
10 as determined by the manufacturer.

11 (9) Character--A numeric or alpha symbol displayed on a license plate.

12 (10) County or city civil defense agency--An agency authorized by a commissioner's
13 court order or by a city ordinance to provide protective measures and emergency relief activities in
14 the event of hostile attack, sabotage, or natural disaster.

15 (11) Current photo identification--a government-issued photo identification that is
16 currently valid or is expired not more than 12 months, or a state-issued personal identification
17 certificate issued to a qualifying person if the identification states that it has no expiration.

18 (12) Digital license plate--As defined in Transportation Code, §504.151.

19 (13) Digital license plate owner--A digital license plate owner is a person who
20 purchases or leases a digital license plate from a department-approved digital license plate
21 provider.

22 (14) Director--The director of the Vehicle Titles and Registration Division, Texas
23 Department of Motor Vehicles.

1 (15) Division--Vehicle Titles and Registration Division.

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

5 (17) Exempt agency--A governmental body exempted by statute from paying
6 registration fees when registering motor vehicles.

7 (18) Exempt license plates--Specially designated license plates issued to certain
8 vehicles owned or controlled by exempt agencies.

9 (19) Exhibition vehicle--

10 (A) An assembled complete passenger car, truck, or motorcycle that:

11 (i) is a collector's item;

12 (ii) is used exclusively for exhibitions, club activities, parades, and
13 other functions of public interest;

14 (iii) does not carry advertising; and

15 (iv) has a frame, body, and motor that is at least 25-years old; or

16 (B) A former military vehicle as defined in Transportation Code, §504.502.

17 (20) Fire-fighting equipment--Equipment mounted on fire-fighting vehicles used in
18 the process of fighting fires, including, but not limited to, ladders and hoses.

19 (21) Foreign commercial motor vehicle--A commercial motor vehicle, as defined by
20 49 C.F.R. §390.5, that is owned by a person or entity that is domiciled in or a citizen of a country
21 other than the United States.

1 (22) GPS--A global positioning system tracking device that can be used to determine
2 the location of a digital license plate through data collection by means of a receiver in a digital
3 license plate.

4 (23) Highway construction project--That section of the highway between the
5 warning signs giving notice of a construction area.

6 (24) International symbol of access--The symbol adopted by Rehabilitation
7 International in 1969 at its Eleventh World Congress of Rehabilitation of the Disabled.

8 (25) Legend--A name, motto, slogan, or registration expiration notification that is
9 centered horizontally at the bottom of the license plate.

10 (26) Make--The trade name of the vehicle manufacturer.

11 (27) Metal license plate--A non-digital license plate issued by the department under
12 Transportation Code Chapter 502, 503, or Chapter 504.

13 (28) Nonprofit organization--An unincorporated association or society or a
14 corporation that is incorporated or holds a certificate of authority under the Business
15 Organizations Code.

16 (29) Nominating State Agency--A state agency authorized to accept and distribute
17 funds from the sale of a specialty plate as designated by the nonprofit organization (sponsoring
18 entity).

19 (30) Optional digital license plate information--Any information authorized to be
20 displayed on a digital license plate in addition to required digital license plate information when
21 the vehicle is in park, including:

22 (A) an emergency alert or other public safety alert issued by a governmental
23 entity, including an alert authorized under Subchapter L, M, or P of Government Code Chapter 411;

1 (B) vehicle manufacturer safety recall notices;

2 (C) advertising; or

3 (D) a parking permit.

4 (31) Park--As defined in Transportation Code, §541.401.

5 (32) Political subdivision--A county, municipality, local board, or other body of this
6 state having authority to provide a public service.

7 (33) Primary region of interest--The field on a metal or digital license plate with
8 alphanumeric characters representing the plate number. The primary region of interest
9 encompasses a field of 5.75 inches in width by 1.75 inches in height on metal license plates
10 manufactured for motorcycles, mopeds, golf carts, or off-highway vehicles. The primary region of
11 interest encompasses a field of 8.375 inches in width by 2.5625 inches in height on metal license
12 plates manufactured for all other vehicles.

13 (34) Registration period--A designated period during which registration is valid. A
14 registration period begins on the first day of a calendar month and ends on the last day of a
15 calendar month.

16 (35) Required digital license plate information--The minimum information required
17 to be displayed on a digital license plate: the registration expiration month and year (unless the
18 vehicle is a token trailer as defined by Transportation Code, §502.001), the alphanumeric
19 characters representing the plate number, the word "Texas," the registration expiration
20 notification if the registration for the vehicle has expired; and the legend (if applicable).

21 (36) Secondary region of interest--The field on a metal or digital license plate with
22 the word "Texas" centered horizontally at the top of the plate. The secondary region of interest
23 encompasses a field of 2.5 inches in width by 0.5625 inches in height on metal license plates

1 manufactured for motorcycles, mopeds, golf carts, or off-highway vehicles. The secondary region
2 of interest encompasses a field of 6 inches in width by 1.9375 inches in height on metal license
3 plates manufactured for all other vehicles.

4 (37) Service agreement--A contractual agreement that allows individuals or
5 businesses to access the department's vehicle registration records.

6 (38) Specialty license plate--A special design license plate issued by the
7 department.

8 (39) Specialty license plate fee--Statutorily or department required fee payable on
9 submission of an application for a specialty license plate, symbol, tab, or other device, and
10 collected in addition to statutory motor vehicle registration fees.

11 (40) Sponsoring entity--An institution, college, university, sports team, or any other
12 non-profit individual or group that desires to support a particular specialty license plate by
13 coordinating the collection and submission of the prescribed applications and associated license
14 plate fees or deposits for that particular license plate.

15 (41) Street or suburban bus--A vehicle, other than a passenger car, used to
16 transport persons for compensation exclusively within the limits of a municipality or a suburban
17 addition to a municipality.

18 (42) Tandem axle group--Two or more axles spaced 40 inches or more apart from
19 center to center having at least one common point of weight suspension.

20 (43) Unconventional vehicle--A vehicle built entirely as machinery from the ground
21 up, that is permanently designed to perform a specific function, and is not designed to transport
22 property.

1 (44) Vehicle classification--The grouping of vehicles in categories for the purpose of
2 registration, based on design, carrying capacity, or use.

3 (45) Vehicle description--Information regarding a specific vehicle, including, but not
4 limited to, the vehicle make, model year, body style, and vehicle identification number.

5 (46) Vehicle identification number--A number assigned by the manufacturer of a
6 motor vehicle or the department that describes the motor vehicle for purposes of identification.

7 (47) Vehicle registration insignia--A license plate, symbol, tab, or other device
8 issued by the department evidencing that all applicable fees have been paid for the current
9 registration period and allowing the vehicle to be operated on the public highways.

10 (48) Vehicle registration record--Information contained in the department's files
11 that reflects, but is not limited to, the make, vehicle identification number, model year, body style,
12 license number, and the name of the registered owner.

13 (49) Volunteer fire department--An association that is organized for the purpose of
14 answering fire alarms, extinguishing fires, and providing emergency medical services.

15

16 §217.23. Initial Application for Vehicle Registration.

17 (a) An applicant for initial vehicle registration must file an application on a form prescribed
18 by the department. The form will at a minimum require:

19 (1) the signature of the owner;

20 (2) the motor vehicle description, including, but not limited to, the motor vehicle's
21 year, make, model, vehicle identification number, body style, carrying capacity for commercial
22 motor vehicles, and empty weight;

23 (3) the license plate number;

1 (4) the odometer reading, or the word "exempt" if the motor vehicle is exempt
2 from federal and state odometer disclosure requirements;

3 (5) the name and complete address of the applicant; and

4 (6) the name, mailing address, and date of any liens.

5 (b) The application must be accompanied by the following:

6 (1) evidence of vehicle ownership as specified in §217.5 of this title (relating to
7 Evidence of Motor Vehicle Ownership), unless the vehicle has been issued a nonrepairable or
8 salvage vehicle title in accordance with Transportation Code, Chapter 501, Subchapter E;

9 (2) registration fees prescribed by law;

10 (3) any local fees or other fees prescribed by law and collected in conjunction with
11 registering a vehicle;

12 (4) evidence of financial responsibility required by Transportation Code, §502.046,
13 unless otherwise exempted by law;

14 (5) the processing and handling fee prescribed by §217.183 of this title (relating to
15 Fee Amount); and

16 (6) any other documents or fees required by law.

17 (c) An initial application for registration must be filed with the tax assessor-collector of the
18 county in which the owner resides or any county tax assessor-collector who is willing to accept the
19 application, except as provided in subsection (d) of this section.

20 (d) An application for registration, as a prerequisite to filing an application for title, may be
21 filed with the county tax assessor-collector in the county in which:

22 (1) the owner resides;

23 (2) the motor vehicle is purchased or encumbered; or

1 (3) a county tax assessor-collector who is willing to accept the application.

2

3 §217.25. Out-of-State Vehicles.

4 A vehicle brought to Texas from out-of-state must be registered within 30 days of the date
5 on which the owner establishes residence or secures gainful employment, except as provided by
6 Transportation Code, §502.090 and Transportation Code, §502.145. Accompanying a completed
7 application, an applicant must provide:

8 (1) an application for title as required by Transportation Code, Chapter 501, if the
9 vehicle to be registered has not been previously titled in this state; and

10 (2) any other documents or fees required by law.

11

12 §217.26. Identification Required.

13 (a) An application for initial registration is not acceptable unless the applicant presents a
14 current photo identification of the owner containing a unique identification number and expiration
15 date. The current photo identification must be a:

16 (1) driver's license or state identification certificate issued by a state or territory of
17 the United States;

18 (2) United States or foreign passport;

19 (3) United States military identification card;

20 (4) North Atlantic Treaty Organization identification or identification issued under a
21 Status of Forces Agreement;

22 (5) United States Department of Homeland Security, United States Citizenship and
23 Immigration Services, or United States Department of State identification document; or

1 (6) license to carry a handgun issued by the Texas Department of Public Safety
2 under Government Code, Chapter 411, Subchapter H.

3 (b) If the motor vehicle is titled in:

4 (1) more than one name, then the identification of one owner must be presented;

5 (2) the name of a leasing company, then:

6 (A) proof of the Federal Employer Identification Number/Employee
7 Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the
8 application, and can be entered into the department's titling system. The number must correspond
9 to the name of the leasing company in which the vehicle is being titled; and

10 (B) the leasing company may submit:

11 (i) a current photo identification, required under this section, of the
12 lessee listed as the registrant; or

13 (ii) a current photo identification, required under this
14 section, of the employee or authorized agent who signed the application for the leasing company,
15 and the employee's or authorized agent's employee identification, letter of authorization written
16 on the lessor's letterhead, or a printed business card. The printed business card, employee
17 identification, or letter of authorization written on the lessor's letterhead must contain the name
18 of the lessor, and the employee's or authorized agent's name must match the name on the current
19 photo identification;

20 (3) the name of a trust, then a current photo identification, required under this
21 section, of a trustee must be presented; or

22 (4) the name of a business, government entity, or organization, then:

1 (A) proof of the Federal Employer Identification Number/Employee
2 Identification Number (FEIN/EIN) of the business, government entity, or organization must be
3 submitted, written on the application, and can be entered into the department's titling system.

4 The number must correspond to the name of the business, government entity, or organization in
5 which the vehicle is being titled;

6 (B) the employee or authorized agent must present a current photo
7 identification, required under this section; and

8 (C) the employee's or authorized agent's employee identification; letter of
9 authorization written on the business', government entity's, or organization's letterhead; or a
10 printed business card. The printed business card, employee identification, or letter of
11 authorization written on the business', government entity's, or organization's letterhead must
12 contain the name of the business, governmental entity, or organization, and the employee's or
13 authorized agent's name must match the name on the current photo identification.

14 (c) Within this section, an identification document such as a printed business card, letter of
15 authorization, or power of attorney, may be an original or photocopy.

16 (d) A person who holds a general distinguishing number issued under Transportation Code,
17 Chapter 503 is exempt from submitting to the county tax assessor-collector, but must retain:

18 (1) the owner's identification, as required under this section; and

19 (2) authorization to sign, as required under this section.

20 (e) A person who holds a general distinguishing number issued under Transportation Code,
21 Chapter 503 is not required to submit photo identification or authorization for an employee or
22 agent signing a title assignment with a secure power of attorney.

23 (f) This section does not apply to non-titled vehicles.

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§217.27. Vehicle Registration Insignia.

(a) On receipt of a complete initial application for registration with the accompanying documents and fees, the department will issue vehicle registration insignia to be displayed on or kept in the vehicle for which the registration was issued for the current registration period.

(1) If the vehicle has a windshield, the vehicle registration insignia shall be attached to the inside lower left corner of the vehicle's front windshield in a manner that will not obstruct the vision of the driver, unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1.

(2) If the vehicle has no windshield, the vehicle registration insignia shall be attached to the rear license plate unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1, except that registration receipts, retained inside the vehicle, may provide the record of registration for vehicles with permanent trailer plates.

(3) If the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1, the registration receipt, symbol, tab, or other device prescribed by and issued by the department must be retained with the vehicle and may provide the record of registration for vehicles with a digital license plate. The expiration month and year must appear digitally on the electronic visual display of the rear digital license plate.

(4) If the vehicle is registered as a former military vehicle as prescribed by Transportation Code, §504.502, the vehicle's registration number shall be displayed instead of displaying a symbol, tab, or license plate.

(A) Former military vehicle registration numbers shall be displayed on a prominent location on the vehicle in numbers and letters of at least two inches in height.

1 (B) To the extent possible, the location and design of the former military
2 vehicle registration number must conform to the vehicle's original military registration number.

3 (b) Unless otherwise prescribed by law, each vehicle registered under this subchapter:

4 (1) must display two license plates that are clearly visible, readable, and legible,
5 one at the exterior front and one at the exterior rear of the vehicle that are securely fastened at
6 the exterior front and rear of the vehicle in an upright horizontal position of not less than 12
7 inches from the ground, measuring from the bottom; or

8 (2) must display one plate that is securely fastened at or as close as practical to the
9 exterior rear of the vehicle in a position not less than 12 inches from the ground, measuring from
10 the bottom if the vehicle is a road tractor, motorcycle, trailer or semitrailer, except that a vehicle
11 described by Transportation Code, §621.2061 may place the rear plate so that it is clearly visible,
12 readable, and legible.

13 (c) Each vehicle registered under this subchapter must display license plates:

14 (1) assigned by the department for the period; or

15 (2) validated by a registration insignia issued by the department for a registration
16 period consisting of 12 consecutive months at the time of application for registration, except that:

17 (A) vehicles described by Transportation Code, §502.0024 may obtain a
18 registration insignia for a period consisting of 12, 24, 36, 48 or 60 consecutive months on payment
19 of all fees for each full year of registration; and

20 (B) vehicles may be registered for 24 consecutive months in accordance
21 with Transportation Code, §548.102 on payment of all fees for each year of registration, regardless
22 of the number of months remaining on the inspection at the time of registration, provided:

1 (i) the vehicle receives a two-year inspection under Transportation
2 Code, §548.102; and

3 (ii) the application for registration is made in the name of the
4 purchaser under Transportation Code, §501.0234.

5 (d) The department may cancel any license plate issued with a personalized license plate
6 number if the department subsequently determines or discovers that the personalized license
7 plate number did not comply with this section when the license plate was issued, or if due to
8 changing language usage, meaning, or interpretation, the personalized license plate number no
9 longer complies with this section. When reviewing a personalized license plate number, the
10 department need not consider the applicant's subjective intent or declared meaning. The
11 department will not issue any license plate containing a personalized license plate number that
12 meets one or more of the following criteria:

13 (1) The license plate number conflicts with the department's current or proposed
14 general issue license plate numbering system.

15 (2) The director or the director's designee finds that the personalized license plate
16 number may be considered objectionable. An objectionable license plate number may include
17 words, phrases, or slang in any language; phonetic, numeric, or reverse spelling; acronyms;
18 patterns viewed in mirror image; or code that only a small segment of the community may be able
19 to readily decipher. An objectionable pattern may be viewed as:

20 (A) indecent (defined as including a direct reference or connotation to a
21 sexual act, sexual body parts, excreta, or sexual bodily fluids or functions. Additionally, the license
22 plate number "69" is prohibited unless used with the full year (1969) or in combination with a
23 reference to a vehicle;

1 (B) vulgar, directly or indirectly (defined as profane, swear, or curse words);

2 (C) derogatory, directly or indirectly (defined as an expression that is
3 demeaning to, belittles, or disparages any person, group, race, ethnicity, nationality, gender, or
4 sexual orientation. "Derogatory" may also include a reference to an organization that advocates
5 the expressions described in this subparagraph);

6 (D) a direct or indirect negative instruction or command directed at another
7 individual related to the operation of a motor vehicle;

8 (E) a direct or indirect reference to gangs, illegal activities, implied threats
9 of harm, or expressions that describe, advertise, advocate, promote, encourage, glorify, or
10 condone violence, crime, or unlawful conduct;

11 (F) a direct or indirect reference to controlled substances or the
12 physiological state produced by such substances, intoxicated states, or a direct or indirect
13 reference that may express, describe, advertise, advocate, promote, encourage, or glorify such
14 substances or states;

15 (G) a direct representation of law enforcement or other governmental
16 entities, including any reference to a public office or position exclusive to government; or

17 (H) a pattern that could be misread by law enforcement.

18 (3) The license plate number is currently on a license plate issued to another
19 owner.

20 (e) Notwithstanding the provisions of this section, the department may issue license plates
21 with personalized license plate numbers that refer to:

22 (1) military branches, military rank, military units, military equipment, or status; or

1 (2) institutions of higher education, including military academies, whether funded
2 privately, by the state, or by the federal government.

3 (f) A decision to cancel or not to issue a license plate with a personalized license plate
4 number under subsection (d) of this section may be appealed to the executive director of the
5 department or the executive director's designee within 20 days of notification of the cancellation
6 or non-issuance. All appeals must be in writing, and the requesting party may include any written
7 arguments, but shall not be entitled to a contested case hearing. The executive director or the
8 executive director's designee will issue a decision no later than 30 days after the department
9 receives the appeal, unless additional information is sought from the requestor, in which case the
10 time for decision is tolled until the additional information is provided. The decision of the
11 executive director or the executive director's designee is final and may not be appealed to the
12 board. An appeal to the executive director or the executive director's designee is denied by
13 operation of law 31 days from the receipt of the appeal, or if the requestor does not provide
14 additional requested information within ten days of the request.

15 (g) The provisions of subsection (a) of this section do not apply to vehicles registered with
16 annual license plates issued by the department.

17 (h) A person whose initial application has been denied will receive a refund if the denial is
18 not appealed in accordance with subsection (f) of this section. If an existing license plate with a
19 personalized license plate number has been canceled, the person may choose a new personalized
20 license plate number that will be valid for the remainder of the term, or the remaining term of the
21 canceled license plate will be forfeited.

22

23 §217.28. Vehicle Registration Renewal.

1 (a) To renew vehicle registration, a vehicle owner must apply to the tax assessor-collector
2 of the county in which the owner resides or a county tax assessor-collector who is willing to accept
3 the application.

4 (b) The department will send a registration renewal notice, indicating the proper
5 registration fee and the month and year the registration expires, to each vehicle owner prior to the
6 expiration of the vehicle's registration.

7 (c) The registration renewal notice should be returned by the vehicle owner to the county
8 tax assessor-collector in the county in which the owner resides or a county tax assessor-collector
9 who is willing to accept the application, or to that tax assessor-collector's deputy, either in person
10 or by mail, unless the vehicle owner renews via the Internet. The renewal notice must be
11 accompanied by the following documents and fees:

12 (1) registration renewal fees prescribed by law;

13 (2) any local fees or other fees prescribed by law and collected in conjunction with
14 registration renewal; and

15 (3) evidence of financial responsibility required by Transportation Code, §502.046,
16 unless otherwise exempted by law.

17 (d) If a registration renewal notice is lost, destroyed, or not received by the vehicle owner,
18 the vehicle may be registered if the owner presents personal identification acceptable to the
19 county tax assessor-collector or via the Internet. Failure to receive the notice does not relieve the
20 owner of the responsibility to renew the vehicle's registration.

21 (e) Renewal of expired vehicle registrations.

1 (1) If the owner has been arrested or cited for operating the vehicle without valid
2 registration then a 20% delinquency penalty is due when registration is renewed, the full annual
3 fee will be collected, and the vehicle registration expiration month will remain the same.

4 (2) If the county tax assessor-collector or the department determines that a
5 registrant has a valid reason for being delinquent in registration, the vehicle owner will be
6 required to pay for 12 months' registration. Renewal will establish a new registration expiration
7 month that will end on the last day of the eleventh month following the month of registration
8 renewal.

9 (3) If the county tax assessor-collector or the department determines that a
10 registrant does not have a valid reason for being delinquent in registration, the full annual fee will
11 be collected and the vehicle registration expiration month will remain the same.

12 (4) Specialty license plates, symbols, tabs, or other devices may be prorated as
13 provided in §217.45(d)(2) of this title (relating to Specialty License Plates, Symbols, Tabs, and
14 Other Devices).

15 (5) Evidence of a valid reason may include receipts, passport dates, and military
16 orders. Valid reasons may include:

17 (A) extensive repairs on the vehicle;

18 (B) the person was out of the country;

19 (C) the vehicle is used only for seasonal use;

20 (D) military orders;

21 (E) storage of the vehicle;

22 (F) a medical condition such as an extended hospital stay; and

1 (G) any other reason submitted with evidence that the county tax assessor-
2 collector or the department determines is valid.

3 (6) The operation of a vehicle with an expired registration that has been stored or
4 otherwise not in operation that is driven only to an inspection station for the purpose of obtaining
5 an inspection, if applicable, required for registration, will not affect the determination of whether
6 the registrant has a valid or invalid reason for being delinquent.

7 (f) For purposes of Transportation Code §502.407(c), the county tax assessor-collector's
8 office of the county in which the owner resides is closed for a protracted period of time if the
9 county tax assessor-collector's office has notified the department that it is closed or will be closed
10 for more than one week.

11
12 §217.29. Vehicle Registration Renewal via Internet.

13 (a) Internet registration renewal program. The department will maintain a uniform Internet
14 registration renewal process. This process will provide for the renewal of vehicle registrations via
15 the Internet and will be in addition to vehicle registration procedures provided for in §217.28 of
16 this title (relating to Vehicle Registration Renewal). The Internet registration renewal program will
17 be facilitated by a third-party vendor.

18 (b) County participation in program. All county tax assessor-collectors shall process
19 registration renewals through an online system designated by the department.

20 (c) Eligibility of individuals for participation. To be eligible to renew a vehicle's registration
21 via the Internet, the vehicle owner must meet all criteria for registration renewal outlined in this
22 subchapter and in Transportation Code, Chapter 502.

1 (d) Information to be submitted by vehicle owner. A vehicle owner who renews registration
2 via the Internet must submit or verify the following information:

3 (1) registrant information, including the vehicle owner's name and county of
4 residence;

5 (2) vehicle information, including the license plate number of the vehicle to be
6 registered;

7 (3) insurance information, including the name of the insurance company, the name
8 of the insurance company's agent (if applicable), the telephone number of the insurance company
9 or agent (local or toll free number serviced Monday through Friday 8:00 a.m. to 5:00 p.m.), the
10 insurance policy number, and representation that the policy meets all applicable legal standards;

11 (4) credit card information, including the type of credit card, the name appearing
12 on the credit card, the credit card number, and the expiration date; and

13 (5) other information prescribed by rule or statute.

