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## TITLE 43. TRANSPORTATION

### PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

#### CHAPTER 217. VEHICLE TITLES AND REGISTRATION

The Texas Department of Motor Vehicles (department) adopts the repeal of Chapter 217, Subchapters A - H, §§217.1 - 217.9, 217.20 - 217.33, 217.35 - 217.44, 217.53 - 217.55, 217.60 - 217.68, 217.70 - 217.81, 217.90 - 217.93, 217.100 - 217.102, and 217.111, and adopts new Subchapters A - I, §§217.1 - 217.14, 217.21 - 217.56, 217.71 - 217.73, 217.81 - 217.89, 217.101 - 217.106, 217.121 - 217.124, 217.141 - 217.143, 217.161, and 217.181 - 217.192. The repeals are adopted without changes to the proposal as published in the December 19, 2014, issue of the *Texas Register* (39 TexReg 9818). New §§217.2, 217.6, and 217.54 are adopted with changes to the proposed text as published in the December 19, 2014, issue of the *Texas Register* (39 TexReg 9818) and the rest of the new sections are adopted without changes.

#### EXPLANATION OF ADOPTED REPEALS AND NEW SUBCHAPTERS

The department conducted a review of its rules in compliance with Government Code, §2001.039. Notice of the department's intention to review was published in the December 19, 2014, issue of the *Texas Register* (39 TexReg 10037).

Section 217.2 is being republished to reflect a change based on a comment received. Section 217.6 is being republished with a statutory correction. Section 217.54 is being republished with a minor grammatical change.

As a result of the review, the department has determined that a comprehensive restructuring and renumbering of the chapter was needed to improve clarity and to simplify future amendments to the chapter. Most significantly, this adoption breaks up current §217.3, Motor Vehicle Titles, and current §217.22, Motor Vehicle Registration, into shorter, more accessible, and more easily comprehended sections; §217.3 is broken up into twelve new sections, and §217.22 into fourteen new sections. Adding these new sections necessitates renumbering nearly all of the current Chapter 217 sections.

Other structural changes include moving the sections governing salvage vehicle dealers, which currently comprise Subchapter E, to a new Subchapter I. The department anticipates that under a future proposed rule change, the salvage vehicle dealer subchapter will be removed from Chapter 217 entirely and relocated to Chapter 215, which governs motor vehicle distribution. Plac-

ing these sections in the final subchapter of Chapter 217 now will allow the eventual deletion of that subchapter without leaving a gap in Chapter 217's subchapter lettering scheme. In addition, those sections of current Subchapter A addressing liens are moved to a new Subchapter E governing liens and insurance claims.

In addition to these adopted structural and renumbering changes, the department has also identified various substantive changes that should be made to Chapter 217, and is identifying additional substantive changes to complete the rule review process. To simplify the rule review process, the department will propose most of the substantive changes after the renumbering and structural changes are adopted. Therefore, with the exception of the amendments to §217.54, described in more detail in the paragraph below regarding changes to Subchapter B, relatively few substantive changes to the text of Chapter 217 were proposed. However, some changes to correct punctuation, grammar, capitalization, and references were proposed and are being adopted as necessary.

The adopted changes to Chapter 217 are described by subchapter.

Subchapter A ("Motor Vehicle Titles") is renumbered and restructured as follows. Current §217.3 is broken up into the following new sections of Subchapter A: §217.3, Motor Vehicle Titles (current §217.3(a), except §217.3(a)(4)); §217.4, Initial Application for Title (current §217.3(b)); §217.5, Evidence of Motor Vehicle Ownership (current §217.3(c)); §217.6, Title Issuance (current §217.3(d)); §217.7, Replacement of Title (current §217.3(e)); §217.8, Second Hand Vehicle Transfers (current §217.3(f)); §217.9, Bonded Title (current §217.3(g)); §217.10, Appeal to the County (current §217.3(h)); §217.11, Rescission, Cancellation or Revocation by Affidavit (current §217.3(i)); and §217.12, Fees (current §217.3(k)). The text of current §217.3(a)(4) is adopted as §217.14, Exemptions from Title. In addition, the text of current §217.3(j), Discharge of Liens, is adopted as a new section within new Subsection E, Title Liens and Claims, as described in more detail below.

