

The revisions to the rules as adopted do not change the nature or scope so much that they could be deemed different rules. The rules as adopted do not affect individuals other than those contemplated by the rules as proposed. The rules as adopted do not impose more onerous requirements than the proposed rules.

The reasoned justification for the amendments is to provide standard contracts that are up to date with statutory requirements, common law and current industry practices. An added goal is to create contracts that balance the rights of the parties and reduce unnecessary conflict and litigation.

The amendments and new sections are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statute affected by these amendments and new sections is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the adoption.

§537.20. *Standard Contract Form TREC No. 9-13.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 9-13 approved by the Commission in 2018 for use in the sale of unimproved property where intended use is for one to four family residences.

§537.28. *Standard Contract Form TREC No. 20-14.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 20-14 approved by the Commission in 2018 for use in the resale of residential real estate.

§537.30. *Standard Contract Form TREC No. 23-15.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 23-15 approved by the Commission in 2018 for use in the sale of a new home where construction is incomplete.

§537.31. *Standard Contract Form TREC No. 24-15.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 24-15 approved by the Commission in 2018 for use in the sale of a new home where construction is completed.

§537.32. *Standard Contract Form TREC No. 25-12.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 25-12 approved by the Commission in 2018 for use in the sale of a farm or ranch.

§537.37. *Standard Contract Form TREC No. 30-13.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 30-13 approved by the Commission in 2018 for use in the resale of a residential condominium unit.

§537.55. *Standard Contract Form TREC No. 48-0.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 48-0 approved by the Commission in 2018 for use as an addendum to be added to promulgated forms if the parties agree to hydrostatic testing.

§537.56. *Standard Contract Form TREC No. 49-0.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 49-0 approved by the Commission in 2018 for use as an addendum to be added to promulgated forms concerning the right to terminate due to lender's appraisal.

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 13, 2018.

TRD-201800609

Kerri Lewis

General Counsel

Texas Real Estate Commission

Effective date: March 5, 2018

Proposal publication date: December 1, 2017

For further information, please call: (512) 936-3092



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §§217.43, 217.45, 217.46

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 217, Vehicle Titles and Registration, Subchapter B, Motor Vehicle Registration, §217.43, Military Specialty License Plates, §217.45, Specialty License Plates, Symbols, Tabs, and Other Devices, and §217.46, Commercial Vehicle Registration, without changes to the proposed text as published in the December 1, 2017, issue of the *Texas Register* (42 TexReg 6777). The rules will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Amendments are adopted to stagger license plate expiration dates to coincide with programming changes to the department's Registration and Title System (RTS).

Amendments to §217.43 delete the March 31 expiration date for Congressional Medal of Honor license plates and make the registration period for all military specialty license plates valid for 12 months from the month of issuance.

Amendments to §217.45 add "Fertilizer" to the list of specialty license plates for which the vehicle is issued one plate. "Golf Cart" and "Package Delivery" are added to the categories of plates for which personalized plates are not available and that are non-transferable between vehicles. Also, amendments delete the March expiration date for Cotton Vehicle and Disaster Relief Plates, the June expiration date for Honorary Consul license plates, and the September expiration date for Log

Loader license plates. With these amendments, the length of validation for these license plates will be 12 months from the month of issuance.

Other amendments to §217.45(d)(2) delete the language regarding a five-year registration period for Antique Vehicles, Antique Motorcycle license plates, Antique tabs, and registration numbers; the seven year registration period for Foreign Organization license plates and registration numbers; and the December expiration dates for certain United States and state officials and federal, state, and county judges as this language is duplicative of statute and unnecessary for the rule. The amendments add references to the statutory citations for those plates and registration periods.

An amendment also deletes the requirement that State Official license plates for members of the Railroad Commission are assigned first to the presiding officer followed by the remaining members based on their seniority and adds that the license plate fee for a package delivery license plate is to be paid on an annual basis.

Amendments to §217.46 delete the March expiration for City Bus license plates, combination license plates unless the vehicle with a combination license plate is part of a fleet under §217.54, and Motor Bus license plates. Also, amendments hyphenate truck-tractor to be consistent with statute. An amendment also corrects a grammatical error in the rule.

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 more specifically, Transportation Code, §504.0011, which authorizes the board to adopt rules to implement and administer Transportation Code, Chapter 504, and Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502, Registration of Vehicles.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 502 and 504.

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 12, 2018.

TRD-201800595

David D. Duncan
General Counsel

Texas Department of Motor Vehicles

Effective date: March 4, 2018

Proposal publication date: December 1, 2017

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



SUBCHAPTER F. MOTOR VEHICLE RECORD INFORMATION

43 TAC §217.123, §217.124

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 217, Vehicle Titles and Registration, Subchapter F, Motor Vehicle Record Information, §217.123, Access to Motor Vehicle Records, and §217.124, Cost of Motor Vehicle Records, without changes to the proposed text as published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7375). The rules will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Amendments are adopted to §217.123 and §217.124 to clarify procedures for and access to motor vehicle records and associated cost of records.

The changes to §217.123 add a requirement that law enforcement officers seeking to access personal information provide a copy of current law enforcement credentials. The changes expand the scope of public entities that are exempt from certain fees to include all Texas governmental entities and Texas toll project entities. Also, amendments throughout §217.123 change "agency" to "Texas governmental entity" and renumber paragraphs as necessary.

The amendments to §217.124 provide for law enforcement access to certain records at no cost. In addition, deposit, minimum balance and fee information has been reorganized and simplified to better inform department customers. The amendments to §217.124 add a new subsection (f) to address department reciprocity agreements with other governmental entities for records access.

COMMENT:

The department received a comment from Ruben Gonzalez, El Paso County Tax Assessor-Collector, requesting clarification of the provision in the proposed rule that requires a law enforcement officer to provide a copy of current law enforcement credentials.

RESPONSE:

In response to the comment, the language in the proposed rule is clear. A business card is not sufficient as it is not a law enforcement credential. The rule requires a copy of photo identification that includes a unique identification number.

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, §730.014, which provides that the department may adopt rules to implement and administer Chapter 730, Motor Vehicle Records Disclosure Act.

CROSS REFERENCE TO STATUTE

Government Code, §552.130; Transportation Code, Chapter 730; and 18 U.S.C. §2721 et seq.

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