

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§3.11, Definitions, §3.12, Public Access, §3.13, Cost of Copies of Official Records, the repeal of §3.14, Electronic Access to Department Records, and amendments to §3.24, Notice to Consumers and Service Recipients, all relating to public information to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments and repeal, attached to this minute order as Exhibits A - C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §3.11, §3.12, and §3.13, the repeal of §3.14, and amendments to §3.24 are adopted and are authorized for filing with the Office of the Secretary of State.

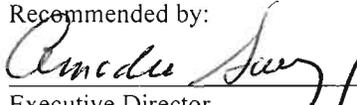
The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



General Counsel

Recommended by:



Executive Director

112225 APR 29 10

Minute Date
Number Passed

Adoption Preamble

1
2 The Texas Department of Transportation (department) adopts
3 amendments to §3.11, Definitions, §3.12, Public Access, §3.13,
4 Cost of Copies of Official Records, and the repeal of §3.14,
5 Electronic Access to Department Records, all concerning access
6 to official records, and amendments to §3.24, Notice to
7 Consumers and Service Recipients, concerning complaint
8 resolution. The amendments to §§3.11, 3.12, 3.13 and 3.24 and
9 the repeal of §3.14 are adopted without changes to the proposed
10 text as published in the February 12, 2010 issue of the *Texas*
11 *Register* (35 TexReg 1113) and will not be republished.

12

13 EXPLANATION OF ADOPTED AMENDMENTS AND REPEAL

14 The legislature at its 2009 Regular Session enacted H.B. No.
15 3097, which created the Texas Department of Motor Vehicles (DMV)
16 and transferred to the DMV the powers, duties, obligations, and
17 rights of action of the department's vehicle titles and
18 registration division, motor vehicle division, the Automobile
19 Burglary Theft Prevention Authority, and the part of the
20 department's motor carrier division responsible for motor
21 carrier registration and the enforcement of Transportation Code,
22 Title 7, Subtitle F, which relates to the regulation of
23 commercial motor vehicles. As a result of the transfer, the
24 rules of the Texas Transportation Commission (commission)
25 relating to records of those entities and to the department's

1 complaint resolution need to be updated. Additionally, the
2 changes clarify that the fees for open records are covered by
3 Government Code, Chapter 552 and rules of the Office of the
4 Attorney General rather than commission rules. The amendments
5 also make changes that are necessitated by the department's
6 regionalization plan for the provision of services and make
7 several technical corrections.

8

9 Amendments to §3.11, Definitions, delete the definitions of
10 "manipulation," "personal information," "programming," "service
11 agreement," and "vehicle registration record" because those
12 definitions are not used in 43 TAC Chapter 3, Subchapter B, as
13 amended by these rules. The amendments add a definition of
14 "regional director." The commission approved a regionalization
15 plan during its March 26, 2009 meeting, Minute Order 111738.
16 The plan consolidates the operational and project development
17 functions of the department's districts into four regional
18 support centers. The regionalization plan requires the
19 amendment of several provisions to recognize the changes in the
20 administration of the department. The definitions are
21 renumbered for consistency.

22

23 Amendments to §3.12, Public Access, correct references to the
24 officer for public information and to the department's Internet
25 sites. The amendments to subsection (a) provide that for

1 information kept by a new regional support center the requests,
2 other than e-mail requests, may be submitted to the director of
3 that region. The amendments remove references to the procedure
4 for obtaining vehicle title and registration information in
5 subsection (a)(3) because that function was transferred to the
6 DMV. The amendments delete subsection (e) because the
7 information to which the subsection applies is covered by
8 Government Code, §552.007 and §552.008 and cannot be changed by
9 commission rule. The amendments delete subsection (f) because
10 the subject of that subsection is covered by Government Code,
11 §552.232. Therefore, subsections (e) and (f) are redundant of
12 statutory law and unnecessary. The amendments to subsection (g)
13 redesignate the subsection as subsection (e), clarify that in
14 the absence of the chief minute clerk, minute orders are
15 certified by the executive assistant to the deputy executive
16 director to conform the language to the current practice, and
17 provide that the regional director may certify or delegate
18 someone to certify records in the custody of the regional
19 director. The amendments repeal subsection (h) because the
20 programming and manipulation of data is covered by Government
21 Code, §552.231, and not subject to change by commission rule.
22 The amendments redesignate subsection (i) as subsection (f),
23 provide the correct Internet address for the department, and
24 provide that requests for the correction of information in the
25 custody of a regional director is to be directed to the regional

1 director and that the regional director is responsible for
2 determining whether a correction is to be made. The changes
3 related to the regional director are necessitated by the
4 adoption of the regionalization plan. The amendments to
5 subsection (i)(5) remove reference to verification of the
6 identity of an individual requesting the correction of
7 information about the individual because the department does not
8 have that authority.

