

Transportation Code, §372.001, are [access is] exempt from the payment of fees, except as provided by §217.124(e) of this title.

(d) Ineligibility to receive personal information. The department may prohibit a person, business, or Texas governmental entity [agency] from receiving personal information if the department finds a violation of a term or condition of the agreement entered into in accordance with subsection (c) of this section.

(e) Initial deposits and minimum balances. Notwithstanding §217.124 of this title, the department may modify initial deposit and minimum balance requirements on a case by case basis depending on customer usage.

§217.124. Cost of Motor Vehicle Records.

(a) Standard costs. The department will charge fees in accordance with Government Code, Chapter 552 and the cost rules promulgated by the Office of the Attorney General in 1 Texas Administrative Code, Chapter 70 (relating to Cost of Copies of Public Information).

(b) Law enforcement. An employee of a state, federal or local law enforcement entity is exempt from the payment of fees for motor vehicle records in subsection (c)(1) - (4) of this section if the records are necessary to carry out lawful functions of the law enforcement agency.

(c) Motor vehicle record costs. For new contracts and renewals, the costs are:

(1) Title history - \$5.75;

(2) Certified title history - \$6.75;

(3) Title and registration verification (record search) - \$2.30;

(4) Certified title and registration verification (record search) - \$3.30; and

(5) Duplicate registration receipt for current registration period - \$2.

(d) Electronic motor vehicle records and files.

(1) Master file of motor vehicle registration and title database - \$5,000 plus \$.38 per 1,000 records;

(2) Weekly updates to motor vehicle registration and title database - deposit of \$1,755 and \$135 per week;

(3) e-Tag file - deposit of \$845 and \$65 per week;

(4) Dealer supplemental file - deposit of \$1,235 and \$95 per week;

(5) Special plates file - deposit of \$1,235 and \$95 per week;

(6) Batch inquiry to motor vehicle registration and title database - deposit of \$1,000, minimum balance of \$750 and \$23 per run plus \$.12 per record;

(7) Online motor vehicle inquiry (MVInet) access - deposit of \$200, minimum balance of \$150 and \$23 per month plus \$.12 per record; and

(8) Scofflaw remarks (inquiry, addition or deletion) - deposit of \$500, minimum balance of \$350 and \$23 per run plus \$.12 per record.

(e) Exemption applicability. The exemption granted in §217.123(c)(2)(B) of this title (relating to Access to Motor Vehicle Records) does not apply to subsection (d)(1), (6), or (8) of this section.

(f) Reciprocity agreements. The department may enter into reciprocity agreements for records access with other governmental entities that may waive some or all of the fees established in this section.

(b) Motor vehicle record costs. The cost for motor vehicle information will be:

[(1) Title and registration verification (record search) - \$2.30;]

[(2) Title history - \$5.75;]

[(3) Online access to motor vehicle records database - \$23 per month plus \$.12 per record entry;]

[(4) Motor vehicle registration and title database - \$5,000 plus \$.38 per 1,000 records copied to media;]

[(5) Weekly updates to motor vehicle registration and title database, with media provided by the department - \$135; and]

[(6) Batch inquiry to motor vehicle records database - \$23 per computer run plus \$.12 per record searched.]

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 December 8, 2017.

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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 221. SALVAGE VEHICLE DEALERS, SALVAGE POOL OPERATORS AND SALVAGE VEHICLE REBUILDERS

SUBCHAPTER D. RECORDS

43 TAC §221.72

The Texas Department of Motor Vehicles (department) proposes amendments to Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders, Subchapter D, Records, §221.72, Record Retention.

EXPLANATION OF PROPOSED AMENDMENTS

Proposed amendments to §221.72 add new §221.72(c) requiring salvage vehicle dealers who use the department's web-based title application known as webDEALER to comply with proposed §217.74 of this title (relating to Access to and Use of webDEALER), which includes a requirement that a physical document be retained at least four calendar years from date of submission. The proposed amendment clarifies that original hard copy titles need not be maintained at the licensed location, but must be made available to the department on request. Simultaneous with these proposed amendments, the department is also proposing related amendments in Chapter 217, Subchapter C, Registration and Title Systems. One proposed amendment is a proposed definition of webDEALER, which includes any other web-based system which facilitates electronic submission of title applications, including webSALVAGE.

Other amendments correct the punctuation of "nonrepairable" motor vehicles to be consistent with statute by deleting the unnecessary hyphen.

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, Director of the Enforcement 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.

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 amendment will be security in back-up documentation to support transactions processed through webDEALER. In addition, since users will no longer be required to submit the physical document to the department, transaction processing time will be improved. There are no significant 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.

GOVERNMENT GROWTH IMPACT STATEMENT

The department has determined that during the first five years the proposed amendments are in effect, no government program would be created or eliminated. Implementation of the proposed amendments would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease of fees paid to the department. Additionally, the proposed amendments do not create a new regulation, or expand, limit, or repeal an existing regulation. The proposed amendment does not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

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 January 22, 2018.

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, Transportation Code, §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501.

CROSS REFERENCE TO STATUTE

Transportation Code, §§501.095, 501.1003, 501.108.

§221.72. *Record Retention.*

(a) A salvage vehicle dealer must retain at the licensed business location, or have electronic access at the licensed business location of records stored electronically, a complete record of all purchases and sales of salvage motor vehicles and nonrepairable [~~non-repairable~~] motor vehicles for a minimum period of 36 months from the date of the transaction.

(b) A salvage vehicle dealer shall maintain at the licensed business location a record of each vehicle that is scrapped or destroyed, and a photocopy of the front and back of all salvage vehicle titles and nonrepairable [~~non-repairable~~] vehicle titles, or a photocopy or electronic copy of all salvage records of title, and nonrepairable [~~non-repairable~~] records of title, and, if applicable, a photocopy of any out-of-state evidence of ownership surrendered to the department, until the fourth anniversary of the date the report was acknowledged as received by the department.

(c) A salvage vehicle dealer utilizing the department's web-based title application known as webDEALER, as defined in §217.71 of this title (relating to Automated and Web-Based Vehicle Registration and Title Systems), must comply with §217.74 of this title (relating to Access to and Use of webDEALER). Original hard copy titles are not required to be kept at the licensed location, but must be made available to the department upon request.

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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