

agency to establish procedures by rule for collecting a delinquent obligation.

CROSS REFERENCE TO STATUTE

Business and Commerce Code, §3.506; and Government Code, Chapter 2107.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405467

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Effective date: December 7, 2014

Proposal publication date: August 15, 2014

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CHAPTER 210. CONTRACT MANAGEMENT

The Texas Department of Motor Vehicles (department) adopts amendments to Subchapter A, Purchase Contracts, §210.1 and §210.2; adopts the repeals of Subchapter B, Civil Rights, §210.21; Subchapter C, Historically Underutilized Business Program, §210.41 and §210.42; and Subchapter D, Disadvantaged Business Enterprise Program, §§210.61 - 210.65; and adopts new Subchapter B, Historically Underutilized Business Program, §210.21 and §210.22. The amendments, repeals, and new subchapter are adopted without changes to the proposed text as published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6210) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS, REPEALS, AND NEW SUBCHAPTER

In accordance with Government Code, §2001.039, the department conducted a review of its rules under Chapter 210. Notice of the department's intention to review was published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6246).

As a result of the review, the department has determined that Subchapters B and D are no longer necessary and should be repealed. Subchapter B only references department compliance with a federal law, and does not add anything to that federal requirement and is thus redundant. Subchapter D relates to requirements for contracting using federal monies and is not applicable to department operations.

The department has further determined that the reasons for initially adopting rules under Subchapters A and C continue to exist, but that amendments and renumbering are necessary.

Nonsubstantive amendments to §210.1 and §210.2 correct punctuation, grammar, and capitalization, and clarify or update the language to conform to statutory requirements.

New Subchapter B, Historically Underutilized Business Program, §210.21, Purpose, and §210.22, Program, is adopted to replace existing Subchapter C. New §210.22 makes non-substantive amendments to existing §210.42 to correct the referenced citation to include 34 TAC Part 1, Chapter 20, Subchapter B, and revises terminology for consistency with other

department rules. New §210.21 is adopted without changes to the text of existing §210.41.

COMMENTS

No comments on the proposed amendments, repeals, and new subchapter were received.

SUBCHAPTER A. PURCHASE CONTRACTS

43 TAC §210.1, §210.2

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; Occupations Code, §2301.153(a)(9) and Government Code, §1001.010, which provide specific rulemaking authority to the department for contracting; Government Code, §2155.076, which requires state agencies to adopt rules regarding procurement protests; Government Code, §2161.003, which requires state agencies to adopt rules promulgated by the Texas Comptroller of Public Accounts regarding Historically Underutilized Businesses (HUBs); and Government Code, §2260.051 and §2260.052, which set forth procedures for contract claim negotiations and require state agencies to adopt rules governing contract claims negotiations and mediations under Government Code, Chapter 2260.

CROSS REFERENCE TO STATUTE

Government Code, Chapters 1001, 2155, 2161, and 2260; and Occupations Code, Chapter 2301.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405452

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Effective date: December 7, 2014

Proposal publication date: August 15, 2014

For further information, please call: (512) 465-5665



SUBCHAPTER B. CIVIL RIGHTS

43 TAC §210.21

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; Occupations Code, §2301.153(a)(9) and

Government Code, §1001.010, which provide specific rulemaking authority to the department for contracting; Government Code, §2155.076, which requires state agencies to adopt rules regarding procurement protests; Government Code, §2161.003, which requires state agencies to adopt rules promulgated by the Texas Comptroller of Public Accounts regarding Historically Underutilized Businesses (HUBs); and Government Code, §2260.051 and §2260.052, which set forth procedures for contract claim negotiations and require state agencies to adopt rules governing contract claims negotiations and mediations under Government Code, Chapter 2260.

CROSS REFERENCE TO STATUTE

Government Code, Chapters 1001, 2155, 2161, and 2260; and Occupations Code, Chapter 2301.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405453

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Texas Department of Motor Vehicles

Effective date: December 7, 2014

Proposal publication date: August 15, 2014

For further information, please call: (512) 465-5665



SUBCHAPTER B. HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

43 TAC §210.21, §210.22

STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; Occupations Code, §2301.153(a)(9) and Government Code, §1001.010, which provide specific rulemaking authority to the department for contracting; Government Code, §2155.076, which requires state agencies to adopt rules regarding procurement protests; Government Code, §2161.003, which requires state agencies to adopt rules promulgated by the Texas Comptroller of Public Accounts regarding Historically Underutilized Businesses (HUBs); and Government Code, §2260.051 and §2260.052, which set forth procedures for contract claim negotiations and require state agencies to adopt rules governing contract claims negotiations and mediations under Government Code, Chapter 2260.