9
10 Amendments to §3.13, Costs of Copies of Official Records, rename
11 the section to Waiver of Fees for Certain Copies of Official
12 Records, and delete subsections (a)-(e) relating to the
13 calculation and payment of charges for public information. The
14 charges for providing copies of public information are governed
15 by Government Code, Chapter 552, Subchapter F, and by rules of
16 the Office of the Attorney General adopted as required by that
17 subchapter and contained in 1 TAC Chapter 70. Government Code,
18 Chapter 552, Subchapter F and the rules adopted under that
19 subchapter control the cost of obtaining records and may not be
20 changed by commission rules; therefore, §3.13(a)-(e) are
21 redundant of that statutory law and those rules and are
22 unnecessary. Subsection (f)(1) is redesignated as subsection
23 (a) and subsection (f)(2) is redesignated as subsection (b).
24 The amendments to redesignated subsection (b) provide that the
25 regional director may waive or reduce the fees charged for

1 records in the custody of the regional director. This change is
2 necessitated to reflect procedural changes resulting from the
3 adoption of the regionalization plan.

4

5 Section 3.14, Electronic Access to Department Records, is
6 repealed as it relates to electronic access to vehicle title and
7 registration information, which has been transferred to the DMV.

8

9 Amendments to §3.24, Notice to Consumers and Service Recipients,
10 delete paragraph (2), redesignate paragraph (3) as paragraph
11 (2), and delete those parts of that paragraph that relate to
12 notices to the consumers of goods or services provided by
13 entities that are now regulated by the DMV.

14

15 COMMENTS

16 No comments on the proposed amendments and repeal were received.

17

18 STATUTORY AUTHORITY

19 The amendments and repeal are adopted under Transportation Code,
20 §201.101, which provides the commission with the authority to
21 establish rules for the conduct of the work of the department,
22 and more specifically, Government Code, §552.230, which
23 authorizes the commission to adopt rules of procedure under
24 which public information may be inspected and copied.

25

- 1 CROSS REFERENCE TO STATUTE
- 2 Transportation Code, §201.101 and §201.501, Transportation Code,
- 3 Chapter 1001, and Government Code, Chapter 552.

1 SUBCHAPTER B. ACCESS TO OFFICIAL RECORDS

2 §3.11. Definitions. The following words and terms, when used
3 in this subchapter, shall have the following meanings, unless
4 the context clearly indicates otherwise.

5 (1) Commission--Texas Transportation Commission.

6 (2) Department--Texas Department of Transportation.

7 (3) District engineer--The chief administrative officer
8 of a district of the department.

9 (4) Division director--The chief administrative officer
10 of a division or office of the department.

11 ~~[(5) Manipulation--The process of modifying, reordering,~~
12 ~~or decoding information with human intervention.]~~

13 ~~[(6) Personal information--Information that identifies an~~
14 ~~individual, including an individual's photograph or computerized~~
15 ~~image, social security number, driver identification number,~~
16 ~~personal identification certificate number, name, address other~~
17 ~~than the postal routing code, telephone number, and medical or~~
18 ~~disability information. The term does not include information~~
19 ~~contained in an accident report prepared under Transportation~~
20 ~~Code, Chapters 550 or 601, driving or equipment related~~
21 ~~violations, or driver's license or registration status.]~~

22 ~~[(7) Programming--The process of producing a sequence of~~
23 ~~instructions that can be executed by a computer.]~~

1 (5) [~~(8)~~] Political subdivision--A county, municipality,
2 local board, or other governmental body of this state having
3 authority to provide a public service.

4 ~~[(9) Service agreement--A contractual agreement that~~
5 ~~allows individuals, businesses, or state governmental agencies~~
6 ~~or institutions to access the department's vehicle registration~~
7 ~~records.]~~

8 (6) Regional director--The chief administrative officer
9 of a region of the department.

10 (7) [~~(10)~~] Special district--A political subdivision of
11 the state established to provide a single public service within
12 a specific geographical area.

