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General Counsel
Texas Department of Insurance
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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 217. VEHICLE TITLES AND REGISTRATION

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 217, Vehicle Titles and Registration, Subchapter H, Deputies, §217.168, Deputy Fee Amounts; and Subchapter I, Fees, §217.185, Allocation of Processing and Handling Fee, without changes to the proposed text as published in the November 10, 2017, issue of the *Texas Register* (42 TexReg 6351). The rules will not be republished.

EXPLANATION OF AMENDMENTS

Amendments to §217.168 and §217.185 change the allocation of the processing and handling fee for registration transactions initiated by a deputy dealer. The amendments are 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).

COMMENTS

The department received comments from Karen Phillips, General Counsel, on behalf of the Texas Automobile Dealers Association (TADA), the Houston Automobile Dealers Association (HADA), the Austin Automobile Dealers Association (AADA), the Dallas Fort Worth Metropolitan New Car Dealers Association (DFWNCDA), the New Car Dealers of West Texas (NCDWT), the El Paso New Car Dealers Association (EPNCDA), the Valley Automobile Dealers Association (VADA), the San Antonio Automobile Dealers Association (SAADA), and the Texas Motorcycle Dealers Association (TMDA); Ann Harris-Bennett, Harris County Tax Assessor-Collector and Voter Registrar; Luana Howell, Upshur County Tax Assessor-Collector; John Ames, Dallas County Tax Assessor-Collector; Thomas Spencer, Chief of Staff, on behalf of Ron Wright, Tarrant County Tax Assessor-Collector; John Bridges, Ellis County Tax Assessor-Collector; Larry Gades, Williamson County Tax Assessor-Collector; Ruben P. Gonzalez, El Paso County Tax Assessor-Collector; and Donna Willis, Lynn County Tax Assessor-Collector.

COMMENTS:

All comments were in favor of adopting the rule as proposed.

RESPONSE:

The department does not recommend any changes to the rule upon adoption.

SUBCHAPTER H. DEPUTIES

43 TAC §217.168

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, §502.0021, which provides the department may adopt rules to administer Transportation Code, Chapter 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.

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 May 1, 2018.

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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, Chapter 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.

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