Adopted substantive changes to the current text of Subchapter A are as follows. Section 217.1, Purpose and Scope, changes references to "certificates of title" to "titles" to ensure applicability to a certificate or record of title issued under Transportation Code, §501.024. Section 217.2(8) clarifies the definition of an "exempt agency" as a governmental body exempt from paying not only registration fees but also title fees. Section 217.2(11) corrects a reference from "Transportation Code, §548.256" to "Transportation Code, Chapter 548." Two definitions in the current text, §217.2(20) ("semitrailer") and §217.2(22) ("token trailer"), are deleted as unnecessarily duplicative of statutory language, and §217.2 is renumbered internally to account for these deletions. New §217.2(20) is amended for clarity. Current §217.3(b)(4), addressing vehicle identification numbers, is deleted as no longer needed in the new §217.4, Initial Application for Title. Section 217.4(d)(4) changes a reference from "Transportation Code, §548.256" to "Transportation Code, Chapter 548" for clarity. Section 217.6(a)(3)(B) is amended to correct a statutory citation. Section 217.9(e)(6) changes the required out-of-state inspection form required to obtain a bonded title when no Texas record exists from a specific Texas Department of Public Safety form to the out-of-state vehicle inspection form described by §217.9(d). Finally, the title of §217.10 is shortened to "Appeal to the County."

Subchapter B ("Motor Vehicle Registration") is renumbered and restructured as follows. Current §217.22 is broken up into the following sections of Subchapter B: §217.23, Initial Application for Vehicle Registration (current §217.22(b), except §217.22(b)(4)); §217.24, Vehicle Last Registered in Another Jurisdiction (current §217.22(b)(4), except §217.22(b)(4)(E)); §217.25, Out-of-State Vehicles (current §217.22(g)); §217.26, Identification Required (current §217.22(b)(4)(E)); §217.27, Vehicle Registration Insignia (current §217.22(c)); §217.28, Vehicle Registration Renewal (current §217.22(d), except §217.22(d)(6) and §217.22(d)(7)); §217.30, Refusal to Renew Registration for Delinquent Child Support (current §217.22(d)(6)); §217.31, License Plate Reissuance Program (current §217.22(d)(7)); §217.32, Replacement of License Plates, Symbols, Tabs, and Other Devices (current §217.22(e)); §217.33, Commercial Farm Motor Vehicles, Farm Trailers, and Farm Semitrailers (current §217.22(f)); §217.34, Electric Personal Assistive Mobility Device (current §217.22(h)); §217.35, Neighborhood Electric Vehicle (current §217.22(i)); §217.36, Refusal to Register by Local Government and Record Notation (current §§217.22(j), (k), (l), and (m)); and §217.37, Fees (current §217.22(n)).

Also within Subchapter B, §217.29, Vehicle Registration Renewal via Internet, retains the same section number in both the current and adopted structure. Section 217.49, Water Well Drilling Equipment and Vehicles, combines the text of two current rules, §217.36, Water Well Drilling Equipment, and §217.39, Water Well Drilling Vehicles.

The other sections in Subchapter B are renumbered as follows: §217.21, Purpose and Scope (current §217.20); §217.22, Definitions (current §217.21); §217.38, Registration Fee Credit: Application (current §217.32); §217.39, Registration Fee Credit: Nontransferable (current §217.33); §217.40, Special Registration Permits (current §217.23); §217.41, Disabled Person License Plates and Identification Placards (current §217.24); §217.42, Construction Machinery Criteria (current §217.25); §217.43, Military Specialty License Plates (current §217.26); §217.44, Privately Owned Buses (current §217.27); §217.45, Specialty License Plates, Symbols, Tabs, and Other Devices (current §217.28); §217.46, Commercial Vehicle Registration (current §217.30); §217.47, Vehicle Emissions Enforcement System (current §217.31); §217.48, Machinery (current §217.35); §217.50, Equipment and Vehicles Within Road Construction Projects (current §217.37); §217.51, Change of Classification: Truck and Truck-Tractors (current §217.38); §217.52, Marketing of Specialty License Plates Through a Private Vendor (current §217.40); §217.53, Removal of License Plates and Registration Insignia Upon Sale of Motor Vehicle (current §217.41); §217.54, Registration of Fleet Vehicles (current §217.42); §217.55, Exempt and Alias Vehicle Registration (current §217.43); and §217.56, Registration Reciprocity Agreements (current §217.44).

