

application has met the submission deadlines in subsections (e) and (f) of this section. Failure to submit a timely and sufficient application will result in the expiration of the license on the expiration date listed on the license.

(h) An application for renewal submitted after the expiration date of the license is considered to be an application for an initial license and must comply with the requirements for an initial license in §98.11 of this subchapter (relating to Criteria for Licensing) and §98.13 of this subchapter (relating to Application Disclosure Requirements).

(i) The application for renewal must contain the same information required for an original application and the license fee as described in §98.21 of this subchapter.

(j) (The renewal of a license may be denied for the same reasons an original application for a license may be denied (see §98.19 of this subchapter (relating to Criteria for Denying a License or Renewal of a License)).

(k) The facility must have an annual inspection by the local fire marshal and must submit a copy of the most current inspection as part of the renewal procedures.

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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Karen Ray

Chief Counsel

Department of Aging and Disability Services

Effective date: October 29, 2018

Proposal publication date: June 22, 2018

For further information, please call: (512) 438-4681



SUBCHAPTER E. INSPECTIONS, SURVEYS, AND VISITS

40 TAC §98.81

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code, §531.0055, which provides that the HHSC Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services system; and Texas Human Resources Code, §103.004 and §103.006, which require the HHSC Executive Commissioner by rule to implement Texas Human Resources Code, Chapter 103, relating to the licensing and regulation of DAHS facilities; and to adopt a system for staggered three-year license expiration, with licensure fees prorated accordingly.

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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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 215. MOTOR VEHICLE DISTRIBUTION

SUBCHAPTER E. GENERAL DISTINGUISHING NUMBERS

43 TAC §215.155

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 215, Motor Vehicle Distribution, Subchapter E, General Distinguishing Numbers, §215.155, Buyer's Temporary Tags, with changes to the proposed text as published in the July 6, 2018, issue of the *Texas Register* (43 TexReg 4547). The rule will be republished.

EXPLANATION OF AMENDMENTS

An amendment makes §215.155(b) consistent with Transportation Code, Chapter 548, which includes exemptions from the vehicle inspection requirements. The amendment authorizes a buyer's temporary tag to be displayed on a vehicle that does not have a valid inspection if the vehicle is exempt from inspection under Chapter 548. Another amendment corrects language in the existing text of §215.155(b) by adding the word "on."

COMMENTS

The department received comments from the Texas Independent Automobile Dealers Association (TIADA), the Texas Automobile Dealers Association (TADA), and the Governor's Office. TIADA and TADA are in full support of the department's amendment to §215.155(b) regarding exemptions from the inspection requirements. The Governor's Office pointed out an error in the existing text of §215.155(b).

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; and more specifically, Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 548 and §503.063.

§215.155. *Buyer's Temporary Tags.*

(a) A buyer's temporary tag may be displayed only on a vehicle that can be legally operated on the public streets and highways and for which a sale has been consummated.

(b) A buyer's temporary tag may be displayed only on a vehicle that has a valid inspection in accordance with Transportation Code, Chapter 548, unless the vehicle is exempt from inspection under Chapter 548.

(c) For a wholesale transaction, the purchasing dealer places on the motor vehicle its own:

- (1) dealer's temporary tag; or
- (2) metal dealer's license plate.

(d) A buyer's temporary tag is valid until the earlier of:

- (1) the date on which the vehicle is registered; or
- (2) the 60th day after the date of purchase.

(e) The dealer must ensure that the following information is placed on a buyer's temporary tag that the dealer issues:

- (1) the vehicle-specific number obtained from the temporary tag database;
- (2) the year and make of the vehicle;
- (3) the VIN of the vehicle;
- (4) the month, day, and year of the expiration of the buyer's temporary tag; and
- (5) the name of the dealer.

(f) A dealer shall charge a buyer a fee of \$5 for the buyer's temporary tag or Internet-down buyer's temporary tag issued, unless the vehicle is exempt from payment of registration fees under Transportation

Code, §502.453 or §502.456 or an all-terrain vehicle or recreational off-highway vehicle under Transportation Code, §502.140 or Transportation Code, Chapter 663. The fee shall be remitted to the county in conjunction with the title transfer for deposit to the credit of the Texas Department of Motor Vehicles fund, unless the vehicle is sold to an out-of-state resident, in which case:

(1) the dealer shall remit the entire fee to the department for deposit to the credit of the Texas Department of Motor Vehicles fund if payment is made through the department's electronic title system; or

(2) the dealer shall remit the fee to the county for deposit to the credit of the Texas Department of Motor Vehicles fund.

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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