14 (e) Duties of the county. A county tax assessor-collector shall:

15 (1) accept electronic payment for vehicle registration renewal via the Internet;

16 (2) execute an agreement with the department as provided by the director;

17 (3) process qualified Internet registration renewal transactions as submitted by the
18 third-party vendor;

19 (4) communicate with the third-party vendor and applicants via email, regular mail,
20 or other means, as specified by the director;

21 (5) reject applications that do not meet all requirements set forth in this chapter,
22 and in Transportation Code, Chapter 502; and

23 (6) register each vehicle for a 12-month period.

1 (f) Duties of the department. For vehicle registration renewals that are submitted via the
2 Internet, the department and its centralized third-party vendor shall promptly facilitate and mail
3 vehicle registration insignias to applicants.

4

5 §217.31. Heavy Vehicle Use Tax.

6 (a) As applicable, an applicant must provide proof of payment of the heavy vehicle use tax
7 imposed by 26 U.S.C. §4481, *et seq.* and 26 C.F.R. Part 41 with an application under this chapter as
8 required by 26 C.F.R. §41.6001-2.

9 (b) The department adopts by reference 26 C.F.R. §41.6001-2.

10

11 §217.33. Commercial Farm Motor Vehicles, Farm Trailers, and Farm Semitrailers.

12 (a) An applicant must provide a properly completed application for farm license plates.
13 Except as provided by subsection (d) of this section, the application must be accompanied by proof
14 of the applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas
15 Comptroller of Public Accounts. Proof of the registration number must be:

16 (1) legible;

17 (2) current; and

18 (3) in the name of the person or dba in which the vehicle is or will be registered,
19 pursuant to Transportation Code, §502.146 and §502.433.

20 (b) A registration renewal of farm license plates must be accompanied by proof of the
21 applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas
22 Comptroller of Public Accounts.

1 (c) In accordance with Transportation Code, §502.146 and §502.433, an applicant's Texas
2 Agriculture or Timber Exemption Registration Number may be verified through the online system
3 established by the Comptroller.

4 (d) A farmers' cooperative society incorporated under Agriculture Code, Chapter 51, or a
5 marketing association organized under Agriculture Code, Chapter 52 applying for or renewing the
6 registration of farm license plates under this section is not required to submit proof of the
7 applicant's Texas Agriculture or Timber Exemption Registration issued by the Texas Comptroller of
8 Public Accounts.

9
10 §217.36. Refusal to Register by Local Government and Record Notation.

11 (a) Enforcement of traffic warrant. A municipality may enter into a contract with the
12 department under Government Code, Chapter 791, to indicate in the state's motor vehicle records
13 that the owner of the vehicle is a person for whom a warrant of arrest is outstanding for failure to
14 appear or who has failed to pay a fine on a complaint involving a violation of a traffic law. In
15 accordance with Transportation Code, §702.003, a county tax assessor-collector may refuse to
16 register a motor vehicle if such a failure is indicated in the motor vehicle record for that motor
17 vehicle. A municipality is responsible for obtaining the agreement of the county in which the
18 municipality is located to refuse to register motor vehicles for failure to pay civil penalties imposed
19 by the municipality.

20 (b) Refusal to register vehicle in certain counties. A county may enter into a contract with
21 the department under Government Code, Chapter 791 to indicate in the state's motor vehicle
22 records that the owner of the vehicle has failed to pay a fine, fee, or tax that is past due. In
23 accordance with Transportation Code, §502.010, a county tax assessor-collector may refuse to

1 register a motor vehicle if such a failure is indicated in the motor vehicle record for that motor
2 vehicle.

3 (c) Record notation. A contract between the department and a county, municipality, or
4 local authority entered into under Transportation Code §502.010 or Transportation Code §702.003
5 will contain the terms set out in this subsection.

6 (1) To place or remove a registration denial flag on a vehicle record, the contracting
7 entity must submit data electronically by secure file transfer protocol or other acceptable
8 submission medium as determined by the department in a format prescribed by the department.

9 (2) The information submitted by the contracting entity will include, at a minimum,
10 the vehicle identification number and the license plate number of the affected vehicle.

11 (3) If the contracting entity data submission contains bad or corrupted data, the
12 submission medium will be returned to the contracting entity with no further action by the
13 department.

14 (4) The secure file transfer protocol or other submission medium must be
15 submitted to the department from a single source within the contracting entity.

16 (5) The submission of a secure file transfer protocol or other submission medium to
17 the department by a contracting entity constitutes a certification by that entity that it has
18 complied with all applicable laws.

19
20 §217.37. Fees.

21 The department and the county will charge required fees, and only those fees provided by
22 statute or rule.

23

1 §217.40. Special Registrations.

2 (a) Purpose and scope. Transportation Code, Chapter 502, Subchapters C and I, charge the
3 department with the responsibility of issuing special registration permits and special registration
4 license plates, which shall be recognized as legal registration for the movement of motor vehicles
5 not authorized to travel on Texas public highways for lack of registration or for lack of reciprocity
6 with the state or country in which the vehicles are registered. For the department to efficiently
7 and effectively perform these duties, this section prescribes the policies and procedures for the
8 application and the issuance of special registration permits and special registration license plates.

9 (b) Permit categories. The department will issue the following categories of special
10 registration permits.

11 (1) Additional weight permits in accordance with Transportation Code, §502.434.

12 (A) A permit will not be issued unless the registration fee for hauling the
13 additional weight has been paid prior to the actual hauling.

14 (B) An applicant must provide proof of the applicant's Texas Agriculture or
15 Timber Exemption Registration Number issued by the Texas Comptroller of Public Accounts. Proof
16 of the registration number must be:

17 (i) legible;

18 (ii) current;

19 (iii) in the name of the person or dba in which the vehicle is or will
20 be registered; and

21 (iv) verifiable through the online system established by the
22 Comptroller.

23 (2) Annual permits in accordance with Transportation Code, §502.093.

1 (A) The department will issue annual permits:
2 (i) for a 12-month period designated by the department which
3 begins on the first day of a calendar month and expires on the last day of the last calendar month
4 in that annual registration period; and

5 (ii) to each vehicle or combination of vehicles for the registration
6 fee prescribed by weight classification in Transportation Code, §502.253 and §502.255.

7 (B) The following exemptions apply to vehicles displaying annual permits.
8 Currently registered foreign semitrailers having a gross weight in excess of 6,000 pounds used or to
9 be used in combination with commercial motor vehicles or truck tractors having a gross vehicle
10 weight in excess of 10,000 pounds are exempted from the requirements to pay the token fee and
11 display the associated distinguishing license plate provided for in Transportation Code, §502.255.
12 An annual permit is required for the power unit only. For vehicles registered in combination, the
13 combined gross weight may not be less than 18,000 pounds.

14 (C) Upon approval of an application, the department will issue one license
15 plate for a trailer, semitrailer, or foreign commercial motor vehicle as defined in Transportation
16 Code, §648.001(4). The license plate issued to a truck-tractor shall be installed on the front of the
17 truck-tractor. For other types of vehicles, the license plate issued shall displayed as required by
18 §217.27(b) of this title (relating to Vehicle Registration Insignia).

19 (3) 72-hour permits and 144-hour permits in accordance with Transportation Code,
20 §502.094.

21 (c) License plate categories. The department will issue the following categories of special
22 registration license plates.

23 (1) One-trip license plates in accordance with Transportation Code, §502.095.

1 (A) A one-trip license plate may not be issued for a trip which both
2 originates and terminates outside Texas.

3 (B) A laden motor vehicle or a laden commercial vehicle cannot display a
4 one-trip license plate. If the vehicle is unregistered, it must operate with a 72-hour or 144-hour
5 permit.

6 (C) A one-trip license plate must be displayed as required by §217.27(b) of
7 this title (relating to Vehicle Registration Insignia).

8 (2) 30-day license plates in accordance with Transportation Code, §502.095.

9 (A) A vehicle operated on a 30-day license plate is not restricted to a
10 specific route. The 30-day license plate is available for:

11 (i) passenger vehicles;

12 (ii) private buses;

13 (iii) trailers and semitrailers with a gross weight not exceeding
14 10,000 pounds;

15 (iv) light commercial vehicles not exceeding a gross weight of 10,000
16 pounds; and

17 (v) a commercial vehicle exceeding 10,000 pounds, provided the
18 vehicle is operated unladen.

19 (B) A 30-day license plate must be displayed as required by §217.27(b) of
20 this title (relating to Vehicle Registration Insignia).

21 (d) Application process.

1 (1) Procedure. An owner who wishes to apply for a special registration permit or
2 special registration license plate for a vehicle which is otherwise required to be registered in
3 accordance with this subchapter, must do so on a form prescribed by the department.

4 (2) Form requirements. The application form will at a minimum require:

5 (A) the signature of the owner;

6 (B) the name and complete address of the applicant; and

7 (C) the vehicle description.

8 (3) Fees and documentation. The application must be accompanied by:

9 (A) statutorily prescribed fees.

10 (B) evidence of financial responsibility:

11 (i) as required by Transportation Code, Chapter 502, Subchapter B,

12 provided that all policies written for the operation of motor vehicles must be issued by an

13 insurance company or surety company authorized to write motor vehicle liability insurance in

14 Texas; or

15 (ii) if the applicant is a motor carrier as defined by §218.2 of this

16 title (relating to Definitions), indicating that the vehicle is registered in compliance with Chapter

17 218, Subchapter B of this title (relating to Motor Carrier Registration); and

18 (C) any other documents or fees required by law.

19 (4) Place of application.

20 (A) All applications for annual permits must be submitted directly to the

21 department for processing and issuance.

22 (B) Additional weight permits may be obtained by making application with

23 the department through the county tax assessor-collectors' offices.

1 (C) 72-hour and 144-hour permits, one-trip license plates, and 30-day
2 license plates may be obtained by making application either with the department or the county tax
3 assessor-collectors' offices.

4 (e) Receipt for special registration permit or special registration license plate in lieu of
5 registration. A receipt will be issued for each special registration permit or special registration
6 license plate in lieu of registration to be carried in the vehicle during the time the special
7 registration permit or special registration license plate is valid. If the receipt is lost or destroyed,
8 the owner must obtain a duplicate from the department or from the county office. The fee for the
9 duplicate receipt is the same as the fee required by Transportation Code, §502.058.

10 (f) Transfer of special registration permits or special registration license plates.

11 (1) Special registration permits and special registration license plates are non-
12 transferable between vehicles and/or owners.

13 (2) If the owner of a vehicle displaying a special registration permit or a special
14 registration license plate disposes of the vehicle during the time the permit or license plate is valid,
15 the permit or license plate must be returned to the county tax assessor-collector office or
16 department immediately.

17 (g) Replacement permits. Vehicle owners displaying annual permits may obtain
18 replacement permits if an annual permit is lost, stolen, or mutilated.

19 (1) The fee for a replacement annual permit is the same as for a replacement
20 number plate, symbol, tab, or other device as provided by Transportation Code, §502.060.

21 (2) The owner shall apply directly to the department in writing for the issuance of a
22 replacement annual permit. Such request should include a copy of the registration receipt and
23 replacement fee.

1 (h) Agreements with other jurisdictions. In accordance with Transportation Code, §502.091,
2 and Chapter 648, the executive director of the department may enter into a written agreement
3 with an authorized officer of a state, province, territory, or possession of a foreign country to
4 provide for the exemption from payment of registration fees by nonresidents, if residents of this
5 state are granted reciprocal exemptions. The executive director may enter into such agreement
6 only upon:

7 (1) the approval of the governor; and

8 (2) making a determination that the economic benefits to the state outweigh all
9 other factors considered.

10 (i) Border commercial zones.

11 (1) Texas registration required. A vehicle located in a border commercial zone must
12 display a valid Texas registration if the vehicle is owned by a person who:

13 (A) owns a leasing facility or a leasing terminal located in Texas; and

14 (B) leases the vehicle to a foreign motor carrier.

15 (2) Exemption for trips of short duration. Except as provided by paragraph (1) of
16 this subsection, a foreign commercial vehicle operating in accordance with Transportation Code,
17 Chapter 648 is exempt from the display of a temporary registration permit if:

18 (A) the vehicle is engaged solely in the transportation of cargo across the
19 border into or from a border commercial zone;

20 (B) for each load of cargo transported the vehicle remains in this state for:

21 (i) not more than 24 hours; or

22 (ii) not more than 48 hours, if:

1 (I) the vehicle is unable to leave this state within 24 hours
2 because of circumstances beyond the control of the motor carrier operating the vehicle; and

3 (II) all financial responsibility requirements applying to this
4 vehicle are satisfied;

5 (C) the vehicle is registered and licensed as required by the country in which
6 the person that owns the vehicle is domiciled or is a citizen as evidenced by a valid metal license
7 plate attached to the front or rear exterior of the vehicle; and

8 (D) the country in which the person who owns the vehicle is domiciled or is
9 a citizen provides a reciprocal exemption for commercial motor vehicles owned by residents of
10 Texas.

11 (3) Exemption due to reciprocity agreement. Except as provided by paragraph (1) of
12 this subsection, a foreign commercial motor vehicle in a border commercial zone in this state is
13 exempt from the requirement of obtaining a Texas registration if the vehicle is currently registered
14 in another state of the United States or a province of Canada with which this state has a reciprocity
15 agreement that exempts a vehicle that is owned by a resident of this state and that is currently
16 registered in this state from registration in the other state or province.

17

18 §217.41. Disabled Person License Plates and Disabled Parking Placards.

19 (a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with the
20 responsibility for issuing specially designed license plates and disabled parking placards for
21 disabled persons. For the department to perform these duties efficiently and effectively, this
22 section prescribes the policies and procedures for the application, issuance, and renewal of
23 disabled person license plates and disabled parking placards.

1 (b) Issuance.

2 (1) For purposes of this section, "disabled person" means a person eligible for
3 issuance of a license plate bearing the International Symbol of Access under Transportation Code
4 §504.201, including a qualifying disabled veteran under §504.202(b-1).

5 (2) Disabled person license plates.

6 (A) Eligibility. In accordance with Transportation Code §504.201 and
7 §504.202(b-1) and (b-2), the department will issue specially designed license plates displaying the
8 International Symbol of Access to permanently disabled persons or their transporters instead of
9 general issue license plates. As satisfactory proof of eligibility, an organization that transports
10 disabled veterans who would qualify for license plates issued under Transportation Code
11 §504.202(b-1) must provide a written statement from the veteran's county service officer of the
12 county in which a vehicle described by Transportation Code §504.202(c) is registered or by the
13 Department of Veterans Affairs that:

14 (i) the vehicle is used exclusively to transport veterans of the United
15 States armed forces who have suffered, as a result of military service, a service-connected
16 disability;

17 (ii) the vehicle regularly transports veterans who are eligible to
18 receive license plates under Subsection (b-1); and

19 (iii) the veterans are not charged for the transportation.

20 (B) Specialty license plates. The department will issue disabled person
21 specialty license plates displaying the International Symbol of Access that can accommodate the
22 identifying insignia and that are issued in accordance with §217.43 or §217.45 of this title.

1 (C) License plate number. Disabled person license plates will bear a license
2 plate number assigned by the department or will bear a personalized license plate number issued
3 in accordance with §217.43 or §217.45 of this title.

4 (3) Windshield disabled parking placards.

5 (A) Issuance. The department will issue removable windshield disabled
6 parking placards to temporarily or permanently disabled persons and to the transporters of
7 permanently disabled persons, as provided under Transportation Code §§504.201, 504.202 (b-1)
8 and (b-2), and 681.004.

9 (B) Display. A person who has been issued a windshield disabled parking
10 placard shall hang the placard from a vehicle's rearview mirror when the vehicle is parked in a
11 disabled person parking space or shall display the placard on the center portion of the dashboard if
12 the vehicle does not have a rearview mirror.

13 (c) Renewal of disabled person license plates. Disabled person license plates are valid for a
14 period of 12 months from the date of issuance and are renewable as specified in §§217.28, 217.43,
15 and 217.45 of this title.

16 (d) Replacement.

17 (1) License plates. If a disabled person metal license plate is lost, stolen, or
18 mutilated, the owner may obtain a replacement metal license plate by applying with a county tax
19 assessor-collector.

20 (A) Accompanying documentation. To replace disabled person metal license
21 plates, the owner must present the current year's registration receipt and personal identification
22 acceptable to the county tax assessor-collector.

1 (B) Absence of accompanying documentation. If the current year's
2 registration receipt is not available and the county tax assessor-collector cannot verify that the
3 disabled person metal license plates were issued to the owner, the owner must reapply in
4 accordance with this section.

5 (2) Disabled parking placards. If a disabled parking placard becomes lost, stolen, or
6 mutilated, the owner may obtain a new disabled parking placard in accordance with this section.

7 (e) Transfer of disabled person license plates and disabled parking placards.

8 (1) License plates.

9 (A) Transfer between persons. Disabled person license plates may not be
10 transferred between persons. An owner who sells or trades a vehicle to which disabled person
11 license plates have been issued shall remove the disabled person license plates from the vehicle.
12 The owner shall return the license plates to the department and shall obtain appropriate
13 replacement license plates to place on the vehicle prior to any transfer of ownership.

14 (B) Transfer between vehicles. Disabled person license plates may be
15 transferred between vehicles if the county tax assessor-collector or the department can verify the
16 plate ownership and the owner of the vehicle is a disabled person or the vehicle is used to
17 transport a disabled person.

18 (i) Plate ownership verification may include:

19 (I) a Registration and Title System (RTS) inquiry;

20 (II) a copy of the department application for disabled person
21 license plates; or

22 (III) the owner's current registration receipt.

1 (ii) An owner who sells or trades a vehicle with disabled person
2 license plates must remove the plates from the vehicle.

3 (iii) The department will provide a form that persons may use to
4 facilitate a transfer of disabled person license plates between vehicles.

5 (2) Disabled parking placards.

6 (A) Transfer between vehicles. Disabled parking placards may be displayed
7 in any vehicle driven by the disabled person or in which the disabled person is a passenger.

8 (B) Transfer between persons. Disabled parking placards may not be
9 transferred between persons.

10 (f) Seizure and revocation of disabled parking placard.

11 (1) If a law enforcement officer seizes and destroys a disabled parking placard
12 under Transportation Code §681.012, the officer shall notify the department by email.

13 (2) The person to whom the seized disabled parking placard was issued may apply
14 for a new disabled parking placard by submitting an application to the county tax assessor-
15 collector of the county in which the person with the disability resides or in which the applicant is
16 seeking medical treatment.

17

18 §217.43. Military Specialty License Plates.

19 (a) Purpose and Scope. Transportation Code, Chapter 504 authorizes the department to
20 issue military specialty license plates. This section prescribes the policies and procedures for the
21 application, issuance, and renewal of military specialty license plates.

1 (b) Classification and fees. The department will issue specialty license plates for the
2 military and charge fees as authorized by Transportation Code, §504.202 and Chapter 504,
3 Subchapter D.

4 (c) Application. Applications for military specialty license plates must be made to the
5 department and include evidence of eligibility. The evidence of eligibility may include, but is not
6 limited to:

7 (1) an official document issued by a governmental entity;

8 (2) a letter issued by a governmental entity on that agency's letterhead;

9 (3) discharge papers;

10 (4) a death certificate; or

11 (5) an identification card issued by any branch of the military under the jurisdiction
12 of the United States Department of Defense or the United States Department of Homeland
13 Security indicating that the member is retired.

14 (d) Period. Military specialty license plates shall be valid for 12 months from the month of
15 issuance or for a prorated period of at least 12 months coinciding with the expiration of
16 registration and may be replaced in accordance with §217.32 of this title (relating to Replacement
17 of License Plates, Symbols, Tabs, and Other Devices).

18 (e) Assignment and Transfer. Military license plates may not be assigned and may only be
19 transferred to another vehicle owned by the same vehicle owner.

20 (f) Applicability. Section 217.45 of this title (relating to Specialty License Plates, Symbols,
21 Tabs, and Other Devices) applies to military license plates, symbols, tabs, or other devices as to:

22 (1) what is considered one set of license plates per vehicle as determined by vehicle
23 type;

- 1 (2) issuance of validation tabs and insignia;
- 2 (3) stolen or replaced license plates;
- 3 (4) payment of other applicable fees;
- 4 (5) personalization, except that Congressional Medal of Honor license plates may
- 5 not be personalized;
- 6 (6) renewal, except that the owner of a vehicle with Congressional Medal of Honor
- 7 license plates must return the documentation and specialty license plate fee, if any, directly to the
- 8 department;
- 9 (7) refunds; and
- 10 (8) expiration.

11

12 §217.45. Specialty License Plates, Symbols, Tabs, and Other Devices.

13 (a) Purpose and Scope. Transportation Code, Chapters 504, 551, and 551A charge the
14 department with providing specialty license plates, symbols, tabs, and other devices. For the
15 department to perform these duties efficiently and effectively, this section prescribes the policies
16 and procedures for the application, issuance, and renewal of specialty license plates, symbols,
17 tabs, and other devices, through the county tax assessor-collectors, and establishes application
18 fees, expiration dates, and registration periods for certain specialty license plates. This section
19 does not apply to military license plates except as provided by §217.43 of this title (relating to
20 Military Specialty License Plates).

21 (b) Initial application for specialty license plates, symbols, tabs, or other devices.

22 (1) Application Process.

1 (A) Procedure. An owner of a vehicle registered as specified in this
2 subchapter who wishes to apply for a specialty license plate, symbol, tab, or other device must do
3 so on a form prescribed by the director.

4 (B) Form requirements. The application form shall at a minimum require the
5 name and complete address of the applicant.

6 (2) Fees and Documentation.

7 (A) The application must be accompanied by the prescribed registration fee,
8 unless exempted by statute.

9 (B) The application must be accompanied by the statutorily prescribed
10 specialty license plate fee.

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

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

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

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

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

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

1 (3) Place of application. Applications for specialty license plates may be made
2 directly to the county tax assessor-collector of the county in which the owner resides or a county
3 tax assessor-collector who is willing to accept the application, except that applications for the
4 following license plates must be made directly to the department:

5 (A) County Judge;

6 (B) Federal Administrative Law Judge;

7 (C) State Judge;

8 (D) State Official;

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

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

11 (G) U.S. Judge.

12 (4) Gift plates.

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

16 (i) the name and address of the person who will receive the license
17 plates; and

18 (ii) the vehicle identification number of the vehicle on which the
19 license plates will be displayed.

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

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

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

9 (2) Classic Motor Vehicles, Classic Travel Trailers, Custom Vehicles, Street Rods, and
10 Exhibition Vehicles.

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

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

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

19 (iii) the license plate number is already in use on another vehicle.

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

23 (3) Number of license plates issued.

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

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

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

8 (ii) Classic Travel Trailer;

9 (iii) Rental Trailer;

10 (iv) Travel Trailer;

11 (v) Cotton Vehicle;

12 (vi) Disaster Relief;

13 (vii) Forestry Vehicle;

14 (viii) Golf Cart;

15 (ix) Log Loader;

16 (x) Military Vehicle;

17 (xi) Package Delivery Vehicle;

18 (xii) Fertilizer; and

19 (xiii) Off-highway Vehicle.

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

23 (4) Assignment of license plates.

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

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

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

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

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

18 (7) Personalized license plate numbers.

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

21 (B) Character limit. A personalized license plate number may contain no
22 more than six alpha or numeric characters or a combination of characters. Depending upon the
23 specialty license plate design and vehicle class, the number of characters may vary. Spaces,

1 hyphens, periods, hearts, stars, the International Symbol of Access, or silhouettes of the state of
2 Texas may be used in conjunction with the license plate number.