13 ~~[(11) Vehicle registration record--Information contained~~
14 ~~in the department's files that reflects, but is not limited to,~~
15 ~~the make, vehicle identification number, year, model, body~~
16 ~~style, and license number of a motor vehicle, and the name,~~
17 ~~address, and social security number of the registered owner.]~~

18 (8) [~~(12)~~] Written request--A request made in writing,
19 including electronic mail, electronic media, and facsimile
20 transmission.

21

22 §3.12. Public Access.

23 (a) Request for records. A person seeking public

1 information shall submit a request in writing to the department.

2 ~~[(1) Submittal of request. A person seeking public~~
3 ~~information shall submit a request in writing to the~~
4 ~~department.]~~

5 (1) ~~[(A)]~~ A request made by other than electronic mail
6 may ~~[shall]~~ be submitted to:

7 (A) ~~[(i)]~~ the department's General Counsel;

8 (B) ~~[(ii)]~~ the department's officer for public
9 information ~~[Director of Public Information]~~; or

10 (C) ~~[(iii)]~~ the district engineer, ~~[or]~~ division
11 director, or regional director of the district, ~~[or]~~ division,
12 or region responsible for the information.

13 (2) ~~[(B)]~~ A request made by electronic mail shall be sent
14 via the department's Internet ~~[World Wide Web]~~ site, located at
15 <http://www.txdot.gov> or <http://www.dot.state.tx.us>
16 ~~[<http://www.dot.state.tx.us/>].~~

17 ~~[(2) Information required. A request for official~~
18 ~~records shall include the name, address, and telephone number of~~
19 ~~the requestor, and a description of the records in sufficient~~
20 ~~detail to permit efficient gathering of the requested items.~~
21 ~~The request shall also include the preferred mailing, facsimile~~
22 ~~transmission, or electronic mail address at which the requestor~~
23 ~~wishes to receive a cost itemized statement provided pursuant to~~

1 ~~Government Code, §552.2615(a) and §3.13(d) of this subchapter;~~

2 ~~[(3) Vehicle title and registration information.]~~

3 ~~[(A) The department will provide certain vehicle~~
4 ~~registration information by telephone or upon receipt of a~~
5 ~~written request. Requested information will be released in~~
6 ~~accordance with 18 U.S.C. §2721, Transportation Code, §502.008,~~
7 ~~and Transportation Code, Chapter 730.]~~

8 ~~[(B) The department will provide a written form for~~
9 ~~requests for motor vehicle registration information. A~~
10 ~~completed and properly executed form must include, at a~~
11 ~~minimum:]~~

12 ~~[(i) the name and address of the requestor;]~~

13 ~~[(ii) the Texas license number, title or document~~
14 ~~number, or vehicle identification number of the motor vehicle~~
15 ~~about which information is requested;]~~

16 ~~[(iii) a statement that the requested information may~~
17 ~~only be released if the requestor is the subject of the record,~~
18 ~~if the requestor has written authorization for release from the~~
19 ~~subject of the record, or if the intended use is for one of the~~
20 ~~permitted uses indicated on the form;]~~

21 ~~[(iv) a statement that the information is requested~~
22 ~~for a lawful and legitimate purpose in accordance with~~
23 ~~Transportation Code, §502.008;]~~

1 ~~[(v) a certification that the statements made on the~~
2 ~~form are true and correct; and]~~

3 ~~[(vi) the signature of the requestor.]~~

4 ~~[(C) The department will provide vehicle registration~~
5 ~~information by license number by telephone only in accordance~~
6 ~~with 18 U.S.C. §2721, Transportation Code, §502.008, and~~
7 ~~Transportation Code, Chapter 730, and only if requested by:]~~

8 ~~[(i) a peace officer acting in an official capacity;~~
9 ~~or]~~

10 ~~[(ii) an official of the state, city, town, county,~~
11 ~~special district, or other political subdivision, utilizing the~~
12 ~~obtained information for tax purposes or for the purpose of~~
13 ~~determining eligibility for a state public assistance program.]~~

14 (b) Production of records. Except as provided in
15 subsections ~~[(a),]~~ (d), (e), and (f) of this section, the
16 department will provide copies or promptly produce official
17 department records for inspection, duplication, or both. If the
18 requested information is unavailable for inspection at the time
19 of the request because it is in active use or otherwise not
20 readily available, the department will certify this fact in
21 writing within 10 business days after the date the information
22 is requested to the applicant and specify a date within a
23 reasonable time when the record will be available for inspection

1 or duplication.

