

PROPOSAL OF NEW CHAPTER

CHAPTER 220. AUTOMATED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §220.1 AND §220.3

SUBCHAPTER B. AUTHORIZATION TO OPERATE AN AUTOMATED MOTOR VEHICLE

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

SUBCHAPTER C. ADMINISTRATIVE SANCTIONS

43 TAC §220.50

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

The proposed new Chapter 220 is necessary to implement Senate Bill 2807, 89th Legislature, Regular Session (2025), which requires a person to hold an automated motor vehicle authorization to operate one or more automated motor vehicles to transport property or passengers in furtherance of a commercial enterprise on highways and streets in Texas without a human driver.

EXPLANATION.

Subchapter A. General Provisions

Proposed new §220.1 would provide the purpose and scope of proposed new Chapter 220. Proposed new §220.3 would specify that the definitions for proposed new Chapter 220 are the definitions contained in Transportation Code, Chapter 545, Subchapter J.

Subchapter B. Authorization to Operate an Automated Motor Vehicle

Proposed new §220.20 would provide the purpose and scope of proposed new Subchapter B regarding the form and manner of an application for authorization to operate one or more automated motor vehicles, as well as the requirements to update certain documents, under Transportation Code, §545.456.

Proposed new §220.23 would prescribe the form and manner by which a person may apply to the department for authorization to operate one or more automated motor vehicles, as required by Transportation Code, §545.456(a). The application requirements are similar to the application requirements in the department's rules for other programs, such as operating authority for a motor carrier under 43 TAC Chapter 218. However, the application requirements under §220.23 were customized to comply with Transportation Code, §545.456 and to obtain information that the department needs to comply with new Chapter 220 and Transportation Code, §545.456 and §545.459. The requirement for the applicant to provide the business entity type and Texas Secretary of State file number, as applicable, will assist the department in identifying the applicant and verifying certain application information as necessary.

The vehicle descriptive information specified in proposed new §220.23(b)(1)(B) is consistent with certain data fields that are included on Form 130-U, which is the department's Application for Texas Title and/or Registration. The information required under proposed new §220.23 may also help law enforcement determine whether an automated motor vehicle is operating under an authorization issued by the department under Transportation Code, §545.456, so the law enforcement officer can determine

1 whether to issue a citation to the owner of the vehicle or the authorization holder under Transportation
2 Code, §545.454(b).

3 Proposed new §220.26 would prescribe the requirements and process regarding an authorized
4 holder's obligation to provide the department with updated documents under Transportation Code,
5 §545.456(e) and §545.456(f)(2). Proposed new §220.26(b)(3) would impose a five-day deadline for an
6 authorization holder to electronically submit an updated or current document when the department
7 requests the authorization holder for an updated or current document under Transportation Code,
8 §545.456(f)(2). The five-day deadline under §545.456(f)(2) is different than the deadline under
9 §545.456(e) to address situations in which the department needs an updated or current document more
10 quickly than 30 days, such as when the operation of an automated motor vehicle endangers the public as
11 stated in Transportation Code, §545.459(a) and (b), or when a law enforcement officer needs updated or
12 current documents to determine whether an automated motor vehicle is operating under an
13 authorization issued by the department under Transportation Code, §545.456. However, proposed new
14 §220.26(b)(3) would also authorize the department to grant an extension on the five-day deadline in
15 response to a written request from the authorization holder.

16 Proposed new §220.26(b)(4) would require the authorization holder to submit any requests for
17 an extension prior to the department's deadline for the updated or current document. A request for an
18 extension after the deadline has passed is not a reasonable request. Proposed new §220.26(b)(4) would
19 also require an extension request to be sent to the designated address listed in the department's request
20 to the authorization holder for an updated or current document. This will allow the department flexibility
21 in determining how best to staff and monitor communications with authorization holders. Proposed new
22 §220.26(b)(5) would require the authorization holder's request for an extension to contain an explanation
23 on why five days is not reasonable, why the authorization holder needs more time (including the specific

1 deadline the authorization holder is requesting), and whether the authorization holder's requested
2 deadline is likely to result in harm to the public health, safety, or welfare. Automated motor vehicles are
3 a new and evolving technology. The authorization holder is in the best position to know about the
4 automated motor vehicles that it operates and the automated motor vehicle industry in general. The
5 authorization holder is in the best position to articulate its reasons for an extension on the five-day
6 deadline.

