

(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) for a registration cancelled under paragraph (2) of this subsection, 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 proposal and found it to be within the state agency's legal authority to adopt.

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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

The Texas Department of Motor Vehicles (department) proposes amendments to Subchapter H, Deputies, §217.168, Deputy Fee Amounts; and Subchapter I, Fees, §217.185, Allocation of Processing and Handling Fee.

EXPLANATION OF PROPOSED AMENDMENTS

Amendments are proposed to §217.168 and §217.185 to change the allocation of the processing and handling fee for registration transactions initiated by a deputy dealer. The amendments are proposed in response to the February 27, 2017 letter from the County Tax Assessor-Collector Association that requested that the department adopt a rule reallocating the \$1 from a dealer deputy transaction. The amendments also remove from §217.185(a) language that has become obsolete.

The intent of the amendment is to have \$1 that the dealer deputy retained from the processing and handling fee go to the County Tax Assessor-Collector (TAC).

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 fiscal implications for local governments as a result of enforcing or administering the proposed amendments. The predicted effect of the proposed amendments in first year it is enforced will be that \$1.159 million will flow to county Tax Assessor-Collectors statewide instead of to the dealer deputies. In the second year the amendments are in effect the predicted effect is that \$1.170 million will go to the TACs instead of the dealer deputies. In the third year the amendments are in effect the predicted effect is that \$1.188 million will go to the TACs instead of the dealer deputies. In the fourth year the amendments are in effect the predicted effect is that \$1.206 million will go to the TACs instead of the dealer deputies. In the fifth year the amendments are in effect the predicted effect is that \$1.224 million will go to the TACs instead of the dealer deputies.

Jeremiah Kuntz, Director of the Title and Registration Division, has determined that there will be minimal impact on local economies or overall employment as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT AND COST

Mr. Kuntz 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 that county Tax Assessor-Collectors statewide will receive a marginal increase in funds that will allow for an improvement in customer service at the local level. As outlined in the Fiscal Note, there are anticipated economic costs for dealer deputies required to comply with the amendments as proposed. There are no anticipated adverse economic effects on small businesses, micro-businesses, or rural communities. There may be a marginal benefit to rural communities based on the \$1 per dealer deputy transaction remaining in the community.

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.

SUBCHAPTER H. DEPUTIES

43 TAC §217.168

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 more specifically, Transportation Code §502.0021, which provides the department may adopt rules to administer Transportation Code, 502, Registration of Vehicles; and Transportation Code §520.0071, which provides the department may adopt rules to prescribe the fees that may be charged or retained by deputies.

CROSS REFERENCE TO STATUTE

Finance Code, Chapter 348; Government Code, Chapter 2054; and Transportation Code, Chapters 502, 504 and 520.

§217.168. Deputy Fee Amounts.

(a) Fees. A county tax assessor-collector may authorize a deputy to charge or retain the fee amounts prescribed by this section according to the type of deputy and transaction type.

(b) Title transactions. For each motor vehicle title transaction processed:

(1) A full service deputy may charge the customer a fee of up to \$20, as determined by the full service deputy and approved by the tax assessor-collector. The full service deputy retains the entire fee charged to the customer.

(2) A dealer deputy may charge the customer a fee of up to \$10, as determined by the dealer deputy and approved by the tax assessor-collector. The dealer deputy retains the entire fee charged to the customer. This section does not preclude a dealer deputy from charging a documentary fee authorized by Finance Code, §348.006.

(c) Registration and registration renewals. For each registration transaction processed:

(1) A full service deputy may:

(A) retain \$1 from the processing and handling fee established by §217.183 of this title (relating to Fee Amount); and

(B) charge a convenience fee of \$9, except as limited by §217.184 of this title (relating to Exclusions).

(2) A limited service deputy may retain \$1 from the processing and handling fee established by §217.183.

~~[(3) A dealer deputy may retain \$1 from the processing and handling fee established by §217.183. This section does not preclude a dealer deputy from charging a documentary fee authorized by Finance Code, §348.006.]~~

(d) Temporary permit transactions under Transportation Code, §502.094 or §502.095. For each temporary permit transaction processed by a full service deputy, the full service deputy may retain the entire processing and handling fee established by §217.183.

(e) Full service deputy convenience fee. The convenience fee authorized by this section is collected by the full service deputy directly from the customer and is in addition to the processing and handling fee established by §217.183. A full service deputy may not charge any additional fee for a registration or registration renewal transaction.

(f) Related transactions by a full service deputy. The limitations of subsections (b), (c), (d), and (e) of this section do not apply to other services that a full service deputy may perform that are related to titles or registrations, but are not transactions that must be performed through the department's automated vehicle registration and title system. Services that are not transactions performed through the department's automated vehicle registration and title system include, but are not limited to, the additional fees a full service deputy may charge for copying, faxing, or transporting documents required to obtain or correct a motor vehicle title or registration. However, the additional fees that a full service deputy may charge for these other services may be limited by the terms of the county tax assessor-collector's authorization to act as deputy.