2 (c) Examination of information.

3 (1) A person requesting to examine official records in
4 the offices of the department must complete the examination
5 without disrupting the normal operations of the department and
6 not later than the 10th day after the date the records are made
7 available to the person. Upon written request, the department
8 will extend the examination period by increments of 10 days, not
9 to exceed a total of 30 days.

10 (2) The inspection of records may be interrupted by the
11 department if the records are needed for use by the department.
12 The period of interruption will not be charged against the
13 requestor's 10-day period to examine the records.

14 (3) A person may not remove an original copy of an
15 official department record from the offices of the department.

16 (d) Request for opinion. If the department considers that
17 requested records fall within an exception under the Government
18 Code, and that the records should be withheld, the department
19 will ask for a decision from the attorney general about whether
20 the records are within that exception if there has not been a
21 previous determination about whether the records fall within one
22 of the exceptions. The request for a decision from the attorney
23 general will be made by the 10th business day after the date of

1 receiving the written request.

2 [~~(e) Confidential information and privacy protection.~~]

3 [~~(1) The department will not provide records considered~~
4 ~~to be confidential by law or otherwise prohibited from release~~
5 ~~under the Government Code or other provisions of law.]~~

6 [~~(2) A legislative member, agency, or committee may~~
7 ~~request confidential information if the public information~~
8 ~~requested is for legislative purposes. The department may~~
9 ~~require the requesting legislative agency or committee, or the~~
10 ~~member or employee of the requesting entity, to sign a~~
11 ~~confidentiality agreement that requires the following~~
12 ~~provisions.]~~

13 [~~(A) The information shall not be disclosed outside the~~
14 ~~requesting entity, or within the requesting entity for purposes~~
15 ~~other than the purpose for which it was received.]~~

16 [~~(B) The information shall be labeled confidential.]~~

17 [~~(C) The information shall be kept securely.]~~

18 [~~(D) The number of copies of the information or the~~
19 ~~notes taken from the information that are not destroyed or~~
20 ~~returned to the department remain confidential and subject to~~
21 ~~the confidentiality agreement.]~~

22 [~~(f) Repetitious or redundant requests. The department may~~
23 ~~elect not to provide records if the department has previously~~

1 ~~furnished the same copies or made the same information available~~
2 ~~to the requestor. In the event that the department elects not~~
3 ~~to provide records under this subsection, the department will~~
4 ~~provide the requestor with a certification that includes:]~~

5 ~~[(1) a description of the information previously made~~
6 ~~available to the requestor;]~~

7 ~~[(2) the date that the department received the~~
8 ~~requestor's previous request for the information;]~~

9 ~~[(3) the date that the department previously made the~~
10 ~~information available to the requestor;]~~

11 ~~[(4) a statement that no subsequent additions, deletions,~~
12 ~~or corrections have been made to that information; and]~~

13 ~~[(5) the name, title, and signature of the department~~
14 ~~official responsible for the information.]~~

15 (e) ~~[(g)]~~ Certified records. In accordance with
16 Transportation Code, §201.501, the following officials shall
17 serve as the executive director's authorized representatives for
18 the purpose of certifying official department records.

19 (1) The department's chief minute clerk may certify
20 commission minute orders. In the absence of the chief minute
21 clerk, minute orders may be certified by the executive assistant
22 to the deputy executive director. The executive director may
23 delegate certification authority to other officials to assure

1 sufficient availability of authorized certifying officials.

2 (2) Other official records of the department may be
3 certified by the district engineer, division director, regional
4 director, or other department official having official custody
5 of the records. A district engineer, ~~[or]~~ division director, or
6 regional director may delegate certification authority to other
7 officials to assure sufficient availability of authorized
8 certifying officials.