7 Proposed new §220.28 would provide clarity to the automated motor vehicle industry regarding
8 the computation of time under proposed new Chapter 220, as well as under Transportation Code,
9 §545.456 and §545.459, by aligning the computation with Government Code, §311.014 and specifying
10 calendar days rather than business days.

11 Proposed new §220.30 would require a written statement and certification required by
12 Transportation Code, §545.456 to contain an authorized signature to ensure that the statement and
13 certification are accurate and enforceable. An electronic signature is legally acceptable under Business
14 and Commerce Code, §322.007.

15 **Subchapter C. Administrative Sanctions**

16 Proposed new §220.50 would state that the department's rules regarding administrative
17 sanctions for authorization holders are located in Chapter 224 of the department's rules. This proposed
18 new section is consistent with other department rules, which state where to find the department's rules
19 relating to adjudicative practice and procedure as a courtesy to the regulated industries and others.

20 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
21 has determined that for each year of the first five years the new sections will be in effect, there will be no
22 significant fiscal impact to state or local governments as a result of the enforcement or administration of

1 the proposal. Jimmy Archer, Director of the Motor Carrier Division (MCD), has determined that there will
2 be no significant impact on local employment or the local economy as a result of the proposal.

3 **PUBLIC BENEFIT AND COST NOTE.** Mr. Archer has also determined that, for each year of the first five
4 years the new sections are in effect, there are several anticipated public benefits and no costs of
5 compliance.

6 Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include the
7 safety of the traveling public, and consistent requirements for the automated motor vehicle industry
8 operating in Texas. The application requirements for an authorization under proposed new §220.23, as
9 well as updates to the documents under proposed new §220.26, would provide information to the
10 department that the department needs to impose administrative sanctions against an authorization
11 holder under Chapter 224 of this title, including the suspension, revocation, or cancellation of the
12 authorization, if the department determines that the operation of the automated motor vehicle on a
13 highway or street in this state endangers the public. The information that an applicant must provide to
14 the department under proposed new §220.23, as well as updates to the documents under proposed new
15 §220.26, would provide information for law enforcement to determine whether to issue a citation to the
16 owner or the authorization holder for a violation of traffic or motor vehicle laws related to the vehicle
17 under Transportation Code, §545.454(b).

18 The proposed new rules in Chapter 220 would provide consistency for the automated motor
19 vehicle industry operating in Texas because the language in proposed new §220.23 would prescribe
20 certain information that an applicant for authorization under Transportation Code, §545.456 must provide
21 to the department, as well as the form by which a person may apply for such authorization, and the form
22 by which an authorization holder shall update a document described by Transportation Code,
23 §545.456(b)(1), (2), or (3).

1 Anticipated Costs To Comply With The Proposal. Mr. Archer anticipates that there will be no costs
2 to comply with these proposed rules. The proposed rules do not impose a fee on an applicant for
3 authorization under Transportation Code, §545.456. Also, most of the application requirements are
4 specified by Transportation Code, §545.456.

5 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
6 Code, §2006.002, the department has determined that the proposed new sections will not have an
7 adverse economic effect on small businesses, micro-businesses, and rural communities because the rules
8 do not create costs beyond those required by statute. In addition, the requirements under proposed new
9 Chapter 220 are created to ensure the safety of the traveling public in this state, which falls under the
10 exception in Government Code, §2006.002(c-1). Therefore, the department is not required to prepare a
11 regulatory flexibility analysis under Government Code, §2006.002.

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

16 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the
17 first five years the proposed new sections are in effect, a new government program would be created.
18 Implementation of the proposed new sections would not require the creation of new employee positions
19 or elimination of existing employee positions. Implementation would not require an increase or decrease
20 in future legislative appropriations to the department or an increase or decrease of fees paid to the
21 department. The proposed new sections create new regulations, and do not expand, limit or repeal
22 existing regulations. Lastly, the proposed new sections do not affect the number of individuals subject to
23 the rule's applicability and will not affect this state's economy.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on August 25, 2025. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

CHAPTER 220. AUTOMATED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

STATUTORY AUTHORITY. The department proposes new sections under Transportation Code, §545.456, which requires the board by rule to prescribe the form and manner by which a person may apply to the department for authorization to operate automated motor vehicles to transport property or passengers in furtherance of a commercial enterprise on highways and streets in this state without a human driver; Transportation Code, §545.453, which authorizes the board to adopt rules that are necessary to administer Subchapter J of Chapter 545 of the Transportation Code; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department; and the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

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

Text.