3 (C) Personalized license plates not approved. A personalized license plate
4 number will not be approved by the executive director if the license plate number:

5 (i) conflicts with the department's current or proposed general issue
6 license plate numbering system;

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

9 (iii) is currently issued to another owner.

10 (D) Classifications of vehicles eligible for personalized license plates. Unless
11 otherwise listed in subparagraph (E) of this paragraph, personalized license plates are available for
12 all classifications of vehicles.

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

16 (i) Amateur Radio (other than the official call letters of the vehicle
17 owner);

18 (ii) Antique Motorcycle;

19 (iii) Antique Vehicle (includes Antique Auto, Antique Truck, and
20 Antique Bus);

21 (iv) Apportioned;

22 (v) Cotton Vehicle;

23 (vi) Disaster Relief;

- 1 (vii) Farm Trailer (except Go Texan II);
- 2 (viii) Farm Truck (except Go Texan II);
- 3 (ix) Farm Truck Tractor (except Go Texan II);
- 4 (x) Fertilizer;
- 5 (xi) Forestry Vehicle;
- 6 (xii) Log Loader;
- 7 (xiii) Machinery;
- 8 (xiv) Permit;
- 9 (xv) Rental Trailer;
- 10 (xvi) Soil Conservation;
- 11 (xvii) Texas Guard;
- 12 (xviii) Golf Cart;
- 13 (xix) Package Delivery Vehicle; and
- 14 (xx) Off-highway Vehicle.

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

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

21 (d) Specialty license plate renewal.

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

4 (2) Length of validation. Except as provided by Transportation Code, §§504.401,
5 504.4061, or 504.502, all specialty license plates, symbols, tabs, or other devices shall be valid for
6 12 months from the month of issuance or for a prorated period of at least 12 months coinciding
7 with the expiration of registration.

8 (3) Renewal.

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

12 (B) Return of notice. The owner must return the fee and any prescribed
13 documentation to the tax assessor-collector of the county in which the owner resides or a county
14 tax assessor-collector who is willing to accept the application, except that the owner of a vehicle
15 with one of the following license plates must return the documentation, and specialty license plate
16 fee, if applicable, directly to the department and submit the registration fee to a county tax
17 assessor-collector:

18 (i) County Judge;

19 (ii) Federal Administrative Law Judge;

20 (iii) State Judge;

21 (iv) State Official;

22 (v) U.S. Congress--House;

23 (vi) U.S. Congress--Senate; and

1 (vii) U.S. Judge.

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

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

11 (E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed,
12 or not received by the vehicle owner, the specialty license plates, symbol, tab, or other device may
13 be renewed if the owner provides acceptable personal identification along with the appropriate
14 fees and documentation to the tax assessor-collector of the county in which the owner resides or a
15 county tax assessor-collector who is willing to accept the application. Failure to receive the notice
16 does not relieve the owner of the responsibility to renew the vehicle's registration.

17 (e) Transfer of specialty license plates.

18 (1) Transfer between vehicles.

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

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

2 (ii) meets the vehicle classification requirements for that particular

3 specialty license plate, symbol, tab, or other device.

4 (B) Non-transferable between vehicles. The following specialty license

5 plates, symbols, tabs, or other devices are non-transferable between vehicles:

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

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

10 (iii) Forestry Vehicle license plates;

11 (iv) Log Loader license plates;

12 (v) Golf Cart license plates;

13 (vi) Package Delivery Vehicle license plates; and

14 (vii) Off-highway Vehicle license plates.

15 (C) New specialty license plates. If the department creates a new specialty

16 license plate under Transportation Code, §504.801, the department will specify at the time of

17 creation whether the license plate may be transferred between vehicles.

18 (2) Transfer between owners.

19 (A) Non-transferable between owners. Specialty license plates, symbols,

20 tabs, or other devices issued under Transportation Code, Chapter 504, Subchapters C, E, and F are

21 not transferable from one person to another except as specifically permitted by statute.

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

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

8 (f) Replacement.

9 (1) Application. When specialty license plates, symbols, tabs, or other devices are
10 lost, stolen, or mutilated, the owner shall apply directly to a county tax assessor-collector for the
11 issuance of replacements.

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

19 (3) Stolen specialty license plates.

20 (A) The department or county tax assessor-collector will not approve the
21 issuance of replacement license plates with the same personalized license plate number if the
22 department's records indicate either the vehicle displaying the personalized license plates or the

1 license plates are reported as stolen to law enforcement. The owner will be directed to contact the
2 department for another personalized license plate choice.

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

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

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

13 (A) the name of the license plate;

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

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

17 (D) the deposit.

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

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

22 (1) State Officials. State Official license plates contain the distinguishing prefix "SO."
23 Members of the state legislature may be issued up to three sets of State Official specialty license

1 plates with the distinguishing prefix "SO," or up to three sets of State Official specialty license
2 plates that depict the state capitol, and do not display the distinguishing prefix "SO." An
3 application by a member of the state legislature, for a State Official specialty license plate, must
4 specify the same specialty license plate design for each applicable vehicle. State Official license
5 plates are assigned in the following order:

- 6 (A) Governor;
- 7 (B) Lieutenant Governor;
- 8 (C) Speaker of the House;
- 9 (D) Attorney General;
- 10 (E) Comptroller;
- 11 (F) Land Commissioner;
- 12 (G) Agriculture Commissioner;
- 13 (H) Secretary of State;
- 14 (I) Railroad Commission;
- 15 (J) Supreme Court Chief Justice followed by the remaining justices based on
16 their seniority;
- 17 (K) Criminal Court of Appeals Presiding Judge followed by the remaining
18 judges based on their seniority;
- 19 (L) Members of the State Legislature, with Senators assigned in order of
20 district number followed by Representatives assigned in order of district number, except that in
21 the event of redistricting, license plates will be reassigned; and

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

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

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

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

9 (3) Federal Judge.

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

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

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

14 (iii) United States Bankruptcy Judges; and

15 (iv) United States Magistrates.

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

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

21 (4) State Judge.

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

- 1 (i) Appellate District Courts;
- 2 (ii) Presiding Judges of Administrative Regions;
- 3 (iii) Judicial District Courts;
- 4 (iv) Criminal District Courts; and
- 5 (v) Family District Courts and County Statutory Courts.

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

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

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

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

16 (i) Development of new specialty license plates.

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

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

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

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

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

6 (D) projected sales of the license plate, including an explanation of how the
7 projected figure was established;

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

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

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

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

17 (3) Review process. The board:

18 (A) will not consider incomplete applications;

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

21 (C) will consider specialty license plate applications that are restricted by
22 law to certain individuals or groups of individuals (qualifying license plates) using the same

1 procedures as applications submitted for license plates that are available to everyone (non-
2 qualifying license plates).

3 (4) Request for additional information. If the board determines that additional
4 information is needed, the applicant must return the requested information not later than the
5 requested due date. If the additional information is not received by that date, the board will return
6 the application as incomplete unless the board:

7 (A) determines that the additional requested information is not critical for
8 consideration and approval of the application; and

9 (B) approves the application, pending receipt of the additional information
10 by a specified due date.

11 (5) Board decision. The board's decision will be based on:

12 (A) compliance with Transportation Code, §504.801;

13 (B) the proposed license plate design, including:

14 (i) whether the design appears to meet the legibility and reflectivity
15 standards established by the department;

16 (ii) whether the design meets the standards established by the
17 department for uniqueness;

18 (iii) other information provided during the application process;

19 (iv) the criteria designated in §217.27 as applied to the design; and

20 (v) whether a design is similar enough to an existing plate design
21 that it may compete with the existing license plate sales; and

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

4 (6) Public comment on proposed design. All proposed license plate designs will be
5 considered by the board as an agenda item at a regularly or specially called open meeting. Notice
6 of consideration of proposed license plate designs will be posted in accordance with Office of the
7 Secretary of State meeting notice requirements. Notice of each license plate design will be posted
8 on the department's Internet website to receive public comment at least 25 days in advance of the
9 meeting at which it will be considered. The department will notify all other specialty license plate
10 organizations and the sponsoring agencies who administer specialty license plates issued in
11 accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on
12 the proposed design can be submitted in writing through the mechanism provided on the
13 department's Internet website for submission of comments. Written comments are welcome and
14 must be received by the department at least 10 days in advance of the meeting. Public comment
15 will be received at the board's meeting.

16 (7) Final approval.

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

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

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

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

2 (8) Issuance of specialty license plates.

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

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

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

12 (9) Redesign of specialty license plate.

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

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

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

21 (j) Golf carts.

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

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

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

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

6 (k) Off-highway vehicle.

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

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

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

12 (l) Package delivery vehicle.

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

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

17

18 §217.46. Commercial Vehicle Registration.

19 (a) Eligibility. A motor vehicle is required to be registered as a commercial motor vehicle if
20 it meets the definition of a commercial motor vehicle under Transportation Code, §502.001(7).

21 (b) Commercial vehicle registration classifications.

22 (1) Apportioned license plates. Apportioned license plates are issued in lieu of
23 Combination, Motor Bus, or Truck license plates to Texas carriers who proportionally register their

1 fleets in other states, in conformity with §217.56 of this title (relating to Registration Reciprocity
2 Agreements).

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

5 (3) Combination license plates.

6 (A) Specifications. A truck or truck-tractor with a gross weight in excess of
7 10,000 pounds used or to be used in combination with a semitrailer having a gross weight in excess
8 of 6,000 pounds, may be registered with combination license plates. Such vehicles must be
9 registered for a gross weight equal to the combined gross weight of all the vehicles in the
10 combination, but not less than 18,000 pounds. Only one combination license plate is required and
11 must be displayed on the front of the truck or truck-tractor. When displaying a combination license
12 plate, a truck or truck-tractor is not restricted to pulling a semitrailer licensed with a Token Trailer
13 license plate and may legally pull semitrailers displaying other types of Texas license plates or
14 license plates issued out of state; however, a truck or truck-tractor displaying a combination
15 license plate issued under Transportation Code, §502.255 may only pull a semitrailer issued a
16 license plate from another state to the extent authorized under a registration reciprocity
17 agreement under Transportation Code, §502.091. The following vehicles may not be registered in
18 combination:

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

1 (ii) semitrailers with gross weights of 6,000 pounds or less, or
2 semitrailers that are to be operated exclusively with trucks or truck-tractors having gross weight of
3 10,000 pounds or less;

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

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

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

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

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

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

16 (ix) vehicles that are to be issued special registration permits, such
17 as 72-Hour Permits, 144-Hour Permits, or special registration license plates, such as One Trip
18 license plates, or 30-Day license plates in accordance with Transportation Code, §502.094 and
19 §502.095.

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

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

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

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

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

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

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

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

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

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

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

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

10 (7) Token Trailer license plates.

11 (A) Qualification. The department will issue Token Trailer license plates for
12 semitrailers that are authorized to be registered in combination.

13 (B) Validity. A Token Trailer license plate is valid only when it is displayed on
14 a semitrailer that is being pulled by a truck or a truck-tractor that has been properly registered
15 with Forestry Vehicle (in accordance with Transportation Code, §504.507), Combination (in
16 accordance with Transportation Code, §502.255), or Apportioned (in accordance with
17 Transportation Code, §502.091) license plates for combined gross weights that include the weight
18 of the semitrailer, except as authorized under Transportation Code, Chapters 621 through 623.

19 (C) House-moving dollies. House-moving dollies are to be registered with
20 Token Trailer license plates and titled as semitrailers; however, only one such dolly in a
21 combination is required to be registered and titled. The remaining dolly (or dollies) is permitted to
22 operate unregistered, since by the nature of its construction, it is dependent upon another such

1 vehicle in order to function. The pulling unit must display a Combination or Apportioned license
2 plate.

3 (D) Trailers. The department shall not issue a Token Trailer license plate for
4 a trailer.

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

9 (c) Application for commercial vehicle registration.

10 (1) Application form. An applicant shall apply for commercial license plates through
11 the appropriate county tax assessor-collector or the department, as applicable, upon forms
12 prescribed by the director and shall require, at a minimum, the following information:

13 (A) owner name and complete address;

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

15 (C) vehicle identification number or serial number.

16 (2) Empty weight determination.

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

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

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

4 (3) Gross weight.

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

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

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

18 (ii) A combination of vehicles is restricted to a total gross weight not
19 to exceed 80,000 pounds; however, all combinations may not qualify for 80,000 pounds unless
20 such weight can be properly distributed in accordance with axle load limitations, and distance
21 between axles, in accordance with Transportation Code, §621.101 or another section in
22 Transportation Code, Chapters 621 through 623.

1 (4) Vehicle identification number or serial number. Ownership may be established
2 by a court order or by securing a bond if no vehicle identification number or serial number can be
3 identified. Once ownership has been established, the department will assign a number upon
4 payment of the fee.

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

7 (A) prescribed registration fees;

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

10 (C) evidence of financial responsibility as required by Transportation Code,
11 §502.046; however, if the applicant is a motor carrier as defined by §218.2 of this title (relating to
12 Definitions), proof of financial responsibility may be in the form of a registration listing indicating
13 that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to
14 Motor Carrier Registration);

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

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

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

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

22 (d) Renewal of commercial license plates.

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

4 (2) Registration Renewal Notice. The department will send a registration renewal
5 notice, indicating the proper registration fee and the month and year the registration expires, to
6 each vehicle owner approximately six to eight weeks prior to the expiration of the vehicle's
7 registration.

8 (3) Return of registration renewal notices. Except for authorized online renewals,
9 registration renewal notices should be returned by the vehicle owner to the department or the
10 appropriate county tax assessor-collector, as indicated on the registration renewal notice. Unless
11 otherwise exempted by law, registration renewal notices may be returned either in person or by
12 mail, and shall be accompanied by:

13 (A) statutorily prescribed registration renewal fees;

14 (B) prescribed local fees or other fees that are collected in conjunction with
15 registration renewal;

16 (C) evidence of financial responsibility as required by Transportation Code,
17 §502.046; and

18 (D) other prescribed documents or fees.

19 (4) Lost or destroyed registration renewal notice. If a registration renewal notice is
20 lost, destroyed, or not received by the vehicle owner, the vehicle may be registered if the owner
21 presents personal identification acceptable to the county tax assessor-collector. Failure to receive
22 the notice does not relieve the owner of the responsibility to renew the vehicle's registration.

23 (e) Transfer of commercial vehicle license plates.

1 (1) Transfer between persons. With the exceptions noted in paragraph (3) of this
2 subsection, when ownership of a vehicle displaying commercial vehicle license plates is
3 transferred, application for transfer of such license plates shall be made with the county tax
4 assessor-collector in the county in which the purchaser resides or a county tax assessor-collector
5 who is willing to accept the application. If the purchaser does not intend to use the vehicle in a
6 manner that would qualify it for the license plates issued to that vehicle, such license plates must
7 be exchanged for the appropriate license plates.

8 (2) Transfer between vehicles. Commercial vehicle license plates are non-
9 transferable between vehicles.

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

13 (f) Replacement of lost, stolen, or mutilated commercial vehicle license plates. An owner of
14 lost, stolen, or mutilated commercial vehicle license plates may obtain replacement license plates
15 by filing an Application for Replacement Plates and remitting the prescribed fee to the county tax
16 assessor-collector or from the department.

17

18 217.50. Equipment and Vehicles Within Road Construction Projects.

19 Road construction equipment (machinery type vehicles) operating laden or unladen within
20 the limits of a project are not required to display the \$5 machinery license plate, regardless of the
21 intermingling of regular vehicular traffic; however, conventional commercial vehicles operating
22 within the limits of a project shall be required to be registered with regular commercial license
23 plates whenever traffic is allowed to intermingle.

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§217.51. Change of Classification: Trucks and Truck-Tractors.

When a truck is converted into a truck-tractor and the registration classification is changed from "truck" to "combination," an exchange of license plates is required; however, if a truck-tractor is converted into a truck and the registration classification is changed from "combination" to "truck" the license plates shall not be exchanged, unless the change involves a major permanent reconstruction change, such as when the frame of a truck-tractor is altered to accommodate the installation of a different type bed or body. In this instance, the owner must exchange license plates and file an application for corrected title. Under no circumstances will a refund in registration fees be authorized when a combination plate is exchanged for truck license plates as the result of a reconstruction change.

§217.52. Marketing of Specialty License Plates through a Private Vendor.

(a) Purpose and scope. The department will enter into a contract with a private vendor to market department-approved specialty license plates in accordance with Transportation Code, Chapter 504, Subchapter J. This section sets out the procedure for approval of the design, purchase, and replacement of vendor specialty license plates. In this section, the license plates marketed by the vendor are referred to as vendor specialty license plates.

(b) Application for approval of vendor specialty license plate designs.

(1) Approval required. The vendor shall obtain the approval of the board for each license plate design the vendor proposes to market in accordance with this section and the contract entered into between the vendor and the department.

1 (2) Application. The vendor must submit a written application on a form approved
2 by the executive director to the department for approval of each license plate design the vendor
3 proposes to market. The application must include:

4 (A) a draft design of the specialty license plate;

5 (B) projected sales of the license plate, including an explanation of how the
6 projected figure was determined;

7 (C) a marketing plan for the license plate including a description of the
8 target market;

9 (D) a licensing agreement from the appropriate third party for any design or
10 design element that is intellectual property; and

11 (E) other information necessary for the board to reach a decision regarding
12 approval of the requested vendor specialty license plate.

13 (c) Review and approval process. The board will review vendor specialty license plate
14 applications. The board:

15 (1) will not consider incomplete applications; and

16 (2) may request additional information from the vendor to reach a decision.

17 (d) Board decision.

18 (1) Decision. The decision of the board will be based on:

19 (A) compliance with Transportation Code, Chapter 504, Subchapter J;

20 (B) the proposed license plate design, including:

21 (i) whether the design meets the legibility and reflectivity standards
22 established by the department;

1 (ii) whether the design meets the standards established by the
2 department for uniqueness to ensure that the proposed license plate complies with Transportation
3 Code, §504.852(c);

4 (iii) whether the license plate design can accommodate the
5 International Symbol of Access (ISA) as required by Transportation Code, §504.201(f);

6 (iv) the criteria designated in §217.27 of this title (relating to Vehicle
7 Registration Insignia) as applied to the design;

8 (v) whether a design is similar enough to an existing license plate
9 design that it may compete with the existing license plate sales; and

10 (vi) other information provided during the application process.

11 (2) Public comment on proposed design. All proposed license plate designs will be
12 considered by the board as an agenda item at a regularly or specially called open meeting. Notice
13 of consideration of proposed license plate designs will be posted in accordance with Office of the
14 Secretary of State meeting notice requirements. Notice of each license plate design will be posted
15 on the department's Internet web site to receive public comment at least 25 days in advance of
16 the meeting at which it will be considered. The department will notify all specialty license plate
17 organizations and the sponsoring agencies who administer specialty license plates issued in
18 accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on
19 the proposed design can be submitted in writing through the mechanism provided on the
20 department's Internet web site for submission of comments. Written comments are welcome and
21 must be received by the department at least 10 days in advance of the meeting. Public comment
22 will be received at the board's meeting.

23 (e) Final approval and specialty license plate issuance.

1 (1) Approval. The board will approve or disapprove the specialty license plate
2 application based on all of the information provided pursuant to this subchapter in an open
3 meeting.

4 (2) Application not approved. If the application is not approved, the applicant may
5 submit a new application and supporting documentation for the design to be considered again by
6 the board if:

7 (A) the applicant has additional, required documentation; or

8 (B) the design has been altered to an acceptable degree.

9 (3) Issuance of approved specialty license plates.

10 (A) If the vendor's specialty license plate is approved, the vendor must
11 submit the non-refundable start-up fee before any further design and processing of the specialty
12 license plate.

13 (B) Approval of the specialty license plate does not guarantee that the
14 submitted draft specialty license plate design will be used. The board has final approval of all
15 specialty license plate designs and will provide guidance on the submitted draft design to ensure
16 compliance with the format and specialty license plate specifications.

17 (f) Redesign of vendor specialty license plates.

18 (1) On receipt of a written request from the vendor, the department will allow a
19 redesign of a vendor specialty license plate.

20 (2) The vendor must pay the redesign administrative costs as provided in the
21 contract between the vendor and the department.

22 (g) Multi-year vendor specialty license plates. Purchasers will have the option of purchasing
23 vendor specialty license plates for a one-year, a three-year, or a five-year period.

1 (h) License plate categories and associated fees. The categories and the associated fees for
2 vendor specialty license plates are set out in this subsection.

3 (1) Custom license plates. Custom license plates include license plates with a
4 variety of pre-approved background and character color combinations that may be personalized
5 with either three alpha and two or three numeric characters or two or three numeric and three
6 alpha characters. Generic license plates on standard white sheeting with the word "Texas" that
7 may be personalized with up to six alphanumeric characters are considered custom license plates
8 before December 2, 2010. The fees for issuance of Custom and Generic license plates are \$150 for
9 one year, \$400 for three years, and \$450 for five years.

10 (2) T-Plates (Premium) license plates. T-Plates (Premium) license plates may be
11 personalized with up to seven alphanumeric characters, including the "T," on colored backgrounds
12 or designs approved by the department. The fees for issuance of T-Plates (Premium) license plates
13 are \$150 for one year, \$400 for three years, and \$450 for five years.

14 (3) Luxury license plates. Luxury license plates may be personalized with up to six
15 alphanumeric characters on colored backgrounds or designs approved by the department. The fees
16 for issuance of luxury license plates are \$150 for one year, \$400 for three years, and \$450 for five
17 years.

18 (4) Freedom license plates. Freedom license plates include license plates with a
19 variety of pre-approved background and character color combinations that may be personalized
20 with up to seven alphanumeric characters. The fees for issuance of freedom license plates are
21 \$195 for one year, \$445 for three years, and \$495 for five years.

1 (5) Background-only license plates. Background-only license plates include non-
2 personalized license plates with a variety of pre-approved background and character color
3 combinations and may be embossed or non-embossed.

4 (A) The fees for issuance of non-embossed, background only license plates
5 are \$50 for one year, \$130 for three years, and \$175 for five years.

6 (B) Except as stated in subsection (h)(9)(C), the fees for embossed, background-
7 only license plates are \$125 for one year, \$205 for three years, and \$250 for five years.

8 (6) Vendor souvenir license plates. Vendor souvenir license plates are replicas of
9 vendor specialty license plate designs that may be personalized with up to 24 alphanumeric
10 characters. Vendor souvenir license plates are not street legal or legitimate insignias of vehicle
11 registration. The fee for issuance of souvenir license plates is \$40.

12 (7) Auction. The vendor may auction department-approved license plate numbers
13 for one, three, or five year terms with options to renew indefinitely at the current price
14 established for a one, three, or five year luxury category license plate. The purchaser of the
15 auction license plate number may select from the vendor background designs, including any
16 embossed license plate designs, at no additional charge at the time of initial issuance. The auction
17 license plate number may be moved from one vendor design plate to another vendor design license
18 plate as provided in subsection (n)(1) of this section. The auction license plate number may be
19 transferred from owner to owner as provided in subsection (l)(2) of this section.

20 (8) Embossed, personalized specialty license plates. The vendor may sell embossed,
21 personalized specialty license plates with a variety of pre-approved background and character color
22 combinations that may be personalized with up to seven alphanumeric characters. Except as stated in
23 subsection (h)(7) of this section, the fees for issuance of embossed, personalized specialty license plates

1 are \$270 for one year, \$520 for three years, and \$570 for five years. Except as stated in subsection
2 (h)(9)(C) of this section, the fees under subsection (h)(9) of this section do not apply to an embossed,
3 personalized specialty license plate.