9 [~~(h) Programming and manipulation of data.~~]

10 [~~(1) If responding to a request for information will~~
11 ~~require programming or manipulation of data and compliance with~~
12 ~~the request is not feasible or will result in substantial~~
13 ~~interference with the department's ongoing operations, or if the~~
14 ~~information could be made available in the requested form only~~
15 ~~at a cost that covers the programming and manipulation of data,~~
16 ~~the department will provide a written statement within 20 days~~
17 ~~after the date of the receipt of the request. The statement~~
18 ~~will include:~~]

19 [~~(A) a statement that the information is not available~~
20 ~~in the requested form;~~]

21 [~~(B) a description of the form in which the information~~
22 ~~is available;~~]

23 [~~(C) a description of any contract or services that~~

1 ~~would be required to provide the information in the requested~~
2 ~~form;]~~

3 ~~[(D) a statement of the estimated cost of providing the~~
4 ~~information; and]~~

5 ~~[(E) a statement of the anticipated time required to~~
6 ~~provide the information.]~~

7 ~~[(2) If the department gives written notice within 20~~
8 ~~days after the date of receipt of the request to the person~~
9 ~~making the request that additional time is needed, the~~
10 ~~department may have an additional 10 days to issue the statement~~
11 ~~in paragraph (1) of this subsection.]~~

12 ~~[(3) The department will not provide the information~~
13 ~~until the person making the request states in writing that the~~
14 ~~requester wants;]~~

15 ~~[(A) the department to provide the information~~
16 ~~according to the cost and time parameters set out in the~~
17 ~~statement; or]~~

18 ~~[(B) the information in the form in which it is~~
19 ~~available.]~~

20 (f) ~~[(i)]~~ Correction of Information. An individual may
21 request the correction of information about that individual in
22 the following manner:

23 (1) A request to correct information may be submitted in

1 writing or through the department's Internet [~~World Wide Web~~]
2 site, located at http://www.txdot.gov or
3 http://www.dot.state.tx.us [~~http://www.dot.state.tx.us/~~]. The
4 request must be directed to the district engineer, [~~or~~] division
5 director, or regional director of the district, [~~or~~] division,
6 or region responsible for the information.

7 (2) The request must include the individual's name,
8 address, and telephone number.

9 (3) The request must identify the record to be corrected
10 with as much specificity as reasonably possible. The department
11 will not process requests that do not identify particular
12 records.

13 (4) This subsection applies only to a request to correct
14 information that relates directly to an individual, including
15 the individual's name, address, telephone number, and similar
16 information.

17 (5) The department may contact the individual or take
18 other steps as necessary [~~to verify the individual's identity.~~
19 ~~The department may also contact the individual or take other~~
20 ~~steps as necessary]~~ to obtain additional information with regard
21 to the record to be corrected, the nature of the correction to
22 be made, the reasons that the current information maintained by
23 the department is incorrect, or other relevant matters.

1 (6) The district engineer, [~~or~~] division director, or
2 regional director [~~of the district or division~~] responsible for
3 the information will determine if the current information
4 maintained by the department is incorrect.

5 (A) If the current information maintained by the
6 department is determined to be incorrect, the department's
7 records will be corrected. The district engineer, [~~or~~] division
8 director, or regional director [~~of the district or division~~]
9 responsible for the information will determine the manner in
10 which the correction will be made.

11 (B) If the current information maintained by the
12 department is determined to be correct, the request for
13 correction will be noted in connection with the relevant record.

14 (C) The department may refuse to alter records that
15 were correct at the time they were first prepared, but are no
16 longer correct. If the department refuses to alter a record
17 that was correct at the time it was first prepared, but is no
18 longer correct, the request for correction will be noted in
19 connection with the relevant record.

20 (7) This subsection does not authorize the cancellation,
21 issuance, or alteration of any official record, including a
22 title, a license, or a permit. Application for a new official
23 record must be made in the manner required by law.

1

2 §3.13. Waiver of Fees for Certain [~~Cost of~~] Copies of Official

3 Records.

4 [~~(a) Standard costs. The following table lists charges for~~
5 ~~copies and related services.~~]

6 [~~Figure: 43 TAC §3.13(a)~~]

| Service Rendered | Charge |
|---|---|
| Standard size paper copies (up to 8 1/2 inches x 14 inches) | \$.10 per page (Each side that has recorded information is considered a single page) |
| Paper copies produced on high-resolution color copier | \$.65 per page (Each side that has recorded information is considered a single page) |
| Charges for certified copies | Charges as applicable, plus \$1.00 for sealed certification page |
| Nonstandard size paper copy | \$.50 per page |
| Paper copy from microfilm or microfiche: standard size | \$.10 per page |
| Specialty paper/media (e.g.: Mylar, blueprint, continuous or roll plot) | Actual cost |
| Accident Record | \$6.00 |
| Certified copy of an accident record | \$8.00 |
| { Title and registration verification (record search) } | { \$2.30 } |
| { Title history } | { \$5.75 } |
| { Online access to motor vehicle records database } | { \$23.00 per month plus \$.12 per record entry } |
| { Motor vehicle registration and title database } | { \$5,000 plus \$.38 per 1,000 records copied to tape } |