Substantive changes from the current text of Subchapter B are as follows. Citation to Transportation Code, §502.055, is added to clarify §217.44, Privately Owned Buses. Repetitive language is deleted from, and a clarifying citation to Transportation Code, Chapter 551 is added to, §217.45, Specialty License Plates, Symbols, Tabs, and Other Devices. A citation to Transportation Code, §502.055, replaces an incorrect citation in §217.46(c)(2)(A). Finally, adopted amendments to §217.54 implement House Bill 2305, 83rd Regular Session, regarding single sticker for commercial fleet vehicles and, as described above, a minor grammatical amendment not originally proposed is being adopted as well.

The sections in Subchapter C ("Registration and Title System") are renumbered as follows: §217.71, Automated Vehicle Registration and Title System (current §217.53); §217.72, Automated Equipment (current §217.54); and §217.73, Agreement (current §217.55).

The substantive changes to Subchapter C include replacing the term "certificates of title" with "titles" in §217.71 to reflect the increasing importance of electronic titles, and the addition of a statutory reference to Transportation Code, §502.356, and other language to clarify §217.72(c).

The sections in Subchapter D ("Non-Repairable and Salvage Motor Vehicles") are renumbered as follows: §217.81, Purpose and Scope (current §217.60); §217.82, Definitions (current §217.61); §217.83, Requirement for Non-repairable or Salvage Vehicle Title (current §217.62); §217.84, Application for Non-repairable or Salvage Vehicle Title (current §217.63); §217.85, Replacement of Non-repairable or Salvage Motor Vehicle Ownership Documents (current §217.64); §217.86, Dismantling, Scrapping, or Destruction of Motor Vehicles (current §217.65); §217.87, Rights of Holder of Non-repairable or Salvage Motor Vehicle Documents (current §217.66); §217.88, Sale, Transfer, or Release of Ownership of a Non-repairable or Salvage Motor Vehicle (current §217.67); and §217.89, Rebuilt Salvage Motor Vehicles (current §217.68).

The substantive changes to Subchapter D include replacing references to "certificates of title" to "titles" in §217.81 and §217.82 to ensure applicability to a certificate or record of title issued under Transportation Code, §501.024, and the correction of an erroneous internal citation in §217.88(g)(2)(B).

The adoption moves all sections in current Subchapter E ("Salvage Vehicle Dealers") to a new Subchapter I, as described below. Subchapter E (to be titled "Title Liens and Claims") contains those sections currently in Subchapter A governing title liens and insurance claims, which are grouped into a single subchapter and renumbered as follows: §217.101, Landowner's Lien (current §217.5); §217.102, Child Support Lien (current §217.6); §217.103, Restitution Liens (current §217.7); §217.104, Electronic Lien Title Program (current §217.8); §217.105, Insurance Company Claims (current §217.9); and §217.106, Discharge of Liens (current §217.3(j)).

Substantively, the text of the sections moved to Subchapter E corrects citations to rules in this chapter.

The sections in Subchapter F ("Motor Vehicle Record Information") are renumbered as follows: §217.121, Purpose and Scope (current §217.90); §217.122, Definitions (current §217.91); §217.123, Access to Motor Vehicle Records (current §217.92); and §217.124, Cost of Motor Vehicle Records (current §217.93).

A substantive change in Subchapter F deletes references to repealed and irrelevant statutes in §217.123.

The sections in Subchapter G ("Inspections") are renumbered as follows: §217.141, Purpose and Scope (current §217.100); §217.142, Definitions (current §217.101); and §217.143, Inspection Requirements (current §217.102). No substantive change to the text of these sections was made.

The sole section in Subchapter H ("Deputies") is renumbered §217.161 (currently §217.111), with no substantive change to the text.

The adoption moves all sections currently in Subchapter E ("Salvage Vehicle Dealers") to a newly created Subchapter I,

renumbering these sections as follows: §217.181, Purpose and Scope (current §217.70); §217.182, Definitions (current §217.71); §217.183, Classification of Salvage Vehicle Dealer Licenses (current §217.72); §217.184, Salvage Vehicle Dealer License (current §217.73); §217.185, Salvage Vehicle Agent License (current §217.74); §217.186, Investigation, Report by the Department, and Issuance of License (current §217.75); §217.187, Place of Business (current §217.76); §217.188, Change of Licensee's Status (current §217.77); §217.189, License Renewal (current §217.78); §217.190, Licensee Duties (current §217.79); §217.191, Record of Purchases, Sales and Inventory (current §217.80); and §217.192, Administrative Sanctions and Procedures (current §217.81).