4 (9) Personalization and specialty license plate fees.

5 (A) The fee for the personalization of license plates applied for prior to
6 November 19, 2009 is \$40 if the license plates are renewed annually.

7 (B) The personalization fee for license plates applied for after November 19,
8 2009 is \$40 if the license plates are issued pursuant to Transportation Code, Chapter 504,
9 Subchapters G and I.

10 (C) If the license plates are renewed annually, the personalization and
11 specialty license plate fees remain the same fee as at the time of issuance if a sponsor of a
12 specialty license plate authorized under Transportation Code, Chapter 504, Subchapters G and I
13 signs a contract with the vendor in accordance with Transportation Code, Chapter 504, Subchapter
14 J, even if the board approves the specialty license plate to be an embossed specialty license plate
15 design.

16 (i) Payment of fees.

17 (1) Payment of specialty license plate fees. The fees for issuance of vendor specialty
18 license plates will be paid directly to the state through vendor and state systems for the license
19 plate category and period selected by the purchaser. A person who purchases a multi-year vendor
20 specialty license plate must pay upon purchase the full fee which includes the renewal fees.

21 (2) Payment of statutory registration fees. To be valid for use on a motor vehicle,
22 the license plate owner is required to pay, in addition to the vendor specialty license plate fees,

1 any statutorily required registration fees in the amount as provided by Transportation Code,
2 Chapter 502, and this subchapter.

3 (j) Refunds. Fees for vendor specialty license plate fees will not be refunded after an
4 application is submitted to the vendor and the department has approved issuance of the license
5 plate.

6 (k) Replacement.

7 (1) Application. An owner must apply directly to the county tax assessor-collector
8 for the issuance of replacement vendor specialty license plates and must pay the fee described in
9 paragraphs (2) or (3) of this subsection, whichever applies.

10 (2) Lost or mutilated vendor specialty license plates. To replace vendor specialty
11 license plates that are lost or mutilated, the owner must pay the statutory replacement fee
12 provided in Transportation Code, §504.007.

13 (3) Optional replacements. An owner of a vendor specialty license plate may
14 replace vendor specialty license plates by submitting a request to the county tax assessor-collector
15 accompanied by the payment of a \$6 fee.

16 (4) Interim replacement tags. If the vendor specialty license plates are lost or
17 mutilated to such an extent that they are unusable, replacement specialty license plates may be
18 remanufactured. The county tax assessor-collector will issue interim replacement tags for use until the
19 replacements are available. The owner's vendor specialty license plate number will be shown on
20 the interim replacement tags.

21 (5) Stolen vendor specialty license plates. The county tax assessor-collector will not
22 approve the issuance of replacement vendor specialty license plates with the same license plate

1 number if the department's records indicate that the vehicle displaying that license plate number
2 was reported stolen or the license plates themselves were reported stolen to law enforcement.

3 (l) Transfer of vendor specialty license plates.

4 (1) Transfer between vehicles. The owner of a vehicle with vendor specialty license
5 plates may transfer the specialty license plates between vehicles by filing an application through
6 the county tax assessor-collector if the vehicle to which the specialty license plates are
7 transferred:

8 (A) is titled or leased in the owner's name; and

9 (B) meets the vehicle classification requirements for that specialty license
10 plate.

11 (2) Transfer between owners. Vendor specialty license plates may not be
12 transferred between persons unless the specialty license plate number was initially purchased
13 through auction as provided in subsection (h)(7) of this section. An auctioned license plate number may
14 be transferred as a specialty license plate or as a virtual pattern to be manufactured on a new
15 background as provided under the restyle option in subsection (n)(1) of this section. In addition to the
16 fee paid at auction, the new owner of an auctioned license plate number or plate will pay the
17 department a fee of \$25 to cover the cost of the transfer, and complete the department's prescribed
18 application at the time of transfer.

19 (m) Gift license plates.

20 (1) A person may purchase license plates as a gift for another person if the
21 purchaser submits a statement that provides:

22 (A) the purchaser's name and address;

1 (B) the name and address of the person who will receive the license plates;

2 and

3 (C) the vehicle identification number of the vehicle on which the license
4 plates will be displayed or a statement that the license plates will not be displayed on a vehicle.

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

9 (n) Restyled vendor specialty license plates. A person who has purchased a multi-year
10 vendor specialty license plate may request a restyled license plate at any time during the term of
11 the plate.

12 (1) For the purposes of this subsection, "restyled license plate" is a vendor specialty
13 license plate that has a different style from the originally purchased vendor specialty license plate
14 but:

15 (A) is within the same price category, except if the license plate number was
16 purchased through auction and has the same alpha-numeric characters and expiration date as the
17 previously issued multi-year license plates; or

18 (B) is restyling from a non-embossed specialty license plate style to an
19 embossed specialty license plate style and has the same alpha-numeric characters and expiration
20 date as the previously issued multi-year license plates.

21 (2) The fee for each restyled license plate is:

22 (A) \$50 for restyling under subsection (n)(1)(A) of this section; or

23 (B) \$75 for restyling under subsection (n)(1)(B) of this section.

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§217.53. Disposition of License Plates and Registration Insignia upon Sale or Transfer of Motor Vehicle.

(a) Upon the sale or transfer of a motor vehicle to a dealer, the dealer shall remove and retain the assigned general issue license plates for disposition at the time of a subsequent purchase in accordance with §215.151(d) (relating to License Plate General Use Requirements), and the dealer shall remove and dispose of the registration insignia as provided in Transportation Code, §502.491.

(b) Upon the sale or transfer of a motor vehicle in which neither party is a dealer, the general issue license plates remain with the motor vehicle as provided in Transportation Code, §504.901.

(c) A license plate other than a general issue license plate shall be removed by the owner of a motor vehicle that is sold or transferred. Removed license plates may be transferred if eligible; otherwise, must be disposed of in a manner that renders the license plates unusable or that ensures the license plates will not be available for fraudulent use on a motor vehicle.

(d) If the purchaser at a retail sale chooses to obtain replacement general issue license plates, the replaced license plates must be disposed of in a manner that renders the license plates unusable or that ensures the license plates will not be available for fraudulent use on a motor vehicle.

§217.54. Registration of Fleet Vehicles.

(a) Scope. A registrant may consolidate the registration of multiple motor vehicles in a fleet instead of registering each vehicle separately. A fleet may include trailers and semitrailers. Except as provided by §217.55 of this title (relating to Exempt and Alias Vehicle Registration), to consolidate registration, a registration must meet the requirements of this section.

(b) Eligibility. A fleet must meet the following requirements to be eligible for fleet registration.

- 1 (1) No fewer than 12 vehicles will be registered as a fleet;
- 2 (2) Vehicles may be registered in annual increments for up to eight years;
- 3 (3) All vehicles in a fleet must be owned by or leased to the same business entity;
- 4 (4) All vehicles must be vehicles that are not registered under the International
5 Registration Plan; and
- 6 (5) Each vehicle must currently be titled in Texas or be issued a registration receipt,
7 or the registrant must submit an application for a title or registration for each vehicle.

8 (c) Application.

- 9 (1) Application for fleet registration must be in a form prescribed by the
10 department. At a minimum the form will require:
 - 11 (A) the full name and complete address of the registrant;
 - 12 (B) a description of each vehicle in the fleet, which may include the vehicle's
13 model year, make, model, vehicle identification number, document number, body style, gross
14 weight, empty weight, and for a commercial vehicle, manufacturer's rated carrying capacity in
15 tons;
 - 16 (C) the existing license plate number, if any, assigned to each vehicle; and
 - 17 (D) any other information that the department may require.
- 18 (2) The application must be accompanied by the following items:
 - 19 (A) in the case of a leased vehicle, a certification that the vehicle is currently
20 leased to the person to whom the fleet registration will be issued;
 - 21 (B) registration fees prescribed by law for the entire registration period
22 selected by the registrant;

1 (C) local fees or other fees prescribed by law and collected in conjunction
2 with registering a vehicle for the entire registration period selected by the registrant;

3 (D) evidence of financial responsibility for each vehicle as required by
4 Transportation Code, §502.046, unless otherwise exempted by law;

5 (E) annual proof of payment of Heavy Vehicle Use Tax;

6 (F) any fees that are required to be collected at the time of registration
7 under Transportation Code, §548.509 for the first year of registration under Transportation Code,
8 §502.0023; and

9 (G) any other documents or fees required by law.

10 (d) Registration period.

11 (1) The fleet owner will designate a single registration period for a fleet so the
12 registration period for each vehicle will expire on the same date.

13 (2) The fleet registration period will begin on the first day of a calendar month and
14 end on the last day of a calendar month.

15 (e) Registration receipt and fleet license plates.

16 (1) As evidence of registration, the department will issue a registration receipt and
17 one or two metal fleet license plates for each vehicle in a fleet.

18 (2) The registration receipt for each vehicle shall at all times be carried in that
19 vehicle and be available to law enforcement personnel upon request.

20 (3) A registration receipt or fleet license plate may not be transferred between
21 vehicles, owners, or registrants.

22 (f) Fleet composition.

1 (1) A registrant may add a vehicle to a fleet at any time during the registration
2 period. An added vehicle will be given the same registration period as the fleet and will be issued
3 one or two metal fleet license plates and a registration receipt.

4 (2) A registrant may remove a vehicle from a fleet at any time during the
5 registration period. After a vehicle is removed from the fleet, the fleet registrant shall either
6 return the metal fleet license plates for that vehicle to the department or provide the department
7 with acceptable proof that the metal fleet license plates for that vehicle have been destroyed.
8 Credit for any vehicle removed from the fleet for the remaining full year increments can be applied
9 to any vehicle added to the fleet or at the time of renewal. No refunds will be given if credit is not
10 used or the account is closed.

11 (3) If the number of vehicles in an account falls below 12 during the registration
12 period, fleet registration will remain in effect. If the number of vehicles in an account is below 12
13 at the end of the registration period, fleet registration will be canceled. In the event of
14 cancellation, each vehicle shall be registered separately. The registrant shall immediately either
15 return all metal fleet license plates to the department or provide the department with acceptable
16 proof that the metal fleet license plates have been destroyed.

17 (g) Fees.

18 (1) When a fleet is first established, the department will charge a registration fee
19 for each vehicle for the entire registration period selected. A currently registered vehicle, however,
20 will be given credit for any remaining time on its separate registration.

21 (2) When a vehicle is added to an existing fleet, the department will charge a
22 registration fee that is prorated based on the number of months of fleet registration remaining. If

1 the vehicle is currently registered, this fee will be adjusted to provide credit for the number of
2 months of separate registration remaining.

3 (3) When a vehicle is removed from fleet registration, it will be considered to be
4 registered separately. The vehicle's separate registration will expire on the date that the fleet
5 registration would have expired. The registrant must pay the statutory replacement fee to obtain
6 regular registration insignia before the vehicle may be operated on a public highway.

7 (4) In addition to the registration fees prescribed by Transportation Code, Chapter
8 502, an owner registering a fleet under this section must pay a one-time fee of \$10 per motor
9 vehicle, semitrailer, or trailer in the fleet. This fee is also due as follows:

10 (A) for each vehicle added to the owner's existing fleet; and

11 (B) for each vehicle that a buyer registers as a fleet, even though the seller
12 previously registered some or all of the vehicles as a fleet under this section.

13 (h) Payment. Payment will be made in the manner prescribed by the department.

14 (i) Cancellation.

15 (1) The department will cancel registration for non-payment and lack of proof of
16 annual payment of the Heavy Vehicle Use Tax.

17 (2) The department may cancel registration on any fleet vehicle on the anniversary
18 date of the registration if the fleet vehicle is not in compliance with the inspection requirements
19 under Transportation Code, Chapter 548 or the inspection requirements in the rules of the Texas
20 Department of Public Safety.

21 (3) A vehicle with a canceled registration may not be operated on a public highway.

22 (4) If the department cancels the registration of a vehicle under this subsection, the
23 registrant can request the department to reinstate the registration by doing the following:

1 (A) complying with the requirements for which the department canceled
2 the registration;

3 (B) providing the department with notice of compliance on a form
4 prescribed by the department; and

5 (C) for a registration canceled under paragraph (2) of this subsection, paying
6 an administrative fee in the amount of \$10.

7 (5) A registrant is eligible for reinstatement of the registration only within 90
8 calendar days of the department's notice of cancellation.

9 (6) If a registrant fails to timely reinstate the registration of a canceled vehicle
10 registration under this section, the registrant:

11 (A) is not entitled to a credit or refund of any registration fees for the
12 vehicle; and

13 (B) must immediately either return the metal fleet license plates to the
14 department or provide the department with acceptable proof that the metal fleet license plates
15 have been destroyed.

16 (j) Inspection fee. The registrant must pay the department by the deadline listed in the
17 department's invoice for any fees that are required to be collected at the time of registration
18 under Transportation Code, §548.509 on an annual basis under Transportation Code, §502.0023.

19
20 §217.55. Exempt and Alias Vehicle Registration.

21 (a) Exempt license plate registration.

22 (1) Issuance. Pursuant to Transportation Code, §502.453 or §502.456, certain
23 vehicles owned by and used exclusively in the service of a governmental agency, owned by a

1 commercial transportation company and used exclusively for public school transportation services,
2 designed and used for fire-fighting or owned by a volunteer fire department and used in the
3 conduct of department business, privately owned and used in volunteer county marine law
4 enforcement activities, used by law enforcement under an alias for covert criminal investigations,
5 owned by units of the United States Coast Guard Auxiliary headquartered in Texas and used
6 exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and
7 operations, or owned or leased by a non-profit emergency medical service provider are exempt
8 from payment of a registration fee and are eligible for exempt plates.

9 (2) Application for exempt registration.

10 (A) Application. An application for exempt license plates shall be made to
11 the county tax assessor-collector, shall be made on a form prescribed by the department, and shall
12 contain the following information:

13 (i) vehicle description;

14 (ii) name of the exempt agency;

15 (iii) a certification by an authorized person stating that the vehicle is
16 owned or under the control of and will be operated by the exempt agency; and

17 (iv) a certification that each vehicle listed on the application has the
18 name of the exempt agency printed on each side of the vehicle in letters that are at least two
19 inches high or in an emblem that is at least 100 square inches in size and of a color sufficiently
20 different from the body of the vehicle as to be clearly legible from a distance of 100 feet, unless
21 the applicant complies with the requirements under this section for each vehicle that is exempt by
22 law from the inscription requirements.

23 (B) Emergency medical service vehicle.

1 (i) The application for exempt registration must contain the vehicle
2 description, the name of the emergency medical service provider, and a statement signed by an
3 officer of the emergency medical service provider stating that the vehicle is used exclusively as an
4 emergency response vehicle and qualifies for registration under Transportation Code, §502.456.

5 (ii) A copy of an emergency medical service provider license issued
6 by the Department of State Health Services must accompany the application.

7 (C) Fire-fighting vehicle. The application for exempt registration of a fire-
8 fighting vehicle or vehicle owned privately by a volunteer fire department and used exclusively in
9 the conduct of department business must contain the vehicle description, including a description
10 of any fire-fighting equipment mounted on the vehicle if the vehicle is a fire-fighting vehicle. The
11 certification must be executed by the person who has the proper authority and shall state either:

12 (i) the vehicle is designed and used exclusively for fire-fighting; or

13 (ii) the vehicle is owned by a volunteer fire department and is used
14 exclusively in the conduct of its business.

15 (D) County marine law enforcement vehicle. The application for exempt
16 registration of a privately-owned vehicle used by a volunteer exclusively in county marine law
17 enforcement activities, including rescue operations, under the direction of the sheriff's
18 department must include a statement signed by a person having the authority to act for a sheriff's
19 department verifying that fact.

20 (E) United States Coast Guard Auxiliary vehicle. The application for exempt
21 registration of a vehicle owned by units of the United States Coast Guard Auxiliary headquartered
22 in Texas and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary
23 business and operation, including search and rescue, emergency communications, and disaster

1 operations, must include a statement by a person having authority to act for the United States
2 Coast Guard Auxiliary that the vehicle or trailer is used exclusively in fulfillment of an authorized
3 mission of the United States Coast Guard or Coast Guard Auxiliary, including search and rescue,
4 emergency communications, or disaster operations.

5 (F) Motor vehicles owned and used by state-supported institutions. If the
6 applicant is exempt from the inscription requirements under Education Code §51.932, the
7 applicant must present a certification that each vehicle listed on the application is exempt from
8 the inscription requirements under Education Code §51.932.

9 (3) Exception. A vehicle may be exempt from payment of a registration fee but
10 display license plates other than exempt license plates if the vehicle is not registered under
11 subsection (b) of this section.

12 (A) If the applicant is a law enforcement office, the applicant must present a
13 certification that each vehicle listed on the application will be dedicated to law enforcement
14 activities.

15 (B) If the applicant is exempt from the inscription requirements under
16 Transportation Code, §721.003, the applicant must present a certification that each vehicle listed
17 on the application is exempt from inscription requirements under Transportation Code, §721.003.
18 The applicant must also provide a citation to the section that exempts the vehicle.

19 (C) If the applicant is exempt from the inscription requirements under
20 Transportation Code, §721.005 the applicant must present a certification that each vehicle listed
21 on the application is exempt from inscription requirements under Transportation Code, §721.005.
22 The applicant must also provide a copy of the order or ordinance that exempts the vehicle.

23 (b) Affidavit for issuance of exempt registration under an alias.

1 (1) On receipt of an affidavit for alias exempt registration, approved by the
2 executive administrator of an exempt law enforcement agency, the department will issue alias
3 exempt license plates for a vehicle and register the vehicle under an alias for the law enforcement
4 agency's use in covert criminal investigations.

5 (2) The affidavit for alias exempt registration must be in a form prescribed by the
6 director and must include the vehicle description, a sworn statement that the vehicle will be used
7 in covert criminal investigations, and the signature of the executive administrator or the executive
8 administrator's designee as provided in paragraph (3) of this subsection. The vehicle registration
9 insignia of any vehicles no longer used in covert criminal investigations shall be surrendered
10 immediately to the department.

11 (3) The executive administrator, by annually filing an authorization with the
12 director, may appoint a staff designee to execute the affidavit. A new authorization must be filed
13 when a new executive administrator takes office.

14 (4) The letter of authorization must contain a sworn statement delegating the
15 authority to sign the affidavit to a designee, the name of the designee, and the name and the
16 signature of the executive administrator.

17 (5) The affidavit for alias exempt registration must be accompanied by an
18 application required by the department to create the alias record of vehicle registration and title
19 as outlined in §217.13 of this title (relating to Alias Certificate of Title). The application must
20 contain the information required by the department to create the alias record of vehicle
21 registration and title.

22 (c) Replacement of exempt registration.

1 (1) If a metal exempt license plate is lost, stolen, or mutilated, a properly executed
2 application for metal exempt license plates must be submitted to the county tax assessor-
3 collector.

4 (2) An application for replacement metal exempt license plates must contain the
5 vehicle description, original license number, and the sworn statement that the license plates
6 furnished for the vehicle have been lost, stolen, or mutilated and will not be used on any other
7 vehicle.

8 (d) Title requirements. Unless exempted by statute, a vehicle must be titled at the time the
9 exempt registration is issued.

10 (e) Extended Registration of County Fleet Vehicles.

11 (1) Subsections (a)(2), (a)(3)(B), and (c) of this section do not apply under this
12 subsection.

13 (2) The owner of the exempt county fleet must file a completed application for
14 exempt county fleet registration on a form prescribed by the department, and shall contain the
15 following information:

16 (A) vehicle description;

17 (B) name of the exempt agency;

18 (C) a certification by an authorized person stating that the vehicle is owned
19 by and used exclusively in the service of the county;

20 (D) a certification that each vehicle listed on the application has the name
21 of the exempt agency printed on each side of the vehicle in letters that are at least two inches high
22 or in an emblem that is at least 100 square inches in size and of a color sufficiently different from
23 the body of the vehicle as to be clearly legible from a distance of 100 feet, unless the applicant

1 complies with the requirements under this section for each vehicle that is exempt by law from the
2 inscription requirements; and

3 (E) designation of a single registration period for the fleet to ensure that the
4 registration period for each vehicle will expire on the same last day of a calendar month.

5 (3) The application for exempt county fleet registration must be accompanied by
6 any fees that are required to be collected at the time of registration under Transportation Code,
7 §548.509 for the first year of registration under Transportation Code, §502.0025.

8 (4) As evidence of registration, the department will issue a registration receipt and
9 one or two metal exempt fleet license plates for each vehicle in the exempt county fleet. The
10 registration receipt for each vehicle must be carried in that vehicle at all times and be made
11 available to law enforcement personnel upon request. The registration receipt and exempt fleet
12 license plates may not be transferred between vehicles, owners, or registrants.

13 (5) An owner may add or remove a vehicle from an exempt county fleet at any time
14 during the registration period. An added vehicle will be given the same registration period as the
15 other vehicles in the exempt county fleet and will be issued a registration receipt and one or two
16 metal exempt fleet license plates. Upon the removal of a vehicle from the exempt county fleet, the
17 owner of the vehicle shall dispose of the registration receipt and shall either return the metal
18 exempt fleet license plates to the department or provide the department with acceptable proof
19 that the metal exempt fleet license plates have been destroyed.

20 (6) An owner must pay the department by the deadline listed in the department's
21 invoice for any fees that are required to be collected at the time of registration under
22 Transportation Code, §548.509 on an annual basis under Transportation Code, §502.0025.
23 Payment shall be made in the manner prescribed by the department.

1 (7) The department may cancel registration on an exempt county fleet or any
2 vehicle in an exempt county fleet on the anniversary date of the registration if the vehicle is not in
3 compliance with Transportation Code §502.0025, this subsection, the inspection requirements
4 under Transportation Code Chapter 548, or the inspection requirements in the rules of the Texas
5 Department of Public Safety. A vehicle with a canceled registration may not be operated on a
6 public highway.

7 (8) If the department cancels the registration of a vehicle in an exempt county fleet
8 under subsection (e)(7) of this section, the owner may request that the department reinstate the
9 registration. To request reinstatement, the owner must comply with the requirements that led the
10 department to cancel the registration and must provide the department with notice of compliance
11 on a form prescribed by the department. An owner is eligible for reinstatement of the registration
12 of a vehicle in an exempt county fleet if the department receives the owner's request for
13 reinstatement and proof of compliance no later than 90 calendar days after the date of the
14 department's notice of cancellation. If the department does not timely receive an owner's request
15 to reinstate the registration, the owner must immediately do the following:

16 (A) either return all metal exempt county fleet license plates to the
17 department or provide the department with acceptable proof that the metal exempt county fleet
18 license plates have been destroyed; and

19 (B) dispose of the registration receipt in a manner prescribed by the
20 department.

21 (9) If a metal exempt county fleet license plate is lost, stolen, or mutilated, the
22 owner may request a new metal exempt county fleet license plate from the department. The
23 request must include the following:

1 (A) a certification that the previously issued metal exempt county fleet
2 license plate furnished for the vehicle has been lost, stolen, or mutilated and that the new metal
3 exempt county fleet license plate will not be used on any other vehicle;

4 (B) the vehicle description; and

5 (C) the original license plate number, if applicable.

6

7 §217.56. Registration Reciprocity Agreements.