NOTE: Additions underlined
Deletions in []
OGC: 04/13/10 9:37 AM

Exhibit B

| Service Rendered | Charge |
|---|---|
| {Weekly updates to motor vehicle registration and title database -- tape provided by the department} | { \$135.00 } |
| {Batch inquiry to motor vehicle records database} | { \$23.00 per computer run plus \$.12 per record searched } |
| Texas Highways Magazine mailing list | (See charges under 43 TAC §23.28) |
| Duplicate forms: -- microfilm roll, 16mm -- microfilm roll, 35mm -- microfiche -- microfilm jackets | Actual cost (current Texas State Library charge; contact TxDOT Records Management for cost and assistance). |
| Photographic prints | Actual cost |
| Diskettes | \$1.00 each |
| Computer magnetic tape | Actual cost |
| Data cartridge | Actual cost |
| Tape cartridge | Actual cost |
| Rewritable CD (CD-RW) | \$1.00 each |
| Non rewritable CD (CD-R) | \$1.00 each |
| Digital video disc | \$3.00 each |
| JAZ drive | Actual cost |
| Other electronic media | Actual cost |
| VHS video cassette | \$2.50 each |
| Audio cassette | \$1.00 each |
| Other, including miscellaneous supplies, postage and shipping | Actual cost |
| Remote document retrieval charges | Actual cost |
| Computer resource charge (mainframe; prorated to actual time used; charges not assessed for printout time) | \$10.00 per CPU minute |
| Computer resource charge (mid-size/mini; prorated to actual time used; charges not assessed for printout time) | \$1.50 per CPU minute |
| Computer resource charge (client/server; prorated to actual time used; charges not assessed for printout time) | \$2.20 per clock hour |

NOTE: Additions underlined
Deletions in []
OGC: 04/13/10 9:37 AM

Exhibit B

| Service Rendered | Charge |
|--|-----------------------------------|
| Computer resource charge (PC or LAN prorated to actual time used; charges not assessed for printout time) | \$1.00 per clock hour |
| Programming (time charge; to be prorated to actual time used) | \$28.50 per clock hour |
| Outside/Contracted Services | Actual Cost |

1

| Publication | Charge |
|--|--|
| County general highway maps (charges based on the sheet as a unit for all department maps); Colored maps available in selected counties only | Actual cost: Contact Map Sales at (512) 486-5014 |
| Official department state map: (3 x 3 feet: 1 inch = 22 miles) | Actual cost: Contact Map Sales at (512) 486-5014 |
| Traffic maps: Half scale (18 x 25 inches) only | Actual cost: Contact Map Sales at (512) 486-5014 |
| State outline maps | Actual cost: Contact Map Sales at (512) 486-5014 |
| Division manuals and subscription services (also available on an annual fee basis are subscription services to provide administrative documents pertaining to appraisal work and utility adjustment work performed for and by the department) | Charges based on cost of printing: Contact Publications Sales at (512) 302-0985 |

2

3 ~~[(b) Personnel and overhead charge. A personnel charge of~~
4 ~~\$15 per hour plus an overhead charge of 20% of the personnel~~
5 ~~charge will be added to the costs of any request involving:]~~

6 ~~[(1) more than 50 pages;]~~

1 ~~[(2) copying of information located in two or more~~
2 ~~buildings that are not physically connected with each other;]~~

3 ~~[(3) copying of information located in a remote storage~~
4 ~~facility;]~~

5 ~~[(4) retrieval of information that is older than five~~
6 ~~years and will require more than five hours to make available~~
7 ~~for inspection; or]~~

8 ~~[(5) retrieval of information that will completely fill~~
9 ~~six or more archival boxes and will require more than five hours~~
10 ~~to make available for inspection.]~~

11 ~~[(c) Document inspection. If editing of confidential~~
12 ~~information is required in order to obtain access to a record~~
13 ~~for inspection, the department may charge for the cost of making~~
14 ~~copies to edit.]~~

