

SUBCHAPTER B. HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

43 TAC §210.22

The Texas Department of Motor Vehicles (department) adopts amendments to §210.22, Program, without changes to the proposed text as published in the November 10, 2017, issue of the *Texas Register* (42 TexReg 6347).

EXPLANATION OF ADOPTED AMENDMENTS

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

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted 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.

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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CHAPTER 215. MOTOR VEHICLE DISTRIBUTION

SUBCHAPTER E. GENERAL DISTINGUISHING NUMBERS

43 TAC §215.144

The Texas Department of Motor Vehicles (department) adopts amendments to §215.144, Records, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7366). The rule will not be republished.

EXPLANATION OF AMENDMENTS

Adopted amendments add an exception to the general requirement in §215.144(k) that a license holder may maintain records in electronic format. The exception, §215.144(l), requires a license holder utilizing webDEALER to comply with adopted §217.74 (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 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.

The adopted amendments also correct a punctuation error in §215.144(d).

COMMENTS

No comments were received on the amendments.

STATUTORY AUTHORITY

The amendments are adopted 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, §501.0234.

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 G. WARRANTY PERFORMANCE OBLIGATIONS

43 TAC §215.210

The Texas Department of Motor Vehicles (department) adopts amendments to §215.210, Compliance with Order Granting Relief, without changes to the proposed text as published in the November 10, 2017, issue of the *Texas Register* (42 TexReg 6348). The rule will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

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

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted 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.

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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CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER A. MOTOR VEHICLE TITLES

43 TAC §217.2

The Texas Department of Motor Vehicles (department) adopts amendments to §217.2, Definitions, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7369). The rule will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Amendments to §217.2 add the definitions for an all-terrain vehicle (ATV) and a recreational off-highway vehicle (ROV) by reference to Transportation Code, §502.001. The amendments specify that an ATV and ROV are designed primarily for recreational use. Other amendments correct punctuation and rearrange the definitions to maintain alphabetical order. The paragraphs are renumbered accordingly.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted 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 provides the department may adopt rules to administer Chapter 501.

CROSS REFERENCE TO STATUTE

Transportation Code, §§501.002, 502.001, and 663.001.

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 §217.41

The Texas Department of Motor Vehicles (department) adopts amendments to §217.41, Disabled Person License Plates and Identification Placards, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7371). The rule will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

House Bill (HB) 1790, 85th Legislature, Regular Session, 2017, amended Transportation Code, §681.012(b), eliminating the requirement that the department conduct a hearing to determine whether the revocation of a disabled parking placard should continue or be rescinded. The amended statute allows a person from whom a placard has been seized to apply for a new application by submitting an application under Transportation Code, §681.003.

The amendments are necessary to implement the changes made by HB 1790. Specifically, amendments are adopted to §217.41 to eliminate the requirement for a hearing and clarify that a person may apply for a new placard by submitting an application to the county tax assessor-collector of the county in which the person with the disability resides or is seeking medical treatment if the person is not a resident of this state. Amendments are also adopted to delete the requirement that a law enforcement officer who has seized and destroyed a placard must provide the department with a notice that the placard was destroyed, a copy of the citation issued, and a brief summary of events giving rise to the citation. Instead, the adopted amendment would require a law enforcement officer who seizes and destroys a placard to notify the department by electronic mail.

COMMENT

No comments were received on the proposed amendments.

STATUTORY AUTHORITY

The amendments are adopted 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, §504.0011, which