

paragraph (12) that a warrant may be issued to a payee by either a state agency or the comptroller on behalf of a state agency.

The amendments to subsection (b) clarify that the requestor must be the payee of the original warrant and that the request must be sent to the agency that initiated the original warrant; change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; and move the issues an agency must determine upon receipt of a request from this subsection to current subsections (c)(1) and (d)(3) because this language is more relevant to the content of current subsections (c)(1) and (d)(3) than it is to the content of this subsection.

The amendments to subsection (c) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; add the language from current subsection (b) to current paragraph (1); clarify in paragraph (1) that an agency must receive a request for issuance of a replacement payment from the payee of the original warrant and that a replacement payment must replace an original warrant previously issued by the agency; and remove the comma from current paragraph (3) to correct the grammar in that paragraph.

The amendments to subsection (d) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; revise the language in paragraph (1) to more closely reflect the language of Government Code, §403.060 regarding the printing and issuance of warrants; add the language from current subsection (b) to current paragraph (3); and remove the comma from paragraph (4) to correct the grammar in that paragraph.

The amendments to subsection (e) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; remove the comma from current paragraphs (1) and (2) to correct the grammar in those paragraphs; clarify in current paragraphs (1) and (2) that current paragraph (2) applies only to specified financial assistance warrants and back pay award warrants and that current paragraph (1) applies to all other warrants; and simplify the language in current paragraph (3) to make it more readable without changing its meaning.

The amendments to subsection (f) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer.

The amendments to subsection (g) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; delete redundant language in current paragraph (4) and add language to that paragraph to clarify that an electronic funds transfer may not be issued to replace a state employee payroll warrant; and clarify in current paragraph (5) that the agency that issues a replacement payment determines the form of the payment and must follow appropriate comptroller procedures.

No comments were received regarding adoption of the amendments.

The section is adopted under Government Code, §403.016(j) and §403.054(h), which require the comptroller to adopt rules regarding electronic funds transfer and the issuance of replacement warrants.

This section implements Government Code, §403.016 and §403.054, regarding electronic funds transfer and replacement warrant.

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 June 22, 2018.

TRD-201802798

Victoria North

Chief Counsel, Fiscal and Agency Affairs Legal Services Division
Comptroller of Public Accounts

Effective date: July 12, 2018

Proposal publication date: May 4, 2018

For further information, please call: (512) 475-0387



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 218. MOTOR CARRIERS

SUBCHAPTER B. MOTOR CARRIER REGISTRATION

43 TAC §218.13

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 218, Motor Carriers, Subchapter B, Motor Carrier Registration, §218.13, Application for Motor Carrier Registration, without changes to the proposed text as published in the March 2, 2018, issue of the *Texas Register* (43 TexReg 1245). The rule will not be republished.

EXPLANATION OF AMENDMENTS

An amendment to §218.13(a)(12)(F) requires a sole proprietor who applies for motor carrier operating authority to provide a copy of their driver's license or other identification document. Applicants must scan in a copy of their identification document via the department's online system, which is currently called eLINC.

This additional documentation will help the department verify the identity of the individuals who apply for operating authority. The amendment will help the department determine whether the applicant is a potential chameleon carrier or reincarnated carrier, which is a motor carrier that reinvents itself or operates affiliated companies to avoid the consequences of prior violations of the laws, rules, and/or regulations. Chameleon carriers create a new business or operate affiliated companies because otherwise, they would not qualify for operating authority under Transportation Code, Chapter 643.

Other amendments to §218.13 modify the language to be consistent with the amendments in House Bill 3254 from the 85th Legislature, Regular Session, 2017.

COMMENTS

No comments on the amendments as proposed 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 under the Transportation Code; and more specifically, Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; and Transportation Code, §643.052(8), which authorizes the department by rule to require an application to include any information the department determines is necessary for the safe operation of a motor carrier under Chapter 643.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 643.

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 June 25, 2018.

TRD-201802818

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Effective date: July 15, 2018

Proposal publication date: March 2, 2018

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