8 (a) Purpose. To promote and encourage the fullest possible use of the highway system and
9 contribute to the economic development and growth of the State of Texas and its residents, the
10 department is authorized by Transportation Code, §502.091 to enter into agreements with duly
11 authorized officials of other jurisdictions, including any state of the United States, the District of
12 Columbia, a foreign country, a state or province of a foreign country, or a territory or possession of
13 either the United States or of a foreign country, and to provide for the registration of vehicles by
14 Texas residents and nonresidents on an allocation or distance apportionment basis, and to grant
15 exemptions from the payment of registration fees by nonresidents if the grants are reciprocal to
16 Texas residents.

17 (b) Definitions. The following words and terms, when used in this section, shall have the
18 following meanings, unless the context clearly indicates otherwise:

19 (1) Cab card--The apportioned vehicle registration receipt that contains, but is not
20 limited to, the vehicle description and the registered weight at which the vehicle may operate in
21 each jurisdiction.

22 (2) Department--The Texas Department of Motor Vehicles.

1 (3) Director--The director of the Motor Carrier Division, Texas Department of Motor
2 Vehicles.

3 (4) Executive director--The chief executive officer of the department.

4 (5) Regional Service Center--A department office which provides specific services to
5 the public, including replacement titles, bonded title notices of determination, and apportioned
6 registration under the International Registration Plan (IRP).

7 (6) Temporary cab card--A temporary registration authorized by the department
8 that allows the operation of a vehicle for 30 days subject to all rights and privileges afforded to a
9 vehicle displaying apportioned registration.

10 (c) Multilateral agreements.

11 (1) Authority. The executive director may on behalf of the department enter into a
12 multilateral agreement with the duly authorized officials of two or more other jurisdictions to
13 carry out the purpose of this section.

14 (2) International Registration Plan.

15 (A) Applicability. The IRP is a registration reciprocity agreement among
16 states of the United States and other jurisdictions providing for payment of registration fees on the
17 basis of fleet distance operated in various jurisdictions. Its purpose is to promote and encourage
18 the fullest possible use of the highway system by authorizing apportioned registration for
19 commercial motor vehicles and payment of appropriate vehicle registration fees and thus
20 contributing to the economic development and growth of the member jurisdictions.

21 (B) Adoption. The department adopts by reference the January 1, 2024,
22 version of the IRP. The department also adopts by reference the January 1, 2016, version of the IRP
23 Audit Procedures Manual. In the event of a conflict between this section and the IRP or the IRP

1 Audit Procedures Manual, the IRP and the IRP Audit Procedures Manual control. Copies of the
2 documents are available online at www.irponline.org or on request to the department.

3 (C) Application.

4 (i) An applicant must submit an application to the department on a
5 form prescribed by the director, along with additional documentation as required by the director.

6 An applicant shall provide the department with a copy of the applicant's receipt under the Unified
7 Carrier Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) to prove the
8 applicant is currently registered under UCR if the applicant is required to register under UCR.

9 (ii) Upon approval of the application, the department will compute
10 the appropriate registration fees and notify the registrant.

11 (D) Fees. Upon receipt of the applicable fees in the form as provided by
12 §209.23 of this title (relating to Methods of Payment), the department will issue one or two license
13 plates and a cab card for each vehicle registered.

14 (E) Display of License Plates and Cab Cards.

15 (i) The department will issue one license plate for a tractor, truck-
16 tractor, trailer, and semitrailer. The license plate issued to a tractor or a truck-tractor shall be
17 installed on the front of the tractor or truck-tractor, and the license plate issued for a trailer or
18 semitrailer shall be installed on the rear of the trailer or semitrailer.

19 (ii) The department will issue two license plates for all other vehicles
20 that are eligible to receive license plates under the IRP. Once the department issues two license
21 plates for a vehicle listed in this clause, one plate shall be installed on the front of the vehicle, and
22 one plate shall be installed on the rear of the vehicle.

1 (iii) The cab card shall be carried at all times in the vehicle in
2 accordance with the IRP. If the registrant chooses to display an electronic image of the cab card on
3 a wireless communication device or other electronic device, such display does not constitute
4 consent for a peace officer, or any other person, to access the contents of the device other than
5 the electronic image of the cab card.

6 (iv) The authority to display an electronic image of the cab card on a
7 wireless communication device or other electronic device does not prevent the Texas State Office
8 of Administrative Hearings or a court of competent jurisdiction from requiring the registrant to
9 provide a paper copy of the cab card in connection with a hearing, trial, or discovery proceeding.

10 (F) Audit. An audit of the registrant's vehicle operational records may be
11 conducted by the department according to the IRP provisions and the IRP Audit Procedures
12 Manual. Upon request, the registrant shall provide the operational records of each vehicle for
13 audit in unit number order, in sequence by date, and including, but not limited to, a summary of
14 distance traveled by each individual vehicle on a monthly, quarterly, and annual basis with
15 distance totaled separately for each jurisdiction in which the vehicle traveled.

16 (G) Assessment. The department may assess additional registration fees of
17 up to 100% of the apportionable fees paid by the registrant for the registration of its fleet in the
18 registration year to which the records pertain, as authorized by the IRP, if an audit conducted
19 under subparagraph (F) of this paragraph reveals that:

20 (i) the operational records indicate that the vehicle did not generate
21 interstate distance in two or more member jurisdictions for the distance reporting period
22 supporting the application being audited, plus the six-month period immediately following that
23 distance reporting period;

1 (ii) the registrant failed to provide complete operational records; or
2 (iii) the distance must be adjusted, and the adjustment results in a
3 shortage of registration fees due Texas or any other IRP jurisdiction.

4 (H) Refunds. If an audit conducted under subparagraph (F) of this paragraph
5 reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund
6 the overpayment of registration fees in accordance with Transportation Code, §502.195 and the
7 IRP. Any registration fees refunded to a carrier for another jurisdiction will be deducted from
8 registration fees collected and transmitted to that jurisdiction.

9 (I) Cancellation or revocation. The director or the director's designee may
10 cancel or revoke a registrant's apportioned registration and all privileges provided by the IRP as
11 authorized by the following:

- 12 (i) the IRP; or
13 (ii) Transportation Code, Chapter 502.

14 (J) Procedures for assessment, cancellation, or revocation.

15 (i) Notice. If a registrant is assessed additional registration fees, as
16 provided in subparagraph (G) of this paragraph, and the additional fees are not paid by the due
17 date provided in the notice or it is determined that a registrant's apportioned license plates and
18 privileges should be canceled or revoked, as provided in subparagraph (I) of this paragraph, the
19 director or the director's designee will mail a notice by certified mail to the last known address of
20 the registrant. The notice will state the facts underlying the assessment, cancellation, or
21 revocation; the effective date of the assessment, cancellation, or revocation; and the right of the
22 registrant to request a conference as provided in clause (ii) of this subparagraph.

1 (ii) Conference. A registrant may request a conference upon receipt
2 of a notice issued as provided by clause (i) of this subparagraph. The request must be made in
3 writing to the director or the director's designee within 30 days of the date of the notice. If timely
4 requested, the conference will be scheduled and conducted by the director or the director's
5 designee at division headquarters in Austin and will serve to abate the assessment, cancellation, or
6 revocation unless and until that assessment, cancellation, or revocation is affirmed or disaffirmed
7 by the director or the director's designee. In the event matters are resolved in the registrant's
8 favor, the director or the director's designee will mail the registrant a notice of withdrawal,
9 notifying the registrant that the assessment, cancellation, or revocation is withdrawn, and stating
10 the basis for that action. In the event matters are not resolved in the registrant's favor, the
11 director or the director's designee will issue a decision reaffirming the department's assessment of
12 additional registration fees or cancellation or revocation of apportioned license plates and
13 privileges. The registrant has the right to appeal in accordance with clause (iii) of this
14 subparagraph.

15 (iii) Appeal. If a conference held in accordance with clause (ii) of this
16 subparagraph fails to resolve matters in the registrant's favor, the registrant may submit an appeal
17 under §224.122 of this title (relating to Appeal of Decision Regarding Assessment, Cancellation, or
18 Revocation Under §217.56). An appeal will be governed by Chapter 224 of this title (relating to
19 Adjudicative Practice and Procedure) and Transportation Code, Chapter 502.

20 (K) Reinstatement.

21 (i) The director or the director's designee will reinstate apportioned
22 registration to a previously canceled or revoked registrant if all applicable fees and assessments

1 due on the previously canceled or revoked apportioned account have been paid and the applicant
2 provides proof of an acceptable recordkeeping system for a period of no less than 60 days.

3 (ii) The application for the following registration year will be
4 processed in accordance with the provisions of the IRP.

5 (L) Denial of apportioned registration for safety reasons. The department
6 will comply with the requirements of the Performance and Registration Information Systems
7 Management program (PRISM) administered by the Federal Motor Carrier Safety Administration
8 (FMCSA).

9 (i) Denial or suspension of apportioned registration. Upon
10 notification from the FMCSA that a carrier has been placed out of service for safety violations, the
11 department will:

12 (I) deny initial issuance of apportioned registration;

13 (II) deny authorization for a temporary cab card, as provided
14 for in subparagraph (M) of this paragraph;

15 (III) deny renewal of apportioned registration; or

16 (IV) suspend current apportioned registration.

17 (ii) Issuance after denial of registration or reinstatement of
18 suspended registration. The director or the director's designee will reinstate or accept an initial or
19 renewal application for apportioned registration from a registrant who was suspended or denied
20 registration under clause (i) of this subparagraph upon presentation of a Certificate of Compliance
21 from FMCSA, in addition to all other required documentation and payment of fees.

22 (M) Temporary cab card.

1 (i) Application. The department may authorize issuance of a
2 temporary cab card to a motor carrier with an established Texas apportioned account for a vehicle
3 upon proper submission of all required documentation, a completed application, and all fees for
4 either:

5 (I) Texas title as prescribed by Transportation Code, Chapter
6 501 and Subchapter A of this chapter (relating to Motor Vehicle Titles); or

7 (II) registration receipt to evidence title for registration
8 purposes only (Registration Purposes Only) as provided for in Transportation Code, §501.029 and
9 §217.24 of this title (relating to Vehicle Last Registered in Another Jurisdiction).

10 (ii) Title application. A registrant who is applying for a Texas title as
11 provided for in clause (i)(I) of this subparagraph and is requesting authorization for a temporary
12 cab card, must submit to a Regional Service Center a photocopy of the title application receipt
13 issued by the county tax assessor-collector's office.

14 (iii) Registration Purposes Only. A registrant who is applying for
15 Registration Purposes Only under clause (i)(II) of this subparagraph and is requesting authorization
16 for a temporary cab card, must submit an application and all additional original documents or
17 copies of original documents required by the director to a Regional Service Center.

18 (iv) Department approval. On department approval of the submitted
19 documents, the department will send notice to the registrant to finalize the transaction and make
20 payment of applicable registration fees.

21 (v) Finalization and payment of fees. To finalize the transaction and
22 print the temporary cab card, the registrant may compute the registration fees through the
23 department's apportioned registration software application, TxFLEET system, and:

1 (I) make payment of the applicable registration fees to the
2 department as provided by §209.23 of this title; and

3 (II) afterwards, mail or deliver payment of the title
4 application fee in the form of a check, certified cashier's check, or money order payable to the
5 county tax assessor-collector in the registrant's county of residency and originals of all copied
6 documents previously submitted.

7 (vi) Deadline. The original documents and payment must be
8 received by the Regional Service Center within 72-hours after the time that the office notified the
9 registrant of the approval to print a temporary cab card as provided in clause (iv) of this
10 subparagraph.

11 (vii) Failure to meet deadline. If the registrant fails to submit the
12 original documents and required payment within the time prescribed by clause (vi) of this
13 subparagraph, the registrant's privilege to use this expedited process to obtain a temporary cab
14 card will be denied by the department for a period of six months from the date of approval to print
15 the temporary cab card.

16
17 **STATUTORY AUTHORITY.** The department adopts a repeal to Chapter 217 under Transportation Code
18 §551.202, which identifies the operation on roadways of electric personal assistive mobility devices.

19 **CROSS REFERENCE TO STATUTE.** The adopted repeal would implement Transportation Code Chapter
20 551.

21
22 Text.

23 [~~217.34. Electric Personal Assistive Mobility Device.~~]

1 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
2 Chapters 502 and 520.

3
4 Text.

5 §217.71. Automated and Web-Based Vehicle Registration and Title Systems.

6 (a) Purpose.

7 (1) Transportation Code, Chapters 501 and 502, charge the department with the
8 responsibility for issuing titles and registering vehicles operating on the roads, streets, and
9 highways of the state.

10 (2) To provide a more efficient, cost-effective system for registering and titling
11 vehicles, submitting title and registration records to county tax assessor-collectors and the
12 department, maintaining records, improving inventory control of accountable items, and collecting
13 and reporting of applicable fees consistent with those statutes, the department has designed:

14 (A) an automated system known as the registration and title system. This
15 system expedites registration and titling processes, provides a superior level of customer service to
16 the owners and operators of vehicles, and facilitates availability of the department's motor vehicle
17 records for official law enforcement needs. Automated equipment compatible with the
18 registration and title system is indispensable to the operational integrity of the system; and

19 (B) a web-based system known as webDEALER. This system expedites
20 registration and titling processes, provides a superior level of customer service to the owners and
21 operators of vehicles, and facilitates availability of the department's motor vehicle records for
22 official law enforcement needs.

1 (3) This subchapter prescribes the policies and procedures under which the
2 department may make the automated equipment available to a county tax assessor-collector as
3 designated agent of the state for processing title and vehicle registration documents and the
4 policies and procedures to use webDEALER.

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

7 (1) Automated equipment--Equipment associated with the operation of the
8 registration and titling system, including, but not limited to, microcomputers, printers, software,
9 and cables.

10 (2) Department--The Texas Department of Motor Vehicles.

11 (3) Executive director--The executive director of the Texas Department of Motor
12 Vehicles.

13 (4) Fair share allocation--The amount of automated equipment determined by the
14 department to be effective at providing a reasonable level of service to the public. This amount
15 will be determined on transaction volumes, number of county substations, and other factors
16 relating to a particular county's need.

17 (5) RTS--The department's registration and title system.

18 (6) Title application--A form as defined by §217.2 of this title (relating to
19 Definitions), and includes the electronic process provided by the department that captures the
20 information required by the department to create a motor vehicle title record.

21 (7) webDEALER--The department's web-based titling and registration system used
22 to submit title applications to county tax assessor-collectors and the department. This term

1 includes any other web-based system which facilitates electronic submission of title applications,
2 including webSALVAGE, eTITLE, and webLIEN.

3

4 §217.74. webDEALER Access, Use, and Training.

5 (a) Each county tax assessor-collector shall request access to, and accept title applications
6 submitted through, webDEALER. A county tax assessor-collector must utilize webDEALER in order
7 to accept a title application in the county as provided by subsections (b) and (c) of this section.

8 (b) Except as provided in subsection (c) of this section, a person who wishes to become a
9 user of webDEALER must contact each entity to whom they submit title applications for
10 authorization to utilize webDEALER. A user must receive authorization from each entity, including
11 each county tax assessor-collector, to whom the user submits title applications. Title applications
12 submitted to the department require the authorization by the department.

13 (c) A motor vehicle dealer who holds a general distinguishing number (holder) must contact
14 each county tax assessor-collector to whom they submit title applications for webDEALER access.
15 The county must provide the holder access. A holder must obtain access from each county to
16 whom the user submits title applications. All active holders must obtain access to webDEALER in
17 advance of July 1, 2025. If a holder does not have webDEALER access by April 30, 2025, the
18 department may provide the holder access to webDEALER in the county where the holder is
19 located.

20 (d) A county tax assessor-collector may authorize a deputy appointed by the county tax
21 assessor-collector in accordance with subchapter H of this chapter (relating to Deputies) to utilize
22 webDEALER.

1 (e) An entity or person authorized under subsection (b) of this section may have their
2 authorization to use webDEALER revoked, rescinded, or cancelled at any time, with no notice, at
3 the discretion of a county tax assessor-collector or the department.

4 (f) When submitting a title application through webDEALER, a user must:

5 (1) stamp the word "SURRENDERED" across the front face and the next open
6 assignment or reassignment space of any secure title document or other acceptable ownership
7 evidence as determined by the department in:

8 (A) arial font;

9 (B) black ink; and

10 (C) a size of 1/4" height x 2 1/4" length;

11 (2) retain the physical document described in paragraph (1) of this subsection for a
12 minimum of four calendar years from the date of submitting a scanned copy of the stamped title
13 document using the webDEALER system; and

14 (3) submit any documents required to be submitted with the title application with a
15 scanned resolution of at least 200 dots per inch (DPI).

16 (g) Required webDEALER training. Each user accessing webDEALER under the account of a
17 holder that is described under subsection (c) and required to process title and registration
18 transactions through webDEALER in accordance with Transportation Code, Section 520.0055, must
19 complete webDEALER training conducted by the department by April 30, 2025. New users created
20 on or after April 30, 2025, must complete webDEALER training before being given webDEALER
21 permissions.

22 (1) Required training will include, at a minimum, training regarding transactions
23 performed in webDEALER and proper use of the system.

1 (2) A user who has had access to webDEALER for more than six months and
2 submitted more than 100 transactions within the system as of October 1, 2024, is not required to
3 take the webDEALER training under this section.

4 (3) Failure for holders and users accessing webDEALER under the holder’s account
5 to complete the required training as outlined in this section shall result in denial of access to
6 webDEALER.

7
8 §217.75. Required Training on the Registration and Title System and Identification of Fraud.

9 (a) Required training. A person performing registration or titling services through RTS,
10 including a department employee, department contractor, county tax assessor-collector employee,
11 or full service deputy as defined by §217.162(6) of this title (relating to Definitions), must complete
12 a training program as prescribed by this section. Required training will include, at a minimum:

13 (1) training regarding transactions performed in RTS; and

14 (2) identification of fraudulent activity related to vehicle registration and titling.

15 (b) Online training. The department will make required training for county tax assessor-
16 collector employees and full service deputies available through the department's online training
17 system.

18 (c) Registration and Title System training for county tax assessor-collector staff and full
19 service deputies. To satisfy the training requirements under subsection (a)(1) of this section, a
20 county tax assessor-collector employee or full service deputy must complete each training course
21 associated with the permissions that person is assigned in RTS. A person completes a training
22 course when the person obtains a score of at least 80 percent on the course test, and the training

1 is verified. This section does not limit the number of times or how often a person may take a
2 training course or test.

3 (1) A county tax assessor-collector or county tax assessor-collector's system
4 administrator must create accounts for and assign permissions in RTS to each employee or full
5 service deputy who will be given access to RTS based on that person's job duties as determined by
6 the county tax assessor-collector or the county tax assessor-collector's system administrator.

7 (2) The department will assign training content for specific permissions in RTS.

8 (3) A person must take required training using the person's individually assigned
9 training identifier for the department's online training system.

10 (4) The department will enable a permission on completion of required training.

11 (5) If new training is made available for a new or existing permission a person with
12 permissions enabled before the new training is made available must complete the required
13 training within 120 days of the department's notification that the training is available. A county
14 employee, or full service deputy, who is on leave on the date of the department's notification that
15 the new training is available, for at least 120 days thereafter, and due to circumstances beyond
16 that person's control, as determined by the county tax assessor-collector may have an additional
17 14 days upon returning to work to complete the new training.

18 (d) Failure to complete required training.

19 (1) Except as provided in paragraph (2) of this subsection, the department will
20 disable a permission if a person fails to complete required training for the permission within the
21 timeframes required by this section.

22 (2) The department will not disable a permission for a county tax assessor-collector
23 employee or a full service deputy if the person timely submits their score for each required

1 training course; however, the department will disable the person's permission if the department
2 determines that the submitted score is not at least 80 percent.

3 (3) A disabled permission may be enabled by using the process to complete training
4 and enable permissions in subsection (c) of this section.

5

6

SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES

7

43 TAC §§217.81-217.86, 217.88, and 217.89

8

9 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
10 Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code,
11 Chapter 501, Certificate of Title Act; Transportation Code, §501.030, which authorizes the department to
12 adopt rules governing identification number inspections for motor vehicles brought into the state;
13 Transportation Code, §501.0925, which authorizes the department to adopt rules governing the issuance
14 of titles to insurance companies; Transportation Code, §501.097, which authorizes the department to
15 prescribe the process and procedures for applying for nonrepairable and salvage vehicle titles;
16 Transportation Code, §501.1003, which authorizes the department to require salvage dealers to report
17 nonrepairable and salvage motor vehicles that are dismantled, scrapped or destroyed and to surrender
18 ownership documents for such vehicles; and Transportation Code, §1002.001, which authorizes the board
19 to adopt rules that are necessary and appropriate to implement the powers and the duties of the
20 department, as well as the statutes referenced throughout this preamble.

21 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
22 Chapter 501; and Occupations Code Chapter 2302.

23

1 Text.

2 §217.81. Purpose and Scope.

3 Transportation Code, Chapter 501, Subchapter E, charges the department with the responsibility
4 of issuing titles for nonrepairable and salvage motor vehicles and titles for rebuilt salvage motor
5 vehicles. For the department to efficiently and effectively issue the vehicle titles, maintain records,
6 collect the applicable fees, and ensure the proper application by motor vehicle owners, this subchapter
7 prescribes the policies and procedures for the application for and issuance of vehicle titles for
8 nonrepairable and salvage motor vehicles, and titles for rebuilt salvage motor vehicles.

9

10 §217.82. Definitions.

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

13 (1) Casual sale--Sale as defined by Transportation Code, §501.091(2).

14 (2) Certificate of title--Title as defined by Transportation Code, §501.002(1-a).

15 (3) Application for Title--A form prescribed by the director of the department's Vehicle
16 Titles and Registration Division that reflects the information required by the department to create a
17 motor vehicle title record.

18 (4) Damage--Damage as defined by Transportation Code, §501.091(3).

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

21 (6) Department--The Texas Department of Motor Vehicles.

1 (7) Export-only sale--The sale of a nonrepairable or salvage motor vehicle, by a salvage
2 vehicle dealer, including a salvage pool operator acting as agent for an insurance company, or a
3 governmental entity, to a person who resides outside the United States.

4 (8) Flood damage--A title remark that is initially indicated on a nonrepairable or salvage
5 vehicle title to denote that the damage to the vehicle was caused exclusively by flood and that is carried
6 forward on subsequent title issuance.

7 (9) Insurance company--As defined by Transportation Code, §501.091(5).

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

13 (11) Metal recycler--A person as defined by Transportation Code §501.091(7).

14 (12) Motor vehicle--A vehicle described by Transportation Code, §501.002(17).

15 (13) Nonrepairable motor vehicle--A motor vehicle as defined by Transportation Code,
16 §501.091(9).

17 (14) Nonrepairable vehicle title--Title as defined by Transportation Code, §501.091(10).

18 (15) Nonrepairable record of title--Title as defined by Transportation Code,
19 §501.091(10-a).

20 (16) Out-of-state buyer--Buyer as defined by Transportation Code, §501.091(11).

21 (17) Out-of-state ownership document--A negotiable document issued by another
22 jurisdiction that the department considers sufficient to prove ownership of a nonrepairable or salvage

1 motor vehicle and to support issuance of a comparable Texas certificate of title for the motor vehicle.

2 The term does not include a title issued by the department, including a:

3 (A) regular certificate of title;

4 (B) nonrepairable vehicle title;

5 (C) salvage vehicle title;

6 (D) salvage certificate;

7 (E) Certificate of Authority to Demolish a Motor Vehicle; or

8 (F) any other ownership document issued by the department.

