

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.

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David D. Duncan
General Counsel

Texas Department of Motor Vehicles

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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

authorize the board to establish fees for the transfer or issuance of the various vendor specialty and personalized plates.

CROSS REFERENCE TO STATUTE

Transportation Code, §§504.002, 504.009, 504.101, 504.6011, 504.802, and 504.851 - 504.855.

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

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David D. Duncan

General Counsel

Texas Department of Motor Vehicles

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



43 TAC §217.44

The Texas Department of Motor Vehicles (department) adopts amendments to §217.44, Registration Reciprocity Agreements, without changes to the proposed text as published in the October 3, 2014, issue of the *Texas Register* (39 TexReg 7903). The text of the amendments will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The amendments to §217.44 are necessary to implement the department's decision to issue two license plates to certain vehicles under the International Registration Plan (IRP). Currently, §217.44 says the department will issue one license plate, which shall be placed on the front of a power unit and on the rear of a trailer. Peace officers are stopping the drivers of some of the power units that are not drawing a trailer or semi-trailer because the peace officers are accustomed to seeing the license plate on the rear of these types of power units. To address this issue, the department will issue two license plates to the power units that are not designed and used primarily for drawing other vehicles. In addition, the amendment to §217.44 tells the vehicle owner where to place the second license plate.

The amendments to §217.44 are also necessary to adopt by reference the current edition of the IRP and the IRP Audit Procedures Manual, as well as future amendments to the IRP. An amendment deletes the definition of the word "distance" because the IRP already addresses the issue of distance and how the registration fees are calculated.

The other changes to §217.44 are necessary to correct references to statutes, rules, and language in statutes, rules and the IRP. The amendments also correct grammatical errors, change punctuation for clarity, provide a definition for the department's Regional Service Centers, and address internal changes within the department.

COMMENT

An individual submitted a comment, stating the additional fees for apportioned license plates are a burden on small business owners if all commercial vehicles are required to have appor-

tioned license plates. The commenter also stated he only operates locally and does not operate his vehicles out of state.

RESPONSE

Because the commenter only operates his vehicles in one state and does not indicate an intention to operate his vehicles in more than one member jurisdiction under the IRP, he does not qualify to register his vehicles under the IRP to receive apportioned plates. Even if the commenter also operated his vehicles in another member jurisdiction under the IRP and met the other requirements to register his vehicles under the IRP, registration under the IRP is not mandatory. If someone wants to operate their vehicles in more than one state or jurisdiction and does not qualify for registration reciprocity under existing reciprocity agreements, the person could register their vehicles in each state or jurisdiction in which they will operate their vehicles, rather than registering their vehicles under the IRP.

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 department under the Transportation Code; and more specifically, Transportation Code, §502.091, which authorizes the department to adopt rules to carry out the IRP; and Transportation Code, §504.010, which authorizes the board to adopt rules regarding the placement of license plates for a motor vehicle.

CROSS REFERENCE TO STATUTE

Transportation Code, §502.091 and §504.010.

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

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David D. Duncan

General Counsel

Texas Department of Motor Vehicles

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



SUBCHAPTER F. MOTOR VEHICLE RECORD INFORMATION

43 TAC §217.93

The Texas Department of Motor Vehicles (department) adopts amendment to §217.93, Cost of Motor Vehicle Records, without changes to the proposed text as published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6214). The amended rule will not be republished.

EXPLANATION OF ADOPTED AMENDMENT

Simultaneously with this adopted amendment, the department is adopting the repeal of Chapter 207, in accordance with Government Code, §2001.039. The amendment to §217.93 is