Substantive changes to the text of the sections moved into new Subchapter I include a correction to the internal numbering of §217.182, and the addition in §217.186(b) of a reference to proposed §217.192.

In addition to the substantive changes described above, other changes are made throughout the new subchapters to revise terminology for consistency with other department rules and with current department practice, and nonsubstantive amendments are adopted to correct punctuation, grammar, capitalization, and references throughout the amended sections.

#### COMMENT

The department received one written comment from John R. Ames, Dallas County Tax Assessor-Collector with regard to §217.2(20). Mr. Ames expressed a preference that should the department proceed with new language under consideration, the department further define "involved parties" to clarify who is authorized to complete the statement of fact.

#### RESPONSE

The department modified the proposed definition of "involved party" to clarify that an involved party is the seller or an agent of the seller involved in the motor vehicle transaction.

### SUBCHAPTER A. MOTOR VEHICLE TITLES

#### 43 TAC §§217.1 - 217.9

##### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

##### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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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### SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

#### 43 TAC §§217.20 - 217.33, 217.35 - 217.44

##### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

##### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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### SUBCHAPTER C. REGISTRATION AND TITLE SYSTEM

#### 43 TAC §§217.53 - 217.55

##### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

##### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER D. NON-REPAIRABLE AND SALVAGE MOTOR VEHICLES

### 43 TAC §§217.60 - 217.68

#### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER E. SALVAGE VEHICLE DEALERS

### 43 TAC §§217.70 - 217.81

#### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER F. MOTOR VEHICLE RECORD INFORMATION

### 43 TAC §§217.90 - 217.93

#### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER G. INSPECTIONS

### 43 TAC §§217.100 - 217.102

#### STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER H. DEPUTIES

### 43 TAC §217.111

#### STATUTORY AUTHORITY

The repeal is adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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## SUBCHAPTER A. MOTOR VEHICLE TITLES

### 43 TAC §§217.1 - 217.14

#### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

#### §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) **Title application**--A form prescribed by the division director that reflects the information required by the department to create a motor vehicle title record.

(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.

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

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

(10) **House moving dolly**--An apparatus consisting of metal beams and axles used to move houses. House moving dollies, by nature of their construction and use, actually form large semitrailers.

(11) **Identification certificate**--A form issued by an inspector of an authorized safety inspection station in accordance with Transportation Code, Chapter 548.

(12) **Implements of husbandry**--Farm implements, machinery, and tools used in tilling the soil, including self-propelled machinery specifically designed or especially adapted for applying plant food materials or agricultural chemicals. This term does not include an implement unless it is designed or adapted for the sole purpose of transporting farm materials or chemicals. This term does not include any passenger car or truck.

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

(14) **Moped**--A motor driven cycle whose attainable speed is not more than 30 miles per hour and that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston displacement may not exceed 50 cubic centimeters and the power drive system may not require the operator to shift gears.

(15) **Motor vehicle importation form**--A declaration form prescribed by the United States Department of Transportation and certified by United States Customs that relates to any motor vehicle being

brought into the United States and the motor vehicle's compliance with federal motor vehicle safety standards.

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

(17) Obligor--An individual who is required to make payments under the terms of a support order for a child.

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

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

(20) Statement of fact--A written declaration that supports an application for a title, that is executed by an involved party to a transaction involving a motor vehicle, and that clarifies an error made on a title or other negotiable evidence of ownership. An involved party is the seller or an agent of the seller involved in the motor vehicle transaction. When a written declaration is necessary to correct an odometer disclosure error, the signatures of both the seller and buyer when the error occurred are required.

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

(A) Individual applicant. If the applicant is an individual, verifiable proof consists of a copy of a current photo identification issued by this state or by the United States or foreign passport.

(B) Business applicant. If the applicant is a business, verifiable proof consists of an original or copy of a letter of signature authority on letterhead, a business card, or employee identification and a copy of current photo identification issued by this state or by the United States or foreign passport.