CHAPTER 220. AUTOMATED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

§220.1. Purpose and Scope.

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

§220.3. Definitions.

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

SUBCHAPTER B. AUTHORIZATION TO OPERATE AN AUTOMATED MOTOR VEHICLE

STATUTORY AUTHORITY. The department proposes new sections under Transportation Code, §545.456, which requires the board by rule to prescribe the form and manner by which a person may apply to the

department for authorization to operate automated motor vehicles to transport property or passengers in furtherance of a commercial enterprise on highways and streets in this state without a human driver; Transportation Code, §545.453, which authorizes the board to adopt rules that are necessary to administer Subchapter J of Chapter 545 of the Transportation Code; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department; and the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

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

Text.

§220.20. Purpose and Scope.

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

§220.23. Application Requirements.

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

(1) submitted electronically in the department's designated system; and

(2) completed by the applicant or an authorized representative of the applicant.

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

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

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

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

9 **(i) the vehicle identification number;**

10 **(ii) year;**

11 **(iii) make; and**

12 **(iv) model; and**

13 **(2) the written statement and certification required by Transportation Code,**
14 **§545.456(b)(2) and (3).**

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

18
19 **§220.26. Updates under Transportation Code, §545.456(e) and §545.456(f)(2).**

20 **(a) Under Transportation Code, §545.456(e), an authorization holder shall provide the**
21 **department with an update to a document described by §220.23(b)(1) or (2) of this title (relating to**
22 **Application Requirements) not later than the 30th day after the date material information changes.**

1 The authorization holder shall electronically submit the update in the form and manner, and subject
2 to the requirements specified in §220.23 of this title.

3 (b) Under Transportation Code, §545.456(f)(2), the department may request the
4 authorization holder to provide the department with an updated or current document described by
5 §220.23(b)(1) or (2) of this title. Such requests are subject to the following requirements:

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

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

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

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

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

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

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

1 (A) why five days is not reasonable;

2 (B) why the authorization holder needs more time and the specific deadline

3 the authorization holder is requesting; and

4 (C) whether the authorization holder's requested deadline is likely to result

5 in harm to the public health, safety, or welfare.

6
7 §220.28. Computation of Time.

8 (a) Any time period prescribed or allowed by this chapter or Transportation Code, §545.456 and
9 §545.459 shall be computed in accordance with Government Code, §311.014.

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

12
13 §220.30. Signature Requirement on Written Statement and Certification.

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

16
17 **SUBCHAPTER C. ADMINISTRATIVE SANCTIONS**

18
19 **STATUTORY AUTHORITY.** The department proposes this new section under Transportation Code,
20 §545.456, which requires the department to prescribe the form and manner by which an authorization
21 holder must update a document described by Transportation Code, §545.456(b)(1) through (3);
22 Transportation Code, §545.453, which authorizes the board to adopt rules that are necessary to
23 administer Subchapter J of Chapter 545 of the Transportation Code; Government Code, §2001.004, which

1 requires state agencies to adopt rules of practice stating the nature and requirements of all available
2 formal and informal procedures; Transportation Code, §1002.001, which authorizes the board to adopt
3 rules that are necessary and appropriate to implement the powers and duties of the department; and the
4 statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein
5 by reference.

6 **CROSS REFERENCE TO STATUTE.** The proposed new section would implement Transportation Code,
7 Chapter 545, Subchapter J, and §1002.001; and Government Code, Chapter 2001.

8
9 Text.

10 §220.50. Administrative Sanctions.

11 The department may take action against the authorization holder in accordance with Chapter 224 of
12 this title (relating to Adjudicative Practice and Procedure) and Transportation Code, §545.456 and
13 §545.459.