9 (18) Person--An individual, partnership, corporation, trust, association, or other private
10 legal entity.

11 (19) Rebuilt salvage title--A title evidencing ownership of a nonrepairable motor vehicle
12 that was issued a nonrepairable vehicle title prior to September 1, 2003, or salvage motor vehicle that
13 has been rebuilt.

14 (20) Salvage motor vehicle--A motor vehicle, regardless of the year model:

15 (A) that:

16 (i) is damaged or is missing a major component part to the extent that
17 the cost of repairs exceeds the actual cash value of the motor vehicle immediately before the damage;

18 or

19 (ii) comes into this state under an out-of-state ownership document
20 that states on its face "accident damage," "flood damage," "inoperable," "rebuildable," "salvageable," or
21 similar notation, and is not an out-of-state ownership document with a "rebuilt," "prior salvage," or
22 similar notation, or a nonrepairable motor vehicle; and

23 (B) does not include:

1 (i) a motor vehicle for which an insurance company has paid a claim for
2 repairing hail damage, or theft, unless the motor vehicle was damaged during the theft and before
3 recovery to the extent that the cost of repair exceeds the actual cash value of the motor vehicle
4 immediately before the damage;

5 (ii) the cost of materials or labor for repainting the motor vehicle; or

6 (iii) sales tax on the total cost of repairs.

7 (21) Salvage vehicle dealer--Dealer as defined by Transportation Code, §501.091(17).

8 (22) Salvage vehicle title--Title as defined by Transportation Code, §501.091(16).

9 (23) Salvage record of title--Title as defined by Transportation Code, §501.091(16-a).

10

11 §217.83. Requirement for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of
12 Title.

13 (a) Determination of condition of vehicle.

14 (1) Salvage motor vehicle. When a vehicle is damaged, the actual cash value of the
15 motor vehicle immediately before the damage and the cost of repairs shall be used to determine
16 whether the damage is sufficient to classify the motor vehicle as a salvage motor vehicle.

17 (2) Nonrepairable motor vehicle. When a vehicle is damaged, the actual cash value of
18 the motor vehicle immediately before the damage and the cost of repairs, or any method commonly
19 used by the insurance industry, shall be used to determine whether the damage is sufficient to classify
20 the motor vehicle as a nonrepairable motor vehicle.

21 (3) The actual cash value of the motor vehicle is the market value of a motor vehicle as
22 determined:

1 (A) from publications commonly used by the automotive and insurance
2 industries to establish the values of motor vehicles; or

3 (B) if the entity determining the value is an insurance company, by any other
4 procedure recognized by the insurance industry, including market surveys, that is applied in a uniform
5 manner.

6 (4) The cost of repairs, including parts and labor, shall be determined by:

7 (A) using a manual of repair costs or other instrument that is generally
8 recognized and used in the motor vehicle industry to determine those costs; or

9 (B) an estimate of the actual cost of the repair parts and the estimated labor
10 costs computed by using hourly rate and time allocations that are reasonable and commonly assessed in
11 the repair industry in the community in which the repairs are performed.

12 (5) The cost of repairs does not include:

13 (A) the cost of:

14 (i) repairs related to gradual damage to a motor vehicle;

15 (ii) repairs related to hail damage; or

16 (iii) materials and labor for repainting or when the damage is solely to
17 the exterior paint of the motor vehicle; or

18 (B) sales tax on the total cost of repairs.

19 (b) Who must apply.

20 (1) An insurance company licensed to do business in this state that acquires ownership
21 or possession of a nonrepairable or salvage motor vehicle that is covered by a title issued by this state or
22 a manufacturer's certificate of origin shall obtain a nonrepairable or salvage vehicle title or
23 nonrepairable or salvage record of title, as provided by §217.84 of this title (relating to Application for

1 Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title), before selling or
2 otherwise transferring the nonrepairable or salvage motor vehicle, except as provided by subsection (c)
3 of this section.

4 (2) A salvage vehicle dealer shall obtain a Nonrepairable or Salvage Vehicle Title or
5 Nonrepairable or Salvage Record of Title, or comparable out-of-state ownership document, before
6 selling or otherwise transferring the motor vehicle, except as provided by §217.88(b) of this title
7 (relating to Sale, Transfer, or Release of Ownership of a Nonrepairable or Salvage Motor Vehicle).

8 (3) A person, other than an insurance company or salvage vehicle dealer, who acquires
9 ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle
10 title, a salvage vehicle title, or a comparable out-of-state ownership document, shall obtain a
11 nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84,
12 before selling or otherwise transferring the motor vehicle, unless the motor vehicle will be dismantled,
13 scrapped, or destroyed.

14 (c) Owner-retained vehicles.

15 (1) When an insurance company pays a claim on a nonrepairable or salvage motor
16 vehicle and does not acquire ownership of the motor vehicle, the company shall submit through
17 webDEALER to the department before the 31st day after the date of the payment of the claim, on a
18 form prescribed by the department, a report stating that:

19 (A) the insurance company has paid a claim on the nonrepairable or salvage
20 motor vehicle; and

21 (B) the insurance company has not acquired ownership of the nonrepairable or
22 salvage motor vehicle.

1 (2) Upon receipt of the report described in paragraph (2) of this subsection, the
2 department will place an appropriate notation on the motor vehicle record to prevent registration and
3 transfer of ownership prior to the issuance of a salvage or nonrepairable vehicle title or salvage or
4 nonrepairable record of title.

5 (3) The owner who retained the nonrepairable or salvage motor vehicle to which this
6 subsection applies shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage
7 record of title, as provided by §217.84, before selling or otherwise transferring the nonrepairable or
8 salvage motor vehicle.

9 (4) The owner of an owner retained nonrepairable or salvage motor vehicle may not
10 operate or permit operation of the motor vehicle on a public highway, until the motor vehicle is rebuilt,
11 titled as a rebuilt salvage motor vehicle or rebuilt nonrepairable motor vehicle, if applicable, and is
12 registered in accordance with Subchapter B of this chapter.

13 (d) Self-insured vehicles. The owner of a nonrepairable or salvage motor vehicle that is self-
14 insured and that has been removed from normal operation by the owner shall apply to the department
15 for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by
16 §217.84, before the 31st day after the damage occurred, and before selling or otherwise transferring
17 ownership of the nonrepairable or salvage motor vehicle.

18 (e) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company that
19 acquires a nonrepairable or salvage motor vehicle shall apply to the department for a nonrepairable or
20 salvage vehicle title or nonrepairable or salvage record of title, in accordance with §217.84, prior to
21 offering the motor vehicle for sale in a casual sale.

22 (f) Export-only vehicles. A salvage vehicle dealer, including a salvage pool operator acting as
23 agent for an insurance company, or governmental entity that acquires a nonrepairable or salvage motor

1 vehicle and offers it for sale to a non-United States resident shall apply to the department for a
2 nonrepairable or salvage vehicle title, as provided by §217.84, before selling or otherwise transferring
3 the nonrepairable or salvage motor vehicle and before delivery of the nonrepairable or salvage motor
4 vehicle to the buyer. A salvage vehicle dealer or governmental entity shall maintain records of all export-
5 only nonrepairable or salvage motor vehicle sales as provided by §217.88(g).

6 (g) Voluntary application. A person who owns or acquires a motor vehicle that is not a
7 nonrepairable or salvage motor vehicle may voluntarily, and on proper application, as provided by
8 §217.84, apply for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title.

9
10 §217.84. Application for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of
11 Title.

12 (a) Place of application. The owner of a nonrepairable or salvage motor vehicle who is required
13 to obtain or voluntarily chooses to obtain a nonrepairable or salvage vehicle title, as provided by
14 §217.83 of this title (relating to Requirement for Nonrepairable or Salvage Vehicle Title or Nonrepairable
15 or Salvage Record of Title), shall apply for a nonrepairable or salvage vehicle title or nonrepairable or
16 salvage record of title by submitting an application, the required accompanying documentation, and the
17 statutory fee to the department.

18 (b) Information on application. An applicant for a nonrepairable or salvage vehicle title or
19 nonrepairable or salvage record of title shall submit an application on a form prescribed by the
20 department. A completed form, in addition to any other information required by the department, must
21 include:

22 (1) the name and current address of the owner;

1 (2) a description of the motor vehicle, including the model year, make, body style, and
2 vehicle identification number;

3 (3) a statement describing whether the motor vehicle is a nonrepairable or salvage
4 motor vehicle;

5 (4) whether the damage was caused exclusively by flood;

6 (5) a description of the damage to the motor vehicle;

7 (6) the odometer reading and brand, or the word "exempt" if the motor vehicle is
8 exempt from federal and state odometer disclosure requirements, if the motor vehicle is a salvage
9 motor vehicle;

10 (7) the name and mailing address of any lienholder and the date of lien, as provided by
11 subsection (e) of this section; and

12 (8) the signature of the applicant or the applicant's authorized agent and the date the
13 title application was signed.

14 (c) Accompanying documentation. A nonrepairable or salvage vehicle title or nonrepairable or
15 salvage record of title application must be supported, at a minimum, by:

16 (1) evidence of ownership, as described by subsection (d)(1) or (3) of this section, if the
17 applicant is an insurance company that is unable to locate one or more of the owners;

18 (2) an odometer disclosure statement properly executed by the seller of the motor
19 vehicle and acknowledged by the purchaser, if the motor vehicle is less than 10 model years old and the
20 motor vehicle is a salvage motor vehicle; and

21 (3) a release of any liens.

22 (d) Evidence of nonrepairable or salvage motor vehicle ownership.

1 (1) Evidence of nonrepairable or salvage motor vehicle ownership properly assigned to
2 the applicant must accompany the application for a nonrepairable or salvage vehicle title or
3 nonrepairable or salvage record of title, except as provided by paragraph (2) of this subsection. Evidence
4 must include documentation sufficient to show ownership to the nonrepairable or salvage motor
5 vehicle, such as:

6 (A) a Texas Title;

7 (B) a certified copy of a Texas Title;

8 (C) a manufacturer's certificate of origin;

9 (D) a Texas Salvage Certificate;

10 (E) a nonrepairable vehicle title or record of title;

11 (F) a salvage vehicle title or record of title;

12 (G) a comparable ownership document issued by another jurisdiction, except

13 that if the applicant is an insurance company, evidence must be provided indicating that the insurance

14 company is:

15 (i) licensed to do business in Texas; or

16 (ii) not licensed to do business in Texas, but has paid a loss claim for the

17 motor vehicle in this state; or

18 (H) a photocopy of the inventory receipt or a title and registration verification

19 evidencing surrender to the department of the negotiable evidence of ownership for a motor vehicle as

20 provided by §217.86 of this title (relating to Dismantling, Scrapping, or Destruction of Motor Vehicles),

21 and if the evidence of ownership surrendered was from another jurisdiction, a photocopy of the front

22 and back of the surrendered evidence of ownership.

1 (2) An insurance company that acquires ownership or possession of a nonrepairable or
2 salvage motor vehicle through payment of a claim may apply for a nonrepairable or salvage vehicle title
3 to be issued in the insurance company's name without obtaining an ownership document or if it
4 received an ownership document without the proper assignment of the owner if the company is unable
5 to obtain a title from the owner, in accordance with paragraph (1) of this subsection, and the application
6 is not made earlier than the 30th day after the date of payment of the claim. The application must also
7 include:

8 (A) a statement that the insurance company has provided at least two written
9 notices to the owner and any lienholder attempting to obtain the title or proper assignment of title for
10 the motor vehicle;

11 (B) a statement that the insurance company paid a loss claim for the vehicle that
12 was accepted; and

13 (C) any unassigned or improperly assigned title in the insurance company's
14 possession.

15 (3) An insurance company that acquires, through payment of a claim, ownership or
16 possession of a salvage motor vehicle or nonrepairable motor vehicle covered by an out-of-state
17 ownership document may obtain a salvage or nonrepairable vehicle title or salvage or nonrepairable
18 record of title in accordance with paragraph (1) or (2) of this subsection if:

19 (A) the motor vehicle was damaged, stolen, or recovered in this state; or

20 (B) the motor vehicle owner from whom the company acquired ownership
21 resides in this state.

22 (4) A salvage pool operator may apply for title consistent with Transportation Code,
23 §501.0935.

1 (5) Proof of notice under this subsection consists of:

2 (A) the validated receipts for registered or certified mail and return receipt or an
3 electronic certified mail receipt, including signature receipt; and

4 (B) any unopened certified letters returned by the post office as unclaimed,
5 undeliverable, or with no forwarding address.

6 (e) Recordation of lien on nonrepairable and salvage vehicle titles. If the motor vehicle is a
7 salvage motor vehicle, a new lien or a currently recorded lien may be recorded on the salvage vehicle
8 title. If the motor vehicle is a nonrepairable motor vehicle, only a currently recorded lien may be
9 recorded on the nonrepairable vehicle title.

10 (f) Issuance. Upon receipt of a completed nonrepairable or salvage vehicle title application,
11 accompanied by the statutory application fee and the required documentation, the department will,
12 before the sixth business day after the date of receipt, issue a nonrepairable or salvage vehicle title or
13 nonrepairable or salvage record of title, as appropriate.

14 (1) If the condition of salvage is caused exclusively by flood, a "Flood Damage" notation
15 will be reflected on the face of the document and will be carried forward upon subsequent title
16 issuance.

17 (2) If a lien is recorded on a nonrepairable or salvage vehicle title, the vehicle title will be
18 mailed to the lienholder. For proof of ownership purposes, the owner will be mailed a receipt or
19 printout of the newly established motor vehicle record, indicating a lien has been recorded.

20 (3) A nonrepairable vehicle title will state on its face that the motor vehicle may:

21 (A) not be repaired, rebuilt, or reconstructed;

22 (B) not be issued a regular title or registered in this state;

23 (C) not be operated on a public highway; and

1 (D) may only be used as a source for used parts or scrap metal.

2

3 §217.85. Replacement of Nonrepairable or Salvage Motor Vehicle Ownership Documents.

4 (a) Location. Applications for certified copies of ownership documents for nonrepairable or
5 salvage motor vehicles will only be processed at the department's Austin headquarters office.

6 (b) Notation. The certified copy will contain the words "Certified Copy" and the date issued, and
7 the motor vehicle record will be noted accordingly until ownership of the nonrepairable or salvage
8 motor vehicle is transferred. Then the notation will be eliminated from the new title and from the motor
9 vehicle record.

10 (c) Replacement of nonrepairable or salvage vehicle titles. If a nonrepairable or salvage vehicle
11 title is lost or destroyed, the department will issue a certified copy of the ownership document type
12 originally issued, except as provided by subsection (d)(2) of this section, to the motor vehicle owner,
13 lienholder, or verifiable agent on submission of verifiable proof and payment of the appropriate fee as
14 provided in §217.7 of this title (relating to Replacement of Title).

15 (d) Replacement of nonrepairable or salvage ownership documents issued prior to September 1,
16 2003.

17 (1) If a salvage certificate of title issued by this state prior to September 1, 2003, is lost
18 or destroyed, the department will issue a certified copy of a salvage vehicle title, to the motor vehicle
19 owner, lienholder, or verifiable agent on proper application, submission of verifiable proof, and payment
20 of the appropriate fee as provided in §217.7.

21 (2) If a nonrepairable certificate of title or salvage certificate issued by this state prior to
22 September 1, 2003, is lost or destroyed, the department will issue a salvage vehicle title to the motor

1 vehicle owner, lienholder, or verifiable agent on proper application, submission of verifiable proof, and
2 payment of the appropriate fee as provided in §217.7.

3

4 §217.86. Dismantling, Scrapping, or Destruction of Motor Vehicles.

5 (a) A person who acquires ownership of a nonrepairable or salvage motor vehicle for the
6 purpose of dismantling, scrapping, or destruction shall, not later than the 30th day after the motor
7 vehicle was acquired:

8 (1) submit to the department a report, on a form prescribed by the department:

9 (A) stating that the motor vehicle will be dismantled, scrapped, or destroyed;

10 and

11 (B) certifying that all unexpired license plates and registration validation stickers

12 have been removed from the motor vehicle, in accordance with Occupations Code, §2302.252; and

13 (2) surrender to the department the properly assigned ownership document.

14 (b) The person shall:

15 (1) maintain records of each motor vehicle that will be dismantled, scrapped, or
16 destroyed, as provided by Chapter 221, Subchapter D of this title (relating to Records); and

17 (2) store all unexpired license plates and registration validation stickers removed from
18 those vehicles in a secure location.

19 (c) The department will issue the person a receipt with surrender of the report and ownership
20 documents.

21 (d) For purposes of dismantling, scrapping, or destruction, a nonrepairable or salvage motor
22 vehicle may only be transferred to a metal recycler upon issuance of a receipt as provided in subsection
23 (c) of this section. The transfer shall be documented on a form prescribed by the department and be

1 included with the transfer of the vehicle along with the receipt as provided in subsection (c) of this
2 section.

3 (e) License plates and registration validation stickers removed from vehicles reported under
4 subsection (a)(1) of this section may be destroyed upon receipt of the acknowledged report from the
5 department.

6 (f) The department will place an appropriate notation on motor vehicle records for which
7 ownership documents have been surrendered to the department.

8 (g) Not later than 60 days after the motor vehicle is delivered to the metal recycler for purposes
9 of the vehicle being dismantled, scrapped, or destroyed, the person shall report to the department and
10 provide evidence that the motor vehicle has been dismantled, scrapped, or destroyed.

11
12 §217.88. Sale, Transfer, or Release of Ownership of a Nonrepairable or Salvage Motor Vehicle.

13 (a) Sale, transfer or release with a nonrepairable or salvage motor vehicle title or nonrepairable
14 or salvage record of title. The ownership of a motor vehicle for which a nonrepairable vehicle title,
15 nonrepairable record of title, salvage vehicle title, salvage record of title, or a comparable out-of-state
16 ownership document has been issued, including a motor vehicle that has a "Flood Damage" notation on
17 the title, may be sold, transferred, or released to anyone.

18 (b) Sale, transfer or release without a nonrepairable or salvage motor vehicle title or
19 nonrepairable or salvage record of title shall be consistent with Transportation Code, §501.095(a).

20 (c) Sale of self-insured nonrepairable or salvage motor vehicle. The owner of a self-insured
21 nonrepairable or salvage motor vehicle that has been damaged and removed from normal operation
22 shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title before
23 selling or otherwise transferring ownership of the motor vehicle.

1 (d) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company may sell
2 up to five nonrepairable or salvage motor vehicles, for which nonrepairable or salvage vehicle titles or
3 nonrepairable or salvage record of title have been issued, to a person, not to include those specified in
4 Transportation Code, §501.091(2)(A-C), in a casual sale during a calendar year.

5 (e) Records of casual sales.

6 (1) A salvage vehicle dealer, salvage pool operator, or insurance company must maintain
7 records of each casual sale made during the previous 36 months, in accordance with Transportation
8 Code, §501.108, that at a minimum contain:

9 (A) the date of sale;

10 (B) the sales price;

11 (C) the name and address of the purchaser;

12 (D) a legible photocopy of a form of current photo identification as specified in
13 §217.7(b) of this title (Relating to Replacement of Title);

14 (E) the form of identification provided, the identification document number, and
15 the name of the jurisdiction that issued the identification document;

16 (F) the description of the motor vehicle, including the vehicle identification
17 number, model year, make, body style, and model;

18 (G) a photocopy of the front and back of the properly assigned ownership
19 document provided to the purchaser; and

20 (H) the purchaser's certification, on a form provided by the department, that
21 the purchase of motor vehicles in a casual sale is not intended to circumvent the provisions of

22 Transportation Code, Chapter 501 (relating to Certificates of Title) and Occupations Code, Chapter 2302
23 (relating to Salvage Vehicle Dealers).

1 (2) Records may be maintained on a form provided by the department or in an
2 electronic format.

3 (3) Records must be maintained on the business premises of the seller, and shall be
4 made available for inspection upon request.

5 (f) Export-only sales.

6 (1) In accordance with Transportation Code, §501.099, only a licensed salvage vehicle
7 dealer, including a salvage pool operator acting as agent for an insurance company, or governmental
8 entity may sell a nonrepairable or salvage motor vehicle to a person who resides outside the United
9 States, and only:

10 (A) when a nonrepairable or salvage vehicle title has been issued for the motor
11 vehicle prior to offering it for export-only sale; and

12 (B) prior to the sale, the seller obtains a legible photocopy of a government-
13 issued photo identification of the purchaser that can be verified by law enforcement, issued by the
14 jurisdiction in which the purchaser resides that may consist of:

15 (i) a passport;

16 (ii) a driver's license;

17 (iii) consular identity document;

18 (iv) national identification certificate or identity document; or

19 (v) other government-issued identification that includes the name of the
20 jurisdiction issuing the document, the purchaser's full name, foreign address, date of birth, photograph,
21 and signature.

22 (2) The seller must obtain the purchaser's certification, on a form prescribed by the
23 department, that the purchaser will remove the motor vehicle from the United States and will not

1 return the motor vehicle to any state of the United States as a motor vehicle titled or registered under
2 its manufacturer's vehicle identification number.

3 (3) The seller must provide the buyer with a properly assigned nonrepairable or salvage
4 vehicle title.

5 (4) The seller must stamp FOR EXPORT ONLY and the seller's salvage vehicle dealer
6 license number or the governmental entity's name, whichever applies, on the face of the title and on
7 any unused reassignments on the back of the title.

8 (g) Records of export-only sales.

9 (1) A salvage vehicle dealer or governmental entity that sells a nonrepairable or salvage
10 motor vehicle for export-only must maintain records of all export-only sales until the third anniversary
11 of the date of the sale.

12 (2) Records of each sale must include:

13 (A) a legible copy of the stamped and properly assigned nonrepairable or
14 salvage vehicle title;

15 (B) the buyer's certified statement required by subsection (f)(2) of this section;

16 (C) a legible photocopy of a form of photo identification as specified in
17 subsection (f)(1)(B) of this section;

18 (D) a legible copy of any other documents related to the sale of the motor
19 vehicle; and

20 (E) a listing of each motor vehicle sold for export-only that states the:

21 (i) date of sale;

22 (ii) name of the purchaser;

23 (iii) purchaser's identification document number;

1 (iv) name of the country that issued the identification document;

2 (v) the form of identification provided by the purchaser; and

3 (vi) vehicle identification number of the motor vehicle.

4 (3) The listing required by paragraph (2)(E) of this subsection must be maintained either
5 on a form provided by the department or in an electronic format approved by the department.

6 (4) The salvage vehicle dealer or governmental entity shall submit the listing prescribed
7 by paragraph (2)(E) of this subsection to the department within 30 days from the date of sale.

8 (5) Upon receipt of the listing prescribed by paragraph (2)(E) of this subsection, the
9 department will place an appropriate notation on the motor vehicle record to identify it as a motor
10 vehicle sold for export-only that may not be operated, retitled, or registered in this state.

11

12 §217.89. Rebuilt Salvage Motor Vehicles.

13 (a) Filing for title. When a salvage motor vehicle or a nonrepairable motor vehicle for which a
14 nonrepairable vehicle title was issued prior to September 1, 2003, has been rebuilt, the owner shall file a
15 title application, as described in §217.4 of this title (relating to Initial Application for Title), for a rebuilt
16 salvage title.

17 (b) Place of application. An application for a rebuilt salvage title shall be filed with the county tax
18 assessor-collector in the county in which the applicant resides, in the county in which the motor vehicle
19 was purchased or is encumbered, or to any county tax assessor-collector who is willing to accept the
20 application.