(g) Posting of fees. At each location where a full service deputy provides titling or registration services, the deputy must prominently post a list stating all fees charged for each service related to titling or registration. The fee list must specifically state each

service, including the additional fee charged for that service, that is subject to subsections (b), (c), (d), or (e) of this section. The fee list must also state that each service subject to an additional fee under subsection (b), (c), (d), or (e) of this section may be obtained from the county tax assessor-collector without the additional fee. If the full service deputy maintains a website advertising or offering titling or registration services, the deputy must post the fee list described by this subsection on the website.

(h) Additional compensation. The fee amounts set forth in this section do not preclude or limit the ability of a county to provide additional compensation to a deputy out of county funds.

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

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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 I. FEES

43 TAC §217.185

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 more specifically, Transportation Code §502.0021, which provides the department may adopt rules to administer Transportation Code, 502, Registration of Vehicles; and Transportation Code §520.0071, which provides the department may adopt rules to prescribe the fees that may be charged or retained by deputies.

CROSS REFERENCE TO STATUTE

Finance Code, Chapter 348; Government Code, Chapter 2054; and Transportation Code, Chapters 502, 504 and 520.

§217.185. Allocation of Processing and Handling Fee.

(a) For registration transactions, [~~registrations that expire on or after January 1, 2017 and registrations that expired prior to January 1, 2017 that are submitted for renewal on or after July 1, 2017,~~] except as provided in subsection (b) of this section, the fee amount established in §217.183 of this title (relating to Fee Amount) shall be allocated as follows:

(1) If the registration transaction was processed in person at the office of the county tax assessor-collector:

(A) the county tax assessor-collector may retain \$2.30; and

(B) the remaining amount shall be remitted to the department.

(2) If the registration transaction was mailed to office of the county tax assessor-collector:

(A) the county tax assessor-collector may retain \$2.30; and

(B) the remaining amount shall be remitted to the department.

(3) If the registration transaction was processed through the department or the TxIRP system or is a registration processed under Transportation Code, §§502.0023, 502.091, or 502.255; or §217.46(b)(5) or (d)(1)(B)(i) of this title (relating to Commercial Vehicle Registration):

(A) \$2.30 will be remitted to the county tax assessor-collector; and

(B) the remaining amount shall be retained by the department.

(4) If the registration transaction was processed through the department's online registration portal, the fee established in §217.183 is discounted by \$1:

(A) Texas Online receives the amount set pursuant to Government Code, §2054.2591, Fees;

(B) the county tax assessor-collector may retain \$.25; and

(C) the remaining amount shall be remitted to the department.

(5) If the registration transaction was processed by a limited service deputy or full service deputy appointed by the county tax assessor-collector in accordance with Subchapter H of this chapter (relating to Deputies):

(A) the deputy may retain:

(i) the amount specified in §217.168(c) of this title (relating to Deputy Fee Amounts). The deputy must remit the remainder of the processing and handling fee to the county tax assessor-collector; and

(ii) the convenience fee established in §217.168, if the registration transaction is processed by a full service deputy;

(B) the county tax assessor-collector may retain \$1.30; and

(C) the county tax assessor-collector must remit the remaining amount to the department.

(6) If the registration transaction was processed by a dealer deputy appointed by the county tax assessor-collector in accordance with Subchapter H of this chapter (relating to Deputies):

(A) the deputy must remit the processing and handling fee to the county tax assessor-collector;

(B) the county tax assessor-collector may retain \$2.30; and

(C) the county tax assessor-collector must remit the remaining amount to the department.

(b) For transactions under Transportation Code, §§502.092-502.095, the entity receiving the application and processing the transaction collects and retains the entire processing and handling fee established in §217.183. A full service deputy processing a temporary permit transaction may not charge a convenience fee for that transaction.

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

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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 219. OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

The Texas Department of Motor Vehicles (department) proposes amendments to Chapter 219, Oversize and Overweight Vehicles and Loads, Subchapter B, General Permits, §219.11, General Oversize/Overweight Permit Requirements and Procedures; Subchapter D, Permits for Oversize and Overweight Oil Well Related Vehicles, §219.42, Single-Trip Mileage Permits, §219.43, Quarterly Hubometer Permits, §219.44, Annual Permits, and §219.45, Permits for Vehicles Transporting Liquid Products Related to Oil Well Production; and Subchapter E, Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles, §219.62, Single Trip Mileage Permits, §219.63, Quarterly Hubometer Permits, and §219.64, Annual Permits.

EXPLANATION OF PROPOSED AMENDMENTS

Proposed amendments improve the terminology, correct errors, modify the language for consistency with other rules in Chapter 219, delete irrelevant language, delete language that is already found in Chapter 219 or in statute, clarify requirements and procedures, make the rules consistent with current practice, and restructure portions of Chapter 219 due to deletions. For example, an applicant for the first quarter of a quarterly hubometer permit under §219.43 currently pays an initial \$31 processing fee, rather than an estimated fee. The minimum fee for the quarterly hubometer permit is \$31, so there is no need for the current refund language in §219.43(e) or §219.63(e).

Proposed amendments also continue the progress in modernizing the permitting process, such as deleting references to facsimiles. Although the department currently accepts and sends certain documents via facsimile, the goal is to eventually eliminate the use of facsimiles.

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.

Jimmy Archer, Director of the Motor Carrier 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