

§711.417. *When must the investigator complete the investigation?*

(a) Unless an extension is granted in accordance with §711.419 of this title (relating to What if the investigator cannot complete the investigation on time?), the investigator must complete the investigation within the following time frames:

(1) within 10 calendar days of the allegation by DFPS if [H] the investigation is in a state supported living center or the ICF-IID component of the Rio Grande State Center. [and the priority is I or II the investigator must complete the investigation within 10 calendar days of receipt of the allegation by DFPS.]

(2) within 14 calendar days of receipt of the allegation by DFPS if the investigation is in a state hospital and is a Priority I or II.

(3) within 21 calendar days of receipt of the allegation by DFPS if the investigation is in a state hospital and is a Priority III.

(4) within 30 calendar days of receipt of the allegation by DFPS for all other investigations.

{(2) Except for investigations in paragraph (1) of this section, all other investigations under this chapter with a priority of:}

{(A) I or II, the investigator must complete the investigation within 14 calendar days of receipt of the allegation by DFPS.}

{(B) III, the investigator must complete the investigation within 21 calendar days of receipt of the allegation by DFPS.}

(b) [(3)] For investigations conducted under subsection (a)(4) [paragraph (2)] of this section, if the deadline for completion of the investigation falls on a weekend or state holiday, then the investigator must complete the investigation by the end of the next business day.

§711.419. *What if the investigator cannot complete the investigation on time?*

(a) If additional time is required to complete the investigation, the investigator must request an extension by submitting an Extension Request form to the appropriate APS program administrator or designee.

(b) The APS program administrator or designee may grant an extension for good cause for one to 14 calendar days depending on the needs of the investigation.

(c) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 10, 2017.

TRD-201702580

Audrey Carmical

General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 20, 2017

For further information, please call: (512) 339-5870



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER G. INSPECTIONS

43 TAC §§217.141 - 217.144

The Texas Department of Motor Vehicles (department) proposes amendments to Chapter 217, Vehicle Titles and Registration, Subchapter G, Inspections, §217.141, Purpose and Scope; §217.142, Definitions; and §217.143, Inspection Requirements. The department also proposes new §217.144, Identification Number Inspection.

EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTION

Proposed amendments to §217.141 broaden the purpose and scope of the subchapter, clarifying that it prescribes not only the policies and procedures related to inspection of street rods and custom vehicles, but also to accurately confirm the identity of any motor vehicle and clarify who may conduct an identification number inspection.

Proposed amendments to §217.142 add a definition for "altered from the manufacturer's original design," and clarify the definitions of "custom vehicle" and "street rod" by referring to the statutory definitions in Transportation Code, §504.501. The proposed amendments also result in a renumbering of the definitions.

Proposed amendments to §217.143 change the section name to "Custom Vehicle and Street Rod Inspection Requirements" to clarify that this section pertains only to the inspection requirements for those types of vehicles. The proposed amendments also clarify language pertaining to when a specific piece of equipment may be required on a custom vehicle or street rod.

New §217.144, Identification Number Inspection, implements a portion of Senate Bill 2076, 85th Legislature, Regular Session, 2017, which added Transportation Code, §501.0321, Identification Number Inspection. Section 501.0321(c) specifies that an inspection under the section may be performed only by a person who has successfully completed an appropriate training program as determined by department rule and who is one of the listed categories of persons authorized to conduct such inspections. The purpose of this new section is to ensure properly trained auto theft investigators currently authorized to conduct identification number inspections are able to continue doing so and expand the training now available to other individuals authorized to conduct identification number inspections in Senate Bill 2076. Proposed §217.144 specifies that a person is qualified to perform an identification number inspection if the person has completed (1) Intermediate or Advanced Motor Vehicle Burglary and Theft Investigator Training provided by the Texas Auto Burglary and Theft Prevention Authority; (2) Auto Theft School (Parts 1 and Part 2) provided by the Texas Department of Public Safety; or (3) the Auto Theft Course provided by the National Insurance Crime Bureau.

SB 2076 also created an alternative identification number inspection to be established by department rule. The department intends to work with stakeholders to establish this process and identify transactions subject to this inspection type prior to proposing a new rule.

FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendments and new section as proposed are in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed amendments and new section.

Jeremiah Kuntz, Director of the Vehicle Titles and Registration Division, has determined that there will be no significant impact on local economies or overall employment as a result of enforcing or administering the proposed amendments and new section.

PUBLIC BENEFIT AND COST

Mr. Kuntz has also determined that for each year of the first five years the amendments and new section are in effect, the public benefit anticipated as a result of enforcing or administering the amendments and new section will be clarified in the purpose of the rules and of the training required for an identification number inspection. There are no anticipated economic costs for persons required to comply with the amendments and new section as proposed. There will be no adverse economic effect on small businesses or micro-businesses.

TAKINGS IMPACT ASSESSMENT

The department has determined that this proposal affects no private real property interests and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under Government Code, §2007.043.

SUBMITTAL OF COMMENTS

Written comments on the proposed amendments and new section may be submitted to David D. Duncan, General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731 or by email to rules@txdmv.gov. The deadline for receipt of comments is 5:00 p.m. on August 21, 2017.

STATUTORY AUTHORITY

The amendments and new section are proposed 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; and more specifically, Transportation Code, §501.0321.

CROSS REFERENCE TO STATUTE

Transportation Code, §§501.030, 501.032, 501.0322, and 501.033.

§217.141. Purpose and Scope.

This subchapter prescribes the policies and procedures necessary [It is the policy of the Texas Department of Motor Vehicles] to protect the public by requiring inspection of street rods and custom vehicles, accurately identify the identity of a motor vehicle, and provide for who may conduct identification number inspections.

§217.142. Definitions.

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

(1) "Altered from the manufacturer's original design" as that term is used in §504.501(f), Transportation Code, is defined as the removal, addition, or substitution of at least one major component part, except that an engine, frame, and body or cab must be replaced if removed.

(2) [(+) "Custom vehicle" has the meaning assigned by §504.501(f)(1), Transportation Code. [means a motor vehicle, or a reproduction thereof; that is:]

[(A) at least 25 years old and of a model year after 1948 or a model year after 1948 that resembles a vehicle 25 years or older; and]

[(B) materially altered or modified by the removal, addition or substitution of at least one major component part.]

(3) [(2)] "Major component part" has the meaning assigned by §501.091, Transportation Code.

(4) [(3)] "Street rod" has the meaning assigned by §504.501(f)(2), Transportation Code. [means a motor vehicle:]

[(A) manufactured before 1949, or after 1948 to resemble a vehicle manufactured before 1949; and]

[(B) that has been materially altered or modified by the removal, addition or substitution of at least one major component part.]

§217.143. Custom Vehicle and Street Rod Inspection Requirements.

(a) On initial registration, including registration at the time of title transfer, of a custom vehicle or street rod, the applicant must provide proof, on a form provided by the department, of a safety inspection performed by an Automotive Service Excellence (ASE) technician with valid certification as a Certified Master Automobile and Light Truck Technician.

(b) The inspection must certify that the vehicle:

(1) is structurally stable;

(2) meets the necessary conditions to be operated safely on the roadway; and

(3) is equipped and operational with all equipment required by statute as a condition of sale during the year the vehicle was manufactured or resembles.

(c) A custom vehicle or street rod is not required to be equipped with a specific piece of equipment unless the specific piece of equipment was required by statute as a condition of sale during the year listed as the replica model year. [on the certificate of title.]

§217.144. Identification Number Inspection.

In addition to any other requirement specified by Transportation Code, §501.0321, a person is qualified to perform an inspection under §501.032, Transportation Code, if that person has completed one of the following training programs:

(1) Intermediate or Advanced Motor Vehicle Burglary and Theft Investigator Training provided by the Texas Automobile Burglary and Theft Prevention Authority;

(2) Auto Theft School (Parts 1 and 2) provided by the Texas Department of Public Safety; or

(3) Auto Theft Course provided by the National Insurance Crime Bureau.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 10, 2017.

TRD-201702577

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: August 20, 2017

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

