

new §209.24 adopts the rules of the attorney general relating to charges for public information.

FISCAL NOTE

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

Ms. Flores has determined that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed new section.

PUBLIC BENEFIT AND COST

Ms. Flores has also determined that for each year of the first five years the new section is in effect, the public benefit anticipated as a result of enforcing or administering the new section will be transparency of department compliance with statutes and rules relating to charges for public information. There are no anticipated economic costs for persons required to comply with the new section as proposed. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

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 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 December 11, 2017.

STATUTORY AUTHORITY

The new section is 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.

CROSS REFERENCE TO STATUTE

Government Code, Chapter 552.

§209.24. Charges for Public Information.

In accordance with Government Code, §552.262, the Texas Department of Motor Vehicles adopts the rules of the Office of the Attorney General relating to the Cost of Copies of Public Information at 1 TAC, §§70.1 - 70.12.

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 October 25, 2017.

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David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: December 10, 2017

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



CHAPTER 210. CONTRACT MANAGEMENT SUBCHAPTER B. HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

43 TAC §210.22

The Texas Department of Motor Vehicles (department) proposes amendments to §210.22, Program.

EXPLANATION OF PROPOSED AMENDMENTS

Amendments to §210.22 are proposed to correct a citation to the Comptroller of Public Accounts' historically underutilized businesses (HUB) rules.

FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendments 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.

Ms. Flores has determined that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT AND COST

Ms. Flores has also determined that for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of enforcing or administering the amendments will be accuracy of the department's rule. There are no anticipated economic costs for persons required to comply with the amendments as proposed. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

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 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 December 11, 2017.

STATUTORY AUTHORITY

The amendments 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, Government Code, §2161.003, which provides that a state agency shall

adopt the commission's rules under §2161.002, Commission Administration; Comptroller Assistance, as the agency's own rules.

CROSS REFERENCE TO STATUTE

Government Code, Chapter 2161.

§210.22. *Program.*

The board of the Texas Department of Motor Vehicles adopts the rules of the Comptroller of Public Accounts relating to the Historically Underutilized Business (HUB) Program at 34 TAC, Part 1, Chapter 20, Subchapter D, Division 1 [B].

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 October 25, 2017.

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David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: December 10, 2017

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



CHAPTER 215. MOTOR VEHICLE DISTRIBUTION SUBCHAPTER G. WARRANTY PERFORMANCE OBLIGATIONS

43 TAC §215.210

The Texas Department of Motor Vehicles (department) proposes amendments to §215.210, Compliance with Order Granting Relief.

EXPLANATION OF PROPOSED AMENDMENTS

Amendments are proposed to §215.210 to make it consistent with Occupations Code, §2301.610 and to replace the acronym "OEM" with "original equipment manufacturer" because "OEM" is not defined in Chapter 215.

FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendments 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.

Corrie Thompson, Interim Director of the Enforcement Division, has determined that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT AND COST

Ms. Thompson has also determined that for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of enforcing or administering the amendments will be a rule that is consistent with the statute. There are no anticipated economic costs for persons required to comply with the proposed amendments. There will be no adverse economic

effect on small businesses, micro-businesses, or rural communities.

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 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 December 11, 2017.

STATUTORY AUTHORITY

The amendments are proposed under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles (board) with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department under the Transportation Code and Occupation Code; and more specifically, Occupations Code, §2301.602(b), which requires the board to adopt rules for the enforcement and implementation of Subchapter M, Warranties: Rights of Vehicle Owners.

CROSS REFERENCE TO STATUTE

Occupations Code, §2301.610.

§215.210. *Compliance with Order Granting Relief.*

(a) Compliance with an order issued by the final order authority will be monitored by the department.

(b) A complainant is not bound by a final decision and order.

(c) If a complainant does not accept the final decision, the proceeding before the final order authority will be deemed concluded and the complaint file closed.

(d) If the complainant accepts the final decision, then the manufacturer, converter, or distributor, and the dealer to the extent of the dealer's responsibility, if any, shall immediately take such action as is necessary to implement the final decision and order.

(e) If a manufacturer, converter, or distributor replaces or repurchases a motor vehicle pursuant to an order issued by the final order authority, [~~reacquires a vehicle to settle a complaint filed under Occupations Code, §2301.204 or §§2301.601 - 2301.613, or brings a motor vehicle into the State of Texas that has been reacquired to resolve a warranty claim in another jurisdiction,~~] then the manufacturer, converter, or distributor shall, prior to the resale of such motor vehicle, retitle the vehicle in Texas and shall:

(1) issue a disclosure statement on a form provided by or approved by the department; and

(2) affix a department-approved disclosure label in a conspicuous location in or on the motor vehicle.

(f) The disclosure statement and disclosure label required under subsection (e) of this section shall accompany the motor vehicle through the first retail purchase. No person or entity holding a license or GDN issued by the department under Occupations Code, Chapter 2301 or Transportation Code, Chapter 503 shall remove or cause the