

43 TAC §§217.71 - 217.74

The Texas Department of Motor Vehicles (department) adopts amendments to §217.71, Automated Vehicle Registration and Title System; §217.72, Automated Equipment; and §217.73, Agreement; and new §217.74, Access to and Use of web-DEALER, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7372). The rules will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS AND NEW SECTION

Adopted amendments to Chapter 217, Subchapter C, amend the subchapter heading by changing "System" to "Systems." The adopted amendments will make clear that the subchapter applies to both the Registration and Title System (RTS) and web-DEALER.

Adopted amendments to §217.71 rename the section Automated and Web-Based Vehicle Registration and Title Systems. Adopted amendments to §217.71(a)(2) clarify the purpose of the subchapter, which is to prescribe the policies and procedures under which the department may make automated equipment for use of RTS available to a county tax assessor-collector and for users who opt to use webDEALER.

Adopted amendments to §217.71(b) add a definition for title application and webDEALER and correct a grammatical error.

Adopted amendments to §217.72 rename the section Automated Equipment for the Registration and Title System and make a minor wording change in subsection (d)(2), clarifying that automated equipment may be located at sites other than the county tax assessor-collector's office at the discretion, as opposed to election, of a county tax assessor-collector.

Adopted amendments to §217.73 rename the section Agreement Related to Automated Equipment.

Adopted new §217.74, Access to and Use of webDEALER, and provide that at the discretion of a county tax assessor-collector, the county may request access to, and accept title applications submitted through, webDEALER. The adopted new section provides that a person who wishes to become a user of web-DEALER must receive authorization from each entity to whom they submit title applications, that a deputy appointed by a county tax assessor-collector may be authorized to use webDEALER, and that a person authorized to use webDEALER may have their authorization revoked, rescinded, or cancelled at any time at the discretion of a county tax assessor-collector or the department. Finally, the adopted new section establishes the requirements for submitting a title application through webDEALER, including a requirement that the user must retain the title document or other ownership evidence pertaining to the transaction for a minimum of four calendar years.

Finally, adopted amendments add county to tax assessor-collector throughout.

COMMENTS

No comments were received on the proposed amendments and new section.

STATUTORY AUTHORITY

The amendments and new section 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, Chapters 501; and §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

CROSS REFERENCE TO STATUTE

Transportation Code, §§501.022, 501.023, and 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.

Filed with the Office of the Secretary of State on February 9, 2018.

TRD-201800543

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Effective date: March 1, 2018

Proposal publication date: December 22, 2017

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) adopts amendments to §221.72, Record Retention, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7377). The rule will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Adopted 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 adopted 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 adopted amendments, the department is also adopting related amendments in Chapter 217, Subchapter C, Registration and Title Systems. One adopted amendment is a definition of webDEALER, which is defined broadly to include any other web-based system which facilitates electronic submission of title applications, including webSALVAGE.

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

COMMENTS

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 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.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 9, 2018.

TRD-201800549

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Effective date: March 1, 2018

Proposal publication date: December 22, 2017

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