CROSS REFERENCE TO STATUTE

Government Code, Chapters 1001, 2155, 2161, and 2260; and Occupations Code, Chapter 2301.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405454

David D. Duncan

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Texas Department of Motor Vehicles

Effective date: December 7, 2014

Proposal publication date: August 15, 2014

For further information, please call: (512) 465-5665



SUBCHAPTER C. HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

43 TAC §210.41, §210.42

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; Occupations Code, §2301.153(a)(9) and Government Code, §1001.010, which provide specific rulemaking authority to the department for contracting; Government Code, §2155.076, which requires state agencies to adopt rules regarding procurement protests; Government Code, §2161.003, which requires state agencies to adopt rules promulgated by the Texas Comptroller of Public Accounts regarding Historically Underutilized Businesses (HUBs); and Government Code, §2260.051 and §2260.052, which set forth procedures for contract claim negotiations and require state agencies to adopt rules governing contract claims negotiations and mediations under Government Code, Chapter 2260.

CROSS REFERENCE TO STATUTE

Government Code, Chapters 1001, 2155, 2161, and 2260; and Occupations Code, Chapter 2301.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405455

David D. Duncan

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Texas Department of Motor Vehicles

Effective date: December 7, 2014

Proposal publication date: August 15, 2014

For further information, please call: (512) 465-5665



SUBCHAPTER D. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

43 TAC §§210.61 - 210.65

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.039, which requires state agencies to review their rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; Occupations Code, §2301.153(a)(9) and Government Code, §1001.010, which provide specific rulemaking authority to the department for contracting; Government Code, §2155.076, which requires state agencies to adopt rules regarding procurement protests; Government Code, §2161.003, which requires state agencies to adopt rules promulgated by the Texas Comptroller of Public Accounts regarding Historically Underutilized Businesses (HUBs); and Government Code, §2260.051 and §2260.052, which set forth procedures for contract claim negotiations and require state agencies to adopt rules governing contract claims negotiations and mediations under Government Code, Chapter 2260.

CROSS REFERENCE TO STATUTE

Government Code, Chapters 1001, 2155, 2161, and 2260; and Occupations Code, Chapter 2301.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 17, 2014.

TRD-201405456

David D. Duncan
General Counsel

Texas Department of Motor Vehicles

Effective date: December 7, 2014

Proposal publication date: August 15, 2014

For further information, please call: (512) 465-5665



CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.28, §217.40

The Texas Department of Motor Vehicles (department) adopts amendments to §217.28, Specialty License Plates, Symbols, Tabs, and Other Devices; and §217.40, Marketing of Specialty License Plates through a Private Vendor, without changes to the proposed text as published in the September 12, 2014, issue of the *Texas Register* (39 TexReg 7278). The amended rules will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The amendment to §217.28(c)(7)(B) adds star symbols to the spaces, hyphens, periods, hearts, the International Symbol of Access, and the silhouettes of the State of Texas that may be used in conjunction with the alphanumeric characters on a personalized license plate.

The amendments to §217.40 are necessary to implement changes in specialty license plate pricing and the length of the terms to correspond with the recently renewed five-year contract with the department's vendor, License Plates of Texas, LLC (dba My Plates).

Previously, the specialty license plates marketed through the vendor were offered for terms of one, five, and ten years. Under the renewed contract, these plates are offered for terms of one, three, and five years. Prices have also been adjusted to account for this change in the offered terms.

Transportation Code, Chapter 504, Subchapter J gives the vendor authority to market its specialty plates by contract with the department, provided that all reasonable costs incurred by the department in connection with the specialty plates are recovered. The department cannot attest to the success of any marketing initiatives to be undertaken in the future by the vendor; however, no negative fiscal impact to the general revenue fund is anticipated based on the proposed price changes.

The amendment to §217.40(g) provides that the vendor specialty license plates will be offered for a one-year, a three-year, or a five-year term.

The amendments to §217.40(h) provide the associated fees under the one-year, three-year, or five-year terms for the various vendor specialty plate categories: custom license plates (§217.40(h)(1)); T-Plates (Premium) license plates (§217.40(h)(2)); luxury license plates (§217.40(h)(3)); freedom license plates (§217.40(h)(4)); and background only license plates (§217.40(h)(5)). In addition, the amendment to §217.40(h)(7) provides that the vendor may auction alphanumeric patterns for one, three, or five year terms with options to renew indefinitely at the current price established for a one, three, or five year luxury category license plate.

Additionally, the amendments to §217.40(i)(1) clarify that payment of specialty license plate fees are directly to the state through vendor and state systems, and the amendment to §217.40(l)(2) clarifies that the \$25 fee imposed on the transfer of auctioned specialty license plates between owners is to cover the cost of transfer.

Finally, the amendment to §217.40(n)(2) provides that the fee for each restyled license plate is decreased to \$50.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the Texas Department of Motor Vehicles under the Transportation Code; Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Chapter 502, Registration of Vehicles; and Transportation Code, §504.0011, which authorizes the department to adopt rules to implement and administer Chapter 504, License Plates; and more specifically, Transportation Code, §§504.851, 504.854, and 504.855, which