(C) Power of attorney. If the applicant is a person in whose favor a power of attorney has been executed by the owner or lienholder, verifiable proof consists of the documentation required under subparagraph (A) or (B) of this paragraph both for the owner or lienholder and for the person in whose favor the power of attorney is executed.

#### §217.6. Title Issuance.

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

- (1) a completed application for title;
- (2) required accompanying documentation;
- (3) the statutory fee for a title application, unless exempt

under:

(A) Transportation Code, §501.138; or

(B) Government Code, §437.217 and copies of official military orders are presented as evidence of the applicant's active duty status and deployment orders to a hostile fire zone; and

(4) any other applicable fees.

(b) Titles. The department will issue and mail or deliver a title to the applicant or, in the event that there is a lien disclosed in the application, to the first lienholder unless the title is an electronic record of title.

(c) Receipt. The receipt issued at the time of application for title may be used only as evidence of title and may not be used to trans-

fer any interest or ownership in a motor vehicle or to establish a new lien.

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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## SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

### 43 TAC §§217.21 - 217.56

#### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

§217.54. *Registration of Fleet Vehicles.*

(a) Scope. A registrant may consolidate the registration of multiple motor vehicles, including trailers and semi-trailers, in a fleet instead of registering each vehicle separately. This section prescribes the policies and procedures for fleet registration.

(b) Eligibility. A fleet must meet the following requirements to be eligible for fleet registration.

(1) No fewer than twenty-five vehicles will be registered as a fleet;

(2) Vehicles may be registered in annual increments for up to eight years;

(3) All vehicles in a fleet must be owned by or leased to the same business entity;

(4) All vehicles must be vehicles that are not registered under the International Registration Plan; and

(5) Each vehicle must currently be titled in Texas or be issued a registration receipt, or the registrant must submit an application for a title or registration for each vehicle.

(c) Application.

(1) Application for fleet registration must be in a form prescribed by the department. At a minimum the form will require:

(A) the full name and complete address of the registrant;

(B) a description of each vehicle in the fleet, which may include the vehicle's model year, make, model, vehicle identification number, document number, body style, gross weight, empty weight, and for a commercial vehicle, manufacturer's rated carrying capacity in tons;

(C) the existing license plate number, if any, assigned to each vehicle; and

(D) any other information that the department may require.

(2) The application must be accompanied by the following items:

(A) in the case of a leased vehicle, a certification that the vehicle is currently leased to the person to whom the fleet registration will be issued;

(B) registration fees prescribed by law for the entire registration period selected by the registrant;

(C) local fees or other fees prescribed by law and collected in conjunction with registering a vehicle for the entire registration period selected by the registrant;

(D) evidence of financial responsibility for each vehicle as required by Transportation Code, §502.046, unless otherwise exempted by law;

(E) annual proof of payment of Heavy Vehicle Use Tax;

(F) the state's portion of the vehicle inspection fee for the vehicle inspections conducted in Texas; and

(G) any other documents or fees required by law.

(d) Registration period.

(1) The fleet owner will designate a single registration period for a fleet so the registration period for each vehicle will expire on the same date.

(2) The fleet registration period will begin on the first day of a calendar month and end on the last day of a calendar month.

(e) Insignia.

(1) As evidence of registration, the department will issue distinguishing insignia for each vehicle in a fleet.

(2) The insignia shall be included on the license plate and affixed to the vehicle.

(3) The insignia shall be attached to the rear license plate if the vehicle has no windshield.

(4) The registration receipt for each vehicle shall at all times be carried in that vehicle and be available to law enforcement personnel.

(5) Insignia may not be transferred between vehicles, owners, or registrants.

(f) Fleet composition.

(1) A registrant may add a vehicle to a fleet at any time during the registration period. An added vehicle will be given the same registration period as the fleet and will be issued fleet registration insignia.

(2) A registrant may remove a vehicle from a fleet at any time during the registration period. The fleet registrant shall return the fleet registration insignia for that vehicle to the department at the time the vehicle is removed from the fleet. Credit for any vehicle removed

from the fleet for the remaining full year increments can be applied to any vehicle added to the fleet or at the time of renewal. No refunds will be given if credit is not used or the account is closed.