21 (c) Fee for rebuilt salvage title. In addition to the statutory fee for a title application and any
22 other applicable fees, a \$65 rebuilt salvage fee must accompany the application.

1 (d) Accompanying documentation. The application for a title for a rebuilt nonrepairable or
2 salvage motor vehicle must be supported, at a minimum, by the following documents:

3 (1) evidence of ownership, properly assigned to the applicant, as described in subsection
4 (e) of this section;

5 (2) a rebuilt statement, on a form prescribed by the department that includes:

6 (A) a description of the motor vehicle, which includes the motor vehicle's model
7 year, make, model, identification number, and body style;

8 (B) an explanation of the repairs or alterations made to the motor vehicle;

9 (C) a description of each major component part used to repair the motor vehicle
10 and showing the identification number required by federal law to be affixed to or inscribed on the part;

11 (D) the name of the owner and the name and address of the rebuilder;

12 (E) a statement by the owner that the owner is the legal and rightful owner of
13 the vehicle, the vehicle is rebuilt, repaired, reconstructed, or assembled and that the vehicle
14 identification number disclosed on the rebuilt affidavit is the same as the vehicle identification number
15 affixed to the vehicle;

16 (F) the signature of the owner, or the owner's authorized agent; and

17 (G) a statement by the rebuilder that the vehicle has been rebuilt, repaired, or
18 reconstructed by the rebuilder and that all component parts used were obtained in a legal and lawful
19 manner, signed by the rebuilder or the rebuilder's authorized agent or employee;

20 (3) an odometer disclosure statement properly executed by the seller of the motor
21 vehicle and acknowledged by the purchaser, if applicable;

1 (4) proof of financial responsibility in the title applicant's name, as required by
2 Transportation Code §502.046, unless otherwise exempted by law, if the motor vehicle will be
3 registered at the time of application;

4 (5) unless otherwise exempted by law, a vehicle identification number inspection under
5 Transportation Code, §501.0321 if the motor vehicle was last titled or registered in another country, or a
6 document described under 217.4(d)(4) of this title (relating to Initial Application for Title) if the vehicle
7 was last titled or registered in another state; and

8 (6) a release of any liens, unless there is no transfer of ownership and the same
9 lienholder is being recorded as is recorded on the surrendered evidence of ownership.

10 (e) Evidence of ownership of a rebuilt salvage motor vehicle:

11 (1) may include:

12 (A) a Texas Salvage Vehicle Title or Record of Title;

13 (B) a Texas Nonrepairable Certificate of Title issued prior to September 1, 2003;

14 (C) a Texas Salvage Certificate; or

15 (D) a comparable salvage certificate or salvage certificate of title issued by
16 another jurisdiction, except that this ownership document will not be accepted if it indicates that the
17 motor vehicle may not be rebuilt in the jurisdiction that issued the ownership document; but

18 (2) does not include:

19 (A) a Texas nonrepairable vehicle title issued on or after September 1, 2003;

20 (B) an out-of-state ownership document that indicates that the motor vehicle is
21 nonrepairable, junked, for parts or dismantling only, or the motor vehicle may not be rebuilt in the
22 jurisdiction that issued the ownership document; or

1 (C) a certificate of authority to dispose of a motor vehicle issued in accordance
2 with Transportation Code, Chapter 683.

3 (f) Rebuilt salvage title issuance. Upon receiving a completed title application for a rebuilt
4 salvage motor vehicle, along with the applicable fees and required documentation, the transaction will
5 be processed and a rebuilt salvage title will be issued. The title will include a "Rebuilt Salvage" notation
6 and a description or disclosure of the motor vehicle's former condition on its face.

7 (g) Issuance of rebuilt salvage title to a motor vehicle from another jurisdiction. On proper
8 application, as prescribed by §217.4, by the owner of a motor vehicle that is brought into this state from
9 another jurisdiction and for which a certificate of title issued by the other jurisdiction contains a
10 "Rebuilt," "Salvage," or analogous title remark, the department will issue the applicant a title or other
11 appropriate document for the motor vehicle. A title or other appropriate document issued under this
12 subsection will show:

13 (1) the date of issuance;

14 (2) the name and address of the owner;

15 (3) any registration number assigned to the motor vehicle;

16 (4) a description of the motor vehicle as determined by the department; and

17 (5) any title remark the department considers necessary or appropriate.

18

19 **STATUTORY AUTHORITY.** The department adopts a repeal to Chapter 217 under Transportation Code,
20 §501.09111, which identifies the rights and limitations of rights to owners of nonrepairable and salvage
21 motor vehicles.

22 **CROSS REFERENCE TO STATUTE.** The adopted repeal implements Transportation Code, Chapter 501.

23

1 Text.

2 [~~§217.87. Rights of Holder of Non-repairable or Salvage Motor Vehicle Documents.~~]

3 ~~[(a) The owner of a motor vehicle for which a salvage certificate or a non-repairable or salvage~~
4 ~~certificate of title was issued prior to September 1, 2003, or a salvage vehicle title issued on or after~~
5 ~~September 1, 2003;]~~

6 ~~[(1) may:]~~

7 ~~[(A) possess, transport, dismantle, scrap, or destroy, the motor vehicle;]~~

8 ~~[(B) sell, transfer, or release ownership of the motor vehicle or used part~~
9 ~~from the motor vehicle as provided by §217.88 of this title (relating to Sale, Transfer, or Release of~~
10 ~~Ownership of a Non-repairable or Salvage Motor Vehicle); or]~~

11 ~~[(C) repair, rebuild, or reconstruct the motor vehicle; and]~~

12 ~~[(2) may not operate or permit operation of the motor vehicle on the public~~
13 ~~highways until a rebuilt salvage certificate of title is issued.]~~

14 ~~[(b) The owner of a motor vehicle for which a non-repairable vehicle title was issued on or after~~
15 ~~September 1, 2003;]~~

16 ~~[(1) may:]~~

17 ~~[(A) possess, transport, dismantle, scrap, or destroy, the motor vehicle;~~

18 ~~or]~~

19 ~~[(B) sell, transfer, or release ownership of the motor vehicle or used part~~
20 ~~from the motor vehicle as provided by §217.88; and]~~

21 ~~[(2) may not:]~~

22 ~~[(A) repair, rebuild, or reconstruct the motor vehicle;]~~

23 ~~[(B) retitle or register the motor vehicle; and]~~

1 ~~[(C) operate or permit operation of the motor vehicle on the public~~
2 highways.]

3

4

SUBCHAPTER E. TITLE LIENS AND CLAIMS

5

43 TAC §217.106

6

7 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
8 Code §501.115, which provides the department authority to govern the discharge of a lien on a title, and
9 Transportation Code, §1002.001, which authorizes the department to adopt rules that are necessary and
10 appropriate to implement the powers and the duties of the department.

11 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
12 Chapter 501.

13

14 Text.

15 §217.106. Discharge of Lien.

16 A lienholder shall provide the owner, or the owner's designee, a discharge of the lien after
17 receipt of the final payment within the time limits specified in Transportation Code, §501.115. The
18 lienholder shall submit one of the following documents:

19 (1) the title including an authorized signature in the space reserved for release of lien;

20 (2) a release of lien form prescribed by the department, with the form filled out to
21 include the:

22 (A) title or document number, or a description of the motor vehicle including,

23 but not limited to, the motor vehicle:

- 1 (i) year;
- 2 (ii) make;
- 3 (iii) vehicle identification number; and
- 4 (iv) license plate number, if the motor vehicle is subject to registration
- 5 under Transportation Code, Chapter 502;
- 6 (B) printed name of lienholder;
- 7 (C) signature of lienholder or an authorized agent;
- 8 (D) printed name of the authorized agent if the agent's signature is shown;
- 9 (E) telephone number of lienholder; and
- 10 (F) date signed by the lienholder;
- 11 (3) signed and dated correspondence submitted on company letterhead that includes:
- 12 (A) a statement that the lien has been paid;
- 13 (B) a description of the vehicle as indicated in paragraph (2)(A) of this
- 14 subsection;
- 15 (C) a title or document number; or
- 16 (D) lien information;
- 17 (4) any out-of-state prescribed release of lien form, including an executed release on a
- 18 lien entry form;
- 19 (5) out-of-state evidence with the word "Paid" or "Lien Satisfied" stamped or written in
- 20 longhand on the face, followed by the name of the lienholder, countersigned or initialed by an agent,
- 21 and dated; or

1 (6) original security agreements or copies of the original security agreements if the
2 originals or copies are stamped "Paid" or "Lien Satisfied" with a company paid stamp or if they contain a
3 statement in longhand that the lien has been paid followed by the company's name.

4

5 **SUBCHAPTER F. MOTOR VEHICLE RECORDS**

6 **43 TAC §§217.122-125, 217.129, AND 217.131**

7

8 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
9 Code §730.014, which give the department authority to adopt rules to administer Transportation Code,
10 Chapter 730, Motor Vehicle Records Disclosure Act; and Transportation Code §1002.001, which
11 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and
12 duties of the department, as well as the statutes referenced throughout this preamble.

13 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code,
14 Chapter 730.

15

16 Text.

17 §217.122. Definitions.

18 (a) Words and terms defined in Transportation Code, Chapter 730 have the same meaning
19 when used in this subchapter, unless the context clearly indicates otherwise.

20 (b) The following words and terms, when used in this subchapter, shall have the following
21 meanings, unless the context clearly indicates otherwise.

22 (1) Department--Texas Department of Motor Vehicles.

1 (2) Requestor--A person as defined by Transportation Code, §730.003(5), this state, or
2 an agency of this state seeking personal information contained in motor vehicle records directly from
3 the department.

4 (3) Service agreement--A contractual agreement with the department that allows a
5 requestor electronic motor vehicle records.

6 (4) Written request--A request submitted in writing, including by mail, electronic mail,
7 electronic media, and facsimile transmission.

8 (5) Signature--Includes an electronic signature, as defined by Transportation Code
9 §501.172, to the extent the department accepts such electronic signature.

10 (6) Batch Inquiry--Access, under a service agreement, to department motor vehicle
11 records associated with Texas license plate numbers or vehicle identification numbers, where
12 requests are submitted electronically to the department in a prescribed batch format. The department
13 makes a disclosure for each record in a batch.

14 (7) MVInet Access--Electronic access, under a service agreement, to the
15 department's motor vehicle registration and title database, with the ability to query records by a
16 Texas license plate number, vehicle identification number, placard number, or current or previous
17 document number. The department makes a disclosure each time a query of the system is made.

18 (8) Bulk--A disclosure by the department under Transportation Code §730.007 of at
19 least 250 motor vehicle records containing personal information, including any of the files defined
20 by subsection (b)(10) - (13) of this section.

21 (9) Bulk contract--A contractual agreement with the department for the disclosure of
22 motor vehicle records in bulk to the requestor.

1 (10) Master File--A bulk file containing all the department's active and inactive
2 registration and title records.

3 (11) Weekly Updates--A bulk file containing the department's new and renewed
4 vehicle registration and title records from the previous week.

5 (12) Specialty Plates File--A bulk file containing Texas specialty license plate records.

6 (13) eTAG File--A bulk file containing records related to new or updated eTAGs,
7 vehicle transfer notifications, and plate-to-owner records.

8 (14) Dealer/Supplemental File--A pair of files, one containing records of registration
9 and title transactions processed by dealers with the department during the previous week and
10 another containing the dealers' information, that are only available as a supplement to a bulk
11 contract that includes the Weekly Updates.

12

13 §217.123. Access to Motor Vehicle Records.

14 (a) Except as required under subsection (f) of this section, a requestor seeking personal
15 information from department motor vehicle records shall submit a written request in a form
16 required by the department. A completed and properly executed form must include:

17 (1) the name and address of the requestor;

18 (2) a description of the requested motor vehicle records, including the Texas license
19 plate number, title or document number, or vehicle identification number of the motor vehicle
20 about which information is requested;

21 (3) proof of the requestor's identity, in accordance with subsections (b) or (c) of
22 this section;

23 (4) a statement that the requestor:

1 (A) is the subject of the record;

2 (B) has the written consent of the person who is the subject of the record;

3 or

4 (C) will strictly limit the use of the personal information in department
5 motor vehicle records to a permitted use under Transportation Code Chapter 730, as indicated on
6 the form;

7 (5) a certification that the statements made on the form are true and correct; and

8 (6) the signature of the requestor.

9 (b) Except as required by subsection (c) of this section, a requestor must provide the
10 requestor's current photo identification containing a unique identification number. The
11 identification must be a:

12 (1) driver's license, Texas Department of Public Safety identification, or state
13 identification certificate issued by a state or territory of the United States;

14 (2) United States or foreign passport;

15 (3) United States military identification card;

16 (4) United States Department of Homeland Security, United States Citizenship and
17 Immigration Services, or United States Department of State identification document;

18 (5) license to carry a handgun issued by the Texas Department of Public Safety
19 under Government Code Chapter 411, Subchapter H; or

20 (6) North Atlantic Treaty Organization identification or identification issued under a
21 Status of Forces Agreement.

22 (c) A requestor seeking personal information from department motor vehicle records for
23 use by a law enforcement agency must:

- 1 (1) present the requestor's current law enforcement credentials;
- 2 (2) electronically submit the request in a manner that the department can verify
- 3 that the requestor is acting on behalf of a law enforcement agency; or
- 4 (3) provide a written statement from a higher level in the chain of command on the
- 5 law enforcement agency's letterhead stating that the requestor is not authorized to provide
- 6 current law enforcement credentials and identifying the intended use or the agency's incident or
- 7 case number for which the personal information is needed.

8 (d) A requestor seeking personal information from department motor vehicle records for

9 use by a law enforcement agency may submit a verbal request to the department if the law

10 enforcement agency has provided reasonable assurances that were accepted by the department as

11 to the identity of the requestor within the last 12 months on a form required by the department. If

12 a request is submitted verbally, the department may require the requestor to confirm the request

13 in writing.

14 (e) A requestor may receive electronic access to department motor vehicle records under

15 the terms and conditions of a service agreement.

16 (1) Before a requestor can enter into a service agreement, the requestor must file a

17 completed application on a form required by the department, for review and approval by the

18 department. An application for a service agreement must include:

19 (A) a statement that the requestor will strictly limit the use of the personal

20 information from department motor vehicle records to a permitted use under Transportation Code

21 Chapter 730, as indicated on the application;

22 (B) the name and address of the requestor;

1 (C) proof of the requestor's identity, in accordance with subsections (b) or
2 (c) of this section;

3 (D) blank copies of agreements used by the requestor to release motor
4 vehicle record information to third parties;

5 (E) any additional material provided to third-party requestors detailing the
6 process through which they obtain motor vehicle record information and describing their
7 limitations as to how this information may be used;

8 (F) the signature of the requestor or, if the requestor is an organization or
9 entity, the signature of an officer or director of the requestor; and

10 (G) a certification that the statements made in the application are true and
11 correct.

12 (2) If the department determines any of the information provided in the application is
13 incomplete, inaccurate, or does not meet statutory requirements the department will not enter into a
14 service agreement to release motor vehicle record information.

15 (3) Unless the requestor is exempt from the payment of fees, a service agreement
16 must contain an adjustable account, in which an initial deposit and minimum balance is maintained
17 in accordance with §217.124 of this title (relating to Cost of Motor Vehicle Records).

18 Notwithstanding §217.124 of this title, the department may modify initial deposit and minimum
19 balance requirements depending on usage.

20 (f) Access to bulk motor vehicle records. A requestor seeking access to department motor
21 vehicle records in bulk must enter into a bulk contract with the department.

1 (1) Before a requestor can enter into a bulk contract, the requestor must file a
2 completed application on a form required by the department, for review and approval by the
3 department. An application for a bulk contract must include:

4 (A) a statement that the requestor will strictly limit the use of the personal
5 information to a permitted use under Transportation Code Chapter 730, as indicated on the
6 application;

7 (B) the name and address of the requestor;

8 (C) proof of the requestor's identity, in accordance with §217.123(b) or (c)
9 of this title (relating to Access to Motor Vehicle Records);

10 (D) blank copies of agreements used by the requestor to release motor
11 vehicle record information to third parties;

12 (E) any additional material provided to third party requestors detailing the
13 process in which they obtain motor vehicle record information and describing their limitations as
14 to how this information may be used;

15 (F) a certification that the statements made on the form are true and
16 correct; and

17 (G) the signature of the requestor or, if the requestor is an organization or
18 entity, the signature of an officer or director of the requestor.

19 (2) If the department determines any of the information provided is incomplete,
20 inaccurate, or does not meet statutory requirements the department will not enter into a bulk contract
21 to release motor vehicle record information.

22 (3) Prior to the execution of a bulk contract, a requestor must provide proof the
23 requestor has:

1 (A) posted a \$1 million performance bond, payable to this state,
2 conditioned upon the performance of all the requirements of Transportation Code Chapter 730
3 and this subchapter; and

4 (B) insurance coverage in the amount of at least \$3 million and that meets
5 the requirements of Transportation Code §730.014(c)(3).

6 (g) If a person is convicted of an offense under Transportation Code Chapter 730 or is
7 found by a court to have violated a rule under this subchapter, then any contract with that person
8 to access department motor vehicle records is terminated as of the date of the court's final
9 determination.

10 (h) The requirements of this section do not apply to discovery, subpoena, or other means
11 of legal compulsion for the disclosure of personal information.

12 (i) An authorized recipient will receive requested motor vehicle records in accordance with
13 Title 18 U.S.C. §2721 et seq.; Transportation Code Chapter 730; Government Code §552.130; and
14 this subchapter.

15
16 §217.124. Cost of Motor Vehicle Records.

17 (a) Standard costs. The department will charge fees in accordance with Government Code
18 Chapter 552 and the cost rules promulgated by the Office of the Attorney General in 1 Texas
19 Administrative Code Chapter 70 (relating to Cost of Copies of Public Information).

20 (b) Law enforcement. An employee of a state, federal, or local law enforcement agency is
21 exempt from the payment of fees for motor vehicle records in subsection (c)(1) - (4) of this section
22 if the records are necessary to carry out lawful functions of the law enforcement agency.

23 (c) Motor vehicle record costs:

- 1 (1) Title history - \$5.75;
- 2 (2) Certified title history - \$6.75;
- 3 (3) Title and registration verification (record search) - \$2.30; and
- 4 (4) Certified title and registration verification (record search) - \$3.30.
- 5 (d) Electronic motor vehicle records and files:
 - 6 (1) Master File - \$5,000 plus \$.38 per 1,000 records;
 - 7 (2) Weekly Updates - deposit of \$1,755 and \$135 per week;
 - 8 (3) eTAG File - deposit of \$845 and \$65 per week;
 - 9 (4) Dealer/Supplemental File - deposit of \$1,235 and \$95 per week;
 - 10 (5) Specialty Plates File - deposit of \$1,235 and \$95 per week;
 - 11 (6) Batch Inquiry - deposit of \$1,000, minimum balance of \$750 and \$23 per run
 - 12 plus \$.12 per record;
 - 13 (7) MVInet Access - deposit of \$200, minimum balance of \$150 and \$23 per month
 - 14 plus \$.12 per record; and
 - 15 (8) Scofflaw remarks (inquiry, addition, or deletion) - deposit of \$500, minimum
 - 16 balance of \$350 and \$23 per run plus \$.12 per record.
- 17 (e) Texas governmental entities, as defined in Government Code §2252.001, the Texas Law
- 18 Enforcement Telecommunication System, toll project entities, as defined by Transportation Code
- 19 §372.001, and federal governmental entities are exempt from the payment of fees, except for the
- 20 fees listed in subsection (d)(1), (6), or (8) of this section.
- 21 (f) Reciprocity agreements. The department may enter into a reciprocity agreement for records
- 22 access with another governmental entity that may waive some or all of the fees established in this
- 23 section.

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§217.125. Additional Documentation Related to Certain Permitted Uses.

(a) The department may require a requestor to provide reasonable assurance as to the identity of the requestor and that the use of motor vehicle records is only as authorized under Transportation Code §730.012(a). Where applicable, each requestor submitting a request for motor vehicle records shall provide documentation satisfactory to the department that they are authorized to request the information on behalf of the organization, entity, or government agency authorized to receive the information.

(b) Requestors seeking personal information from motor vehicle records from the department for a permitted use listed in this subsection must submit additional documentation.

(1) A request under Transportation Code §730.007(a)(2)(C) must include the personal information the business is attempting to verify against the department's motor vehicle records and documentation sufficient to prove the requestor is a business actively licensed by, registered with, or subject to regulatory oversight by a government agency.

(2) A request under Transportation Code §730.007(a)(2)(D) must include proof of a legal proceeding, or if no proceeding has been initiated, proof the requestor is in anticipation of litigation relating to the request which would necessitate release of the document(s) requested.

(3) A request under Transportation Code §730.007(a)(2)(E) must include documentation sufficient to prove the requestor is employed by an entity in the business of conducting research related to the requested information and demonstrating the employment relationship. The department has discretion in determining whether the entity is in the business of conducting research related to the requested information and in determining whether the documentation provided is sufficient to demonstrate an employment relationship.

1 (4) A request under Transportation Code §730.007(a)(2)(F) must include an active
2 license number provided by the Texas Department of Insurance or an active out-of-state license
3 number provided by the relevant regulatory authority, an active license number the insurance
4 support organization is working under, or proof of self-insurance.

5 (5) A request under Transportation Code §730.007(a)(2)(G) must include an active
6 license number provided by the Texas Department of Licensing and Regulation or an active out-of-
7 state license number provided by the relevant regulatory authority.

8 (6) A request under Transportation Code §730.007(a)(2)(H) must include an active
9 license number provided by the Texas Department of Public Safety or an active out-of-state license
10 number provided by the relevant regulatory authority.

11 (7) A request under Transportation Code §730.007(a)(2)(I) must include a copy of
12 an active commercial driver's license.

13 (8) A request under Transportation Code §730.007(a)(2)(J) must include
14 documentation to relate the requested personal information with the operation of a toll
15 transportation facility or another type of transportation project as described by Transportation
16 Code §370.003.

17 (9) A request under Transportation Code §730.007(a)(2)(K) must include
18 documentation on official letterhead indicating a permitted use for personal information, as
19 defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et. Seq.).

20 (10) A request under Transportation Code §730.007(a)(2)(L) must include an active
21 license number of a manufacturer, dealership, or distributor issued by the department or an active
22 out-of-state license number provided by the relevant regulatory authority.

1 (11) A request under Transportation Code §730.007(a)(2)(M) must include an active
2 license or registration number of a salvage vehicle dealer, an independent motor vehicle dealer, or
3 a wholesale motor vehicle dealer issued by the department; or an active license issued by the
4 Texas Department of Licensing and Regulation to a used automotive parts recycler; or other proof
5 that the requestor is subject to regulatory oversight by an entity listed in Transportation Code
6 §730.007(a)(2)(M)(iv).

7 (c) The department may require a requestor to provide additional information to clarify the
8 requestor's use of the personal information under Transportation Code Chapter 730, if the
9 reasonable assurances provided with the request are not satisfactory to the department.

10

11 §217.129. Ineligibility to Receive Personal Information Contained in Motor Vehicle Records.

12 (a) The department may deny a request for or cease disclosing personal information
13 contained in the department's motor vehicle records if it determines withholding the information
14 benefits the public's interest more than releasing the information subject to Transportation Code,
15 §730.005 and §730.006.