(3) If the number of vehicles in an account falls below twenty-five during the registration period, fleet registration will remain in effect. If the number of vehicles in an account is below twenty-five at the end of the registration period, fleet registration will be canceled. In the event of cancellation, each vehicle shall be registered separately. The registrant shall immediately return all fleet registration insignia to the department.

(g) Fees.

(1) When a fleet is first established, the department will charge a registration fee for each vehicle for the entire registration period selected. A currently registered vehicle, however, will be given credit for any remaining time on its separate registration.

(2) When a vehicle is added to an existing fleet, the department will charge a registration fee that is prorated based on the number of months of fleet registration remaining. If the vehicle is currently registered, this fee will be adjusted to provide credit for the number of months of separate registration remaining.

(3) When a vehicle is removed from fleet registration, it will be considered to be registered separately. The vehicle's separate registration will expire on the date that the fleet registration would have expired. The registrant must pay the statutory replacement fee to obtain regular registration insignia before the vehicle may be operated on a public highway.

(h) Payment. Payment will be made in the manner prescribed by the department.

(i) Cancellation.

(1) The department will cancel registration for non-payment and lack of proof of annual payment of the Heavy Vehicle Use Tax.

(2) The department may cancel registration on any fleet vehicle that is not in compliance with the inspection requirements under Transportation Code, Chapter 548 and the Texas Department of Public Safety rules regarding inspection requirements on the anniversary date(s) of the registration.

(3) A vehicle with a cancelled registration may not be operated on a public highway.

(4) If the department cancels the registration of a vehicle under this subsection, the registrant can request the department to reinstate the registration by doing the following:

(A) complying with the requirements for which the department cancelled the registration;

(B) providing the department with notice of compliance on a form prescribed by the department; and

(C) paying an administrative fee in the amount of \$10.

(5) A registrant is only eligible for reinstatement of the registration within 90 calendar days of the department's notice of cancellation.

(6) If a registrant fails to timely reinstate the registration of a cancelled vehicle registration under this section, the registrant:

(A) is not entitled to a credit or refund of any registration fees for the vehicle; and

(B) must immediately return the registration insignia to the department.

(j) Inspection fee. The registrant must pay the department by the deadline listed in the invoice for the state's portion of the vehicle inspection fee for a vehicle inspection conducted in Texas.

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



### SUBCHAPTER C. REGISTRATION AND TITLE SYSTEM

#### 43 TAC §§217.71 - 217.73

##### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the 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.

##### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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### SUBCHAPTER D. NON-REPAIRABLE AND SALVAGE MOTOR VEHICLES

#### 43 TAC §§217.81 - 217.89

##### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the Department of Mo-

tor 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.

##### CROSS REFERENCE TO STATUTE

Transportation Code, §502.0023, §502.047, and Chapters 551, 643, 645, 646, and 648.

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### SUBCHAPTER E. TITLE LIENS AND CLAIMS

#### 43 TAC §§217.101 - 217.106

##### STATUTORY AUTHORITY

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##### CROSS REFERENCE TO STATUTE

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### SUBCHAPTER F. MOTOR VEHICLE RECORD INFORMATION

#### 43 TAC §§217.121 - 217.124

##### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the Department of Mo-



tor 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.

#### CROSS REFERENCE TO STATUTE

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### SUBCHAPTER G. INSPECTIONS

#### 43 TAC §§217.141 - 217.143

##### STATUTORY AUTHORITY

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#### CROSS REFERENCE TO STATUTE

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### SUBCHAPTER H. DEPUTIES

#### 43 TAC §217.161

##### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

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### SUBCHAPTER I. SALVAGE VEHICLE DEALERS

#### 43 TAC §§217.181 - 217.192

##### STATUTORY AUTHORITY

The new subchapter is adopted under Transportation Code, §1002.001, which provides the board of the 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.

#### CROSS REFERENCE TO STATUTE

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### CHAPTER 218. MOTOR CARRIERS

The Texas Department of Motor Vehicles (department) adopts the repeal of Chapter 218, Subchapter D, §218.40, Applicability. The department also adopts the amendments to Subchapter A, §218.1, Purpose; §218.2, Definitions; Subchapter B, §218.11, Motor Carrier Registration; §218.12, Issuance of United States Department of Transportation Numbers; §218.13, Application for Motor Carrier Registration; §218.14, Expiration and Re-