16 (b) If the department determines an authorized recipient has violated a term or condition
17 of a contract with the department to access motor vehicle records and the department terminates
18 the contract, that authorized recipient cannot enter into a subsequent contract with the
19 department to access motor vehicle records unless approved to do so under §217.130 of this title
20 (relating to Approval for Persons Whose Access to Motor Vehicle Records Has Previously Been
21 Terminated).

22 (c) Termination of a contract with the department to access motor vehicle records caused
23 by any member of an organization or entity shall be effective on the whole organization or entity.

1 Subsequent organizations or entities formed by any member, officer, partner, or affiliate of an
2 organization or entity whose contract with the department to access motor vehicle records has
3 previously been terminated cannot enter into a subsequent contract with the department to
4 access motor vehicle records, unless approved to do so under §217.130 of this title (relating to
5 Approval for Persons Whose Access to Motor Vehicle Records Has Previously Been Terminated).

6

7 217.131. Notices Regarding Unauthorized Recipient.

8 (a) A requestor who has previously received personal information from the department
9 and is not an authorized recipient must, not later than 90 days after the date the requestor
10 becomes aware that the requestor is not an authorized recipient, delete from the requestor's
11 records any personal information received from the department that the requestor is not
12 permitted to receive and use under Transportation Code Chapter 730.

13 (b) A requestor who becomes aware that the requestor is not an authorized recipient must
14 promptly notify the department that the requestor is not an authorized recipient and provide the date
15 they became aware.

16 (c) If the department becomes aware that the requestor is not an authorized recipient
17 before receiving notice from the requestor, the department will send a written notice to the
18 requestor stating that the requestor is not an authorized recipient. If the requestor was not
19 already aware that it is not an authorized recipient, within 90 days from the date the department
20 sends its notice under this subsection, the requestor must delete any personal information
21 received from the department that the requestor is not permitted to receive and use under
22 Transportation Code Chapter 730.

1 (d) A requestor who becomes aware that the requestor is not an authorized recipient must
2 notify the department when all the department's personal information has been deleted.

3

4

SUBCHAPTER G. INSPECTIONS

5

43 TAC §217.143 AND §217.144

6

7 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
8 Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code,
9 Chapter 501, Certificate of Title Act; Transportation Code, §501.030, which authorizes the department to
10 adopt rules governing identification number inspections for motor vehicles brought into the state;
11 Transportation Code, §501.0321, which authorizes the department to adopt rules establishing the training
12 requirements for personnel conducting identification number inspections; Transportation Code,
13 §501.0322, which provides the department with authority to adopt rules to establish an alternative
14 identification number inspection; and Transportation Code, §1002.001, which authorizes the board to
15 adopt rules that are necessary and appropriate to implement the powers and the duties of the
16 department, as well as the statutes referenced throughout this preamble.

17 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code,
18 Chapters 501 and 731.

19

20 Text.

21 §217.143. Inspection Requirements.

22 (a) On initial titling of an assembled vehicle under Transportation Code Chapter 731, and
23 Subchapter L of this title (relating to Assembled Vehicles), with the exception of an assembled

1 motorcycle, assembled trailer, and glider kit, an applicant must provide proof, on a form
2 prescribed by the department, of a safety inspection performed by a master technician.

3 (b) In addition to the requirement under subsection (a) of this section, an owner applying
4 for initial registration of a custom vehicle or street rod must provide proof, on a form prescribed
5 by the department, of a safety inspection performed by a master technician under this section as
6 required under Transportation Code §504.501(e).

7 (c) The inspection must meet the minimum requirements under Transportation Code,
8 §731.102 to evaluate the structural integrity and proper function of the equipment.

9 (d) The inspector must certify that:

10 (1) the vehicle and equipment are structurally stable;

11 (2) the vehicle and equipment meet the necessary conditions to be operated safely
12 on the roadway;

13 (3) equipment used in the construction of the vehicle, for which a federal motor
14 vehicle safety standard exists, complies with the applicable standard; and

15 (4) if the vehicle is a custom vehicle or street rod, the vehicle is equipped and
16 operational with all equipment required by statute as a condition of sale during the year the
17 vehicle was manufactured or resembles.

18 (e) The inspection of an assembled vehicle required under subsection (a) of this section is
19 in addition to all other required inspections including an inspection required under Transportation
20 Code Chapter 548.

21 (f) The applicant must pay all fees to the master technician for the inspection of an
22 assembled vehicle required under subsection (a) of this section, including any reinspection.

1 (g) In addition to the fees in subsection (f) of this section, the applicant must pay all
2 applicable fees for other required inspections as required by law, including any applicable
3 inspection or reinspection required under Transportation Code Chapter 548.

4

5 §217.144. Identification Number Inspection.

6 (a) In addition to any other requirement specified by Transportation Code, §501.0321, a
7 person is qualified to perform an inspection under Transportation Code, §501.0321, if that person
8 has completed one of the following training programs:

9 (1) Intermediate or Advanced Motor Vehicle Crime Investigator Training provided
10 by the Motor Vehicle Crime Prevention Authority;

11 (2) Auto Theft School (Parts 1 and 2) provided by the Texas Department of Public
12 Safety; or

13 (3) Auto Theft Course provided by the National Insurance Crime Bureau.

14 (b) If a person qualified to perform an inspection under Transportation Code, §501.0321, is
15 unable to determine a manufactured motor vehicle's original year of manufacture or original make
16 designation, the department will not issue title and registration to the motor vehicle. A person
17 inspecting a motor vehicle under §501.0321 who is able to identify the motor vehicle as a
18 manufactured motor vehicle, but is unable to identify the manufactured motor vehicle's original
19 year of manufacture or original make designation, or both, may not identify the vehicle as an
20 assembled, homemade, or shop-made vehicle.

21

22

SUBCHAPTER H. DEPUTIES

23

43 TAC §§217.161 AND 217.168

1

2 **STATUTORY AUTHORITY:** The department adopts amendments to Chapter 217 under Transportation
3 Code §502.095, as amended by HB 718, which gives the department authority to issue one-trip and 30-
4 day license plates; Transportation Code §502.1911, which authorizes the department to adopt rules to
5 set registration processing and handling fees; Transportation Code §520.003, which authorizes the
6 department to adopt rules to administer Transportation Code, Chapter 520, Miscellaneous Provisions;
7 Transportation Code, §520.004, which authorizes the department to adopt rules to establish standards
8 for uniformity and service quality for counties conducting registration and titling services; and
9 Transportation Code, §1002.001, which authorizes the department to adopt rules that are necessary and
10 appropriate to implement the powers and the duties of the department.

11 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
12 Chapters 502 and 520.

13

14 Text.

15 §217.161. Purpose and Scope.

16 Pursuant to Transportation Code, §520.0071, a county tax assessor-collector, with the
17 approval of the commissioners court of the county, may appoint deputies to perform designated
18 motor vehicle titling and registration services. This subchapter prescribes the classification types,
19 duties, and obligations of deputies; the type and amount of any bonds that deputies may be
20 required to post; and the fees that deputies may be authorized to charge or retain. All deputies
21 must be deputized in accordance with and comply with the provisions of this subchapter.

22

23 §217.168. Deputy Fee Amounts.

1 (a) Fees. A county tax assessor-collector may authorize a deputy to charge or retain the fee
2 amounts prescribed by this section according to the type of deputy and transaction type.

3 (b) Title transactions. For each motor vehicle title transaction processed:

4 (1) A full service deputy may charge the customer a fee of up to \$20, as determined
5 by the full service deputy and approved by the county tax assessor-collector.

6 (A) The full service deputy retains the entire fee charged to the customer.

7 (B) If a full service deputy is authorized by a county tax assessor-collector to
8 review and approve title transactions submitted through webDEALER, the full service deputy is
9 required to designate the fee of up to \$20 within the department’s Registration and Title System
10 that will be assessed on webDEALER title transactions.

11 (2) A dealer deputy may charge the customer a fee of up to \$10, as determined by
12 the dealer deputy and approved by the tax assessor-collector. The dealer deputy retains the entire
13 fee charged to the customer. This section does not preclude a dealer deputy from charging a
14 documentary fee authorized by Finance Code, §348.006.

15 (c) Registration and registration renewals. For each registration transaction processed:

16 (1) A full service deputy may:

17 (A) retain \$1 from the processing and handling fee established by §217.183
18 of this title (relating to Fee Amount); and

19 (B) charge a convenience fee of \$9, except as limited by §217.184 of this
20 title (relating to Exclusions).

21 (2) A limited service deputy may retain \$1 from the processing and handling fee
22 established by §217.183.

1 (d) Special registration permit and special registration license plate transactions under
2 Transportation Code, §502.094 or §502.095. For each special registration permit or special
3 registration license plate transaction processed by a full service deputy, the full service deputy
4 may retain the portion of the processing and handling fee authorized by §217.185(b) of this title
5 (relating to Allocation of Processing and Handling Fees).

6 (e) Full service deputy convenience fee. The convenience fee authorized by this section is
7 collected by the full service deputy directly from the customer and is in addition to the processing
8 and handling fee established by §217.183. A full service deputy may not charge any additional fee
9 for a registration or registration renewal transaction.

10 (f) Related transactions by a full service deputy. The limitations of subsections (b), (c), (d),
11 and (e) of this section do not apply to other services that a full service deputy may perform that
12 are related to titles or registrations, but are not transactions that must be performed through the
13 department's automated vehicle registration and title system. Services that are not transactions
14 performed through the department's automated vehicle registration and title system include, but
15 are not limited to, the additional fees a full service deputy may charge for copying, faxing, or
16 transporting documents required to obtain or correct a motor vehicle title or registration.
17 However, the additional fees that a full service deputy may charge for these other services may be
18 limited by the terms of the county tax assessor-collector's authorization to act as deputy.

19 (g) Posting of fees. At each location where a full service deputy provides titling or
20 registration services, the deputy must prominently post a list stating all fees charged for each
21 service related to titling or registration. The fee list must specifically state each service, including
22 the additional fee charged for that service, that is subject to subsections (b), (c), (d), or (e) of this
23 section. The fee list must also state that each service subject to an additional fee under subsection

1 (b), (c), (d), or (e) of this section may be obtained from the county tax assessor-collector without
2 the additional fee. If the full service deputy maintains a website advertising or offering titling or
3 registration services, the deputy must post the fee list described by this subsection on the website.

4 (h) Additional compensation. The fee amounts set forth in this section do not preclude or
5 limit the ability of a county to provide additional compensation to a deputy out of county funds.

6
7 **SUBCHAPTER I. PROCESSING AND HANDLING FEES**

8 **43 TAC §§217.181 - 217.185**

9
10 **STATUTORY AUTHORITY.** In addition to the rulemaking authority provided in Section 34 of HB 718, the
11 department adopts amendments to Chapter 217 under Transportation Code §502.0021, which gives the
12 department authority to adopt rules to administer Transportation Code Chapter 502, Registration of
13 Vehicles; Transportation Code §502.040, which authorizes the department to prescribe the process and
14 procedures for applying for a motor vehicle registration; Transportation Code §502.059, which
15 authorizes the department to adopt rules providing for an automated registration process;
16 Transportation Code §502.1911 which authorizes the board to adopt rules to set registration processing
17 and handling fees; Transportation Code §520.003, which authorizes the department to adopt rules to
18 administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code §520.004,
19 which authorizes the department to adopt rules to establish standards for uniformity and service quality
20 for counties conducting registration and titling services; Transportation Code §520.0055, as created by
21 HB 718, gives the department authority to mandate motor vehicle dealers use a department designated
22 electronic system to submit title and registration applications to the county tax assessor-collectors for
23 motor vehicle transactions; and Transportation Code §1002.001, which authorizes the board to adopt

1 rules that are necessary and appropriate to implement the powers of the department, as well as the
2 statutes throughout this preamble.

3 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
4 Chapters 502 and 520; and Government Code Chapter 2054.

5
6 Text.

7 §217.181. Purpose and Scope.

8 This subchapter prescribes the processing and handling fees authorized by Transportation
9 Code, §502.1911, which include the fee established under Transportation Code, §502.356(a), and
10 are sufficient to cover the expenses associated with collecting registration fees by the department,
11 a county tax assessor-collector, a private entity with which a county tax assessor-collector
12 contracts under Transportation Code, §502.197, or a deputy assessor-collector that is deputized in
13 accordance with Subchapter H of this chapter (relating to Deputies).

14
15 §217.182. Registration Transaction.

16 As used in this subchapter, a "registration transaction" is a registration or registration
17 renewal under Transportation Code, Chapter 502, or a transaction to issue the following:

18 (1) a registration, registration renewal, special registration license plate, or special
19 registration permit issued under Transportation Code, Chapter 502, Subchapter C (Special
20 Registrations);

21 (2) a license plate issued under Transportation Code, §502.146;

22 (3) a temporary additional weight permit under Transportation Code, §502.434;

1 (4) a license plate or license plate sticker under Transportation Code, §§504.501,
2 504.502, 504.506, or 504.507;

3 (5) a golf cart license plate under Transportation Code, §551.402; or

4 (6) a package delivery vehicle license plate under Transportation Code, §551.452.

5 (7) an off-highway vehicle license plate under Transportation Code, §551A.052.

6

7 §217.183. Fee Amount.

8 (a) Except as stated otherwise in this section and except as exempted by §217.184 of this
9 title (relating to Exclusions), a processing and handling fee in the amount of \$4.75 shall be
10 collected with each registration transaction processed by the department, the county tax assessor-
11 collector, or a deputy appointed by the county tax assessor-collector.

12 (b) Except as stated otherwise in subsection (c) of this section and except as exempted by
13 §217.184 of this title (relating to Exclusions), for each registration transaction processed through
14 the department's TxFLEET system, the processing and handling fee consists of the following, which
15 the applicant must pay:

16 (1) \$4.75; and

17 (2) the applicable service charge.

18 (c) If a transaction includes both registration and issuance of a license plate or specialty
19 plate, the processing and handling fee shall be collected on the registration transaction only.

20

21 §217.184. Exclusions.

22 The following transactions are exempt from the processing and handling fees established
23 by §217.183 of this title (relating to Fee Amount), but are subject to any applicable service charge

1 set pursuant to Government Code, §2054.2591, Fees. The processing and handling fees may not be
2 assessed or collected on the following transactions:

- 3 (1) a replacement registration sticker under Transportation Code, §502.060;
- 4 (2) a registration transfer under Transportation Code, §502.192;
- 5 (3) an exempt registration under Transportation Code, §502.451 or §502.0025;
- 6 (4) a vehicle transit permit under Transportation Code, §502.492;
- 7 (5) a replacement license plate under Transportation Code, §504.007;
- 8 (6) a registration correction receipt, duplicate receipt, or inquiry receipt;
- 9 (7) an inspection fee receipt; or
- 10 (8) an exchange of license plate for which no registration fees are collected.

11

12 §217.185. Allocation of Processing and Handling Fees.

13 (a) For registration transactions, except as provided in subsection (b) of this section, the
14 fee amounts established in §217.183 of this title (relating to Fee Amount) shall be allocated as
15 follows:

16 (1) If the registration transaction was processed in person at the office of the
17 county tax assessor-collector or mailed to an office of the county tax assessor-collector:

18 (A) the county tax assessor-collector may retain \$2.30; and

19 (B) the remaining amount shall be remitted to the department.

20 (2) If the registration transaction was processed through the department or the
21 TxFLEET system or is a registration processed under Transportation Code, §§502.0023, 502.091, or
22 502.255; or §217.46(b)(5) of this title (relating to Commercial Vehicle Registration):

23 (A) \$2.30 will be remitted to the county tax assessor-collector; and

1 (B) the remaining amount shall be retained by the department.

2 (3) If the registration transaction was processed through Texas by Texas (TxT) or the
3 department's Internet Vehicle Title and Registration Service (IVTRS), the fee established in
4 §217.183 of this title is discounted by \$1:

5 (A) Texas Online receives the amount set pursuant to Government Code,
6 §2054.2591, Fees;

7 (B) the county tax assessor-collector may retain \$.25; and

8 (C) the remaining amount shall be remitted to the department.

9 (4) If the registration transaction was processed by a limited service deputy or full
10 service deputy appointed by the county tax assessor-collector in accordance with Subchapter H of
11 this chapter (relating to Deputies):

12 (A) the deputy may retain:

13 (i) the amount specified in §217.168(c) of this title (relating to
14 Deputy Fee Amounts). The deputy must remit the remainder of the processing and handling fee to
15 the county tax assessor-collector; and

16 (ii) the convenience fee established in §217.168, if the registration
17 transaction is processed by a full service deputy;

18 (B) the county tax assessor-collector may retain \$1.30; and

19 (C) the county tax assessor-collector must remit the remaining amount to
20 the department.

21 (5) If the registration transaction was processed by a dealer deputy appointed by
22 the county tax assessor-collector in accordance with Subchapter H of this chapter (relating to
23 Deputies):

1 (A) the deputy must remit the processing and handling fee to the county tax
2 assessor-collector;

3 (B) the county tax assessor-collector may retain \$2.30; and

4 (C) the county tax assessor-collector must remit the remaining amount to
5 the department.

6 (b) For transactions under Transportation Code, §§502.093 – 502.095, the entity receiving
7 the application and processing the transaction collects the \$4.75 processing and handling fee
8 established in §217.183:

9 (1) the entity may retain \$4.25;

10 (2) the entity must remit the remaining amount to the department; and

11 (3) a full service deputy processing a special registration permit or special
12 registration license plate transaction may not charge a convenience fee for that transaction.

13

14 **SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM**

15 **43 TAC §217.205**

16

17 **STATUTORY AUTHORITY.** The department adopts amendments to Chapter 217 under Transportation
18 Code, §520.003, which authorizes the department to adopt rules to administer Transportation Code,
19 Chapter 520, Miscellaneous Provisions; Transportation Code, §520.004, which authorizes the department
20 to adopt rules to establish standards for uniformity and service quality for counties conducting
21 registration and titling services; and Transportation Code, §1002.001, which authorizes the board to adopt
22 rules that are necessary and appropriate to implement the powers and the duties of the department, as
23 well as the statutes referenced throughout this preamble.

1 **CROSS REFERENCE TO STATUTE.** The adopted amendments would implement Transportation Code
2 Chapter 520.

3

4 Text.

5 §217.205. Department Decision to Award, Deny, Revoke, or Demote a Recognition Level.

6 (a) Award of recognition level. The department may award a recognition level based on the
7 following for the time frame of September 1st through August 31st immediately preceding the
8 application deadline:

9 (1) information and documents contained in the application;

10 (2) any additional information, documentation, or clarification requested by the
11 department; and

12 (3) information and documentation from department records.

13 (b) Denial of recognition level. The department may deny an award of recognition if:

14 (1) the application contains any incomplete or inaccurate information;

15 (2) the applicant fails to provide requested documents;

16 (3) the application contains incomplete documents;

17 (4) the application was not received by the department or postmarked by the
18 department's deadline;

19 (5) the county tax assessor-collector who applied for recognition no longer holds the
20 office of county tax assessor-collector;

21 (6) the county tax assessor-collector did not sign the application; or

22 (7) the department discovers information which shows the applicant does not comply
23 with the criteria to receive a recognition level.

1 (c) Revocation of recognition level or demotion of recognition level.

2 (1) The department may revoke a recognition level if the department discovers
3 information which shows the county tax assessor-collector no longer complies with the criteria for any
4 recognition level.

5 (2) The department may demote a recognition level if the department discovers
6 information which shows the county tax assessor-collector no longer complies with the criteria for the
7 current recognition level, but still complies with the criteria for a recognition level. The recognition level
8 will be demoted to the highest recognition level for which the county tax assessor-collector qualifies.

9 (d) Notice of department decision to award, deny, revoke, or demote a recognition level. The
10 department shall notify the county tax assessor-collector of the department's decision via email,
11 facsimile transmission, or regular mail.

12 (e) Deadline for department decision to award or to deny a recognition level. No later than
13 December 31st of the calendar year, the department shall send a written notice to the applicant stating:

14 (1) the department's decision to award or to deny a recognition level; or

15 (2) there will be a delay in the department's decision.

16

17 **SUBCHAPTER L. ASSEMBLED VEHICLES**

18 **43 TAC §217.404**

19 **STATUTORY AUTHORITY:** The department adopts amendments to Chapter 217 under Transportation
20 Code §731.002 which authorizes the department to adopt rules as necessary to implement Chapter 731,
21 governing assembled vehicles; and §1002.001, which authorizes the department to adopt rules that are
22 necessary and appropriate to implement the powers and the duties of the department.

1 **CROSS REFERENCE TO STATUTE:** The adopted amendments would implement Transportation Code
2 Chapters 501 and 731.

3

4 Text.

5 §217.404. Initial Application for Title.

6 (a) An applicant must submit to the department a complete application for title. The
7 application may be submitted in person, by mail, or electronically, to the department. The
8 application must include:

9 (1) photographs of the front, rear, and side of the assembled vehicle, and if a
10 replica, a photograph of what the vehicle is a replica of;

11 (2) evidence of ownership of the basic component parts of the assembled vehicle as
12 described in §217.405 of this subchapter (relating to Evidence of Ownership), as applicable to the
13 type of assembled vehicle;

14 (3) if applicable, proof, on a form prescribed by the department, of a safety
15 inspection required under §217.143 of this chapter (relating to Assembled Vehicle Inspection
16 Requirements), and Transportation Code §731.101;

17 (4) if applicable, a copy of the Automobile and Light Truck certification, or a
18 successor certification, for the master technician who completed the inspection described in
19 paragraph (3) of this subsection;

20 (5) a copy of the inspection that may be required under Transportation Code
21 Chapter 548 if the assembled vehicle is to be registered for operation on the roadway;

22 (6) a Rebuilt Vehicle Statement;

23 (7) a weight certificate;

1 (8) identification as required in §217.5(d) of this chapter (relating to Evidence of
2 Motor Vehicle Ownership); and

3 (9) any of the following means to establish the vehicle identification number:

4 (A) an Application for Assigned or Reassigned Number, and Notice of
5 Assigned Number or Installation of Reassigned Vehicle Identification Number, on forms prescribed
6 by the department;

7 (B) an Application for Assigned or Reassigned Number, establishing the
8 vehicle identification number assigned by the manufacturer of the component part by which the
9 assembled vehicle will be identified;

10 (C) acceptable proof, as established by the department, of a vehicle
11 identification number assigned by the maker of the kit used to construct the assembled vehicle; or

12 (D) acceptable proof, as established by the department, of a vehicle
13 identification number assigned by the manufacturer of the replica, custom vehicle, street rod, or
14 glider kit.

15 (b) Following receipt of all information required under subsection (a) of this section, the
16 department will review the application for completeness and to determine if the vehicle meets
17 assembled vehicle qualifications under Transportation Code, Chapter 731.

18 (c) If the department determines that the application is complete and the vehicle meets
19 assembled vehicle qualifications, the department will issue a letter to the applicant on department
20 letterhead, stating that the application is complete and that the vehicle qualifies as an assembled
21 vehicle. The letter shall include a list of the supporting documents and information identified in
22 subsection (d)(2) of this section.

1 (d) Following receipt of the department's letter described in subsection (c) of this section,
2 the applicant may then submit the letter and the completed application to the county tax assessor-
3 collector for processing. The application must include:

4 (1) the department-issued letter described in subsection (c) of this section;
5 (2) copies of all items required to be submitted to the department in subsection
6 (a)(1) - (9) of this section; and
7 (3) the requirements as identified in §217.23 of this chapter (relating to Initial
8 Application for Vehicle Registration) if obtaining
9 registration.

10
11