15 ~~[(d) Estimated charges.]~~

16 ~~[(1) If a request will result in the imposition of a~~
17 ~~charge that exceeds \$40, the department will provide the~~
18 ~~requestor;]~~

19 ~~[(A) an itemized statement detailing all estimated~~
20 ~~charges; and]~~

21 ~~[(B) an identification of any less costly alternative~~
22 ~~that is available.]~~

23 ~~[(2) If a less costly alternative is specified, the~~

1 ~~itemized statement will inform the requestor of the need to~~
2 ~~contact the department regarding the alternative and will inform~~
3 ~~the requestor.]~~

4 ~~[(A) that the request will be considered to be~~
5 ~~automatically withdrawn if the requestor does not, within 10~~
6 ~~days of the date of the notice and in writing, accept the~~
7 ~~charges or modify the request; and]~~

8 ~~[(B) that the requestor may respond by mail, in person,~~
9 ~~by facsimile transmission, or by electronic mail.]~~

10 ~~[(3) If, before the requested information is made~~
11 ~~available, it is determined that actual charges will exceed the~~
12 ~~charges identified in paragraph (1) of this subsection by 20% or~~
13 ~~more, the department will send the requestor an updated itemized~~
14 ~~statement detailing all estimated charges that will be imposed.]~~

15 ~~[(4) If an itemized or updated itemized statement is~~
16 ~~provided under paragraphs (1) or (3) of this subsection and the~~
17 ~~requestor does not accept the estimated charges in writing or~~
18 ~~modify the request in writing within 10 days of the date of the~~
19 ~~notice, the request will be considered to have been withdrawn by~~
20 ~~the requestor.]~~

21 ~~[(5) Actual charges will not exceed the estimated charges~~
22 ~~in the itemized statement provided under paragraph (1) of this~~
23 ~~subsection by more than 20%, or if an updated itemized statement~~

1 ~~is provided under paragraph (3) of this subsection, actual~~
2 ~~charges will not exceed the estimated charges in the updated~~
3 ~~itemized statement.]~~

4 [~~(e) Payment.~~]

5 [~~(1) Payment of charges is due prior to release of copies~~
6 ~~of records.]~~

7 [~~(2) Upon release of copies of records, the department~~
8 ~~will provide to the requestor a statement describing all~~
9 ~~charges, including the amount of time required for retrieval and~~
10 ~~copying, when personnel and overhead charges are included. The~~
11 ~~statement will be signed by an authorized employee with that~~
12 ~~employee's name typed or printed below the signature.]~~

13 [~~(f) Waiver.~~]

14 (a) [~~(1)~~] When an employee files an internal employee
15 grievance, the department will provide copies of relevant
16 records free of charge to an official party to the proceeding.
17 The department's General Counsel will determine which records
18 are relevant under this subsection.

19 (b) [~~(2)~~] The department may waive or reduce the fees
20 charged for copies of records [~~under subsections (a) and (b) of~~
21 ~~this section]~~ if the executive director or [~~7]~~ the district
22 engineer, [~~with jurisdiction over the records, or the]~~ division
23 director, or regional director with jurisdiction over the

1 records determines a waiver to be in the public interest because
2 providing the records primarily benefits the general public or
3 because the records can be produced at a minimal expense to the
4 public.

5

6 [~~§3.14. Electronic Access to Department Records.~~]

7 [~~(a) Electronic on-line delivery systems. The department~~
8 ~~will provide certain information through a departmental World~~
9 ~~Wide Web Site (<http://www.dot.state.tx.us>). Information~~
10 ~~concerning doing business with the department, news about the~~
11 ~~department, tourism and travel information, public~~
12 ~~transportation information, and other transportation-related~~
13 ~~information will be provided through this web site.]~~

14 [~~(b) Electronic access to vehicle title and registration~~
15 ~~information.]~~

16 [~~(1) Information available. The department will make~~
17 ~~motor vehicle registration, title, and vehicle ownership~~
18 ~~information available electronically to an individual, agency,~~
19 ~~or business in accordance with 18 U.S.C. §2721, Transportation~~
20 ~~Code, §502.008, and Transportation Code, Chapter 730 under the~~
21 ~~terms of a written service agreement.]~~

22 [~~(2) Agreement with business or individuals. The written~~
23 ~~service agreement with a business or individual must contain:]~~

1 ~~[(A) the specified purpose of the agreement;]~~

2 ~~[(B) an adjustable account, if applicable, in which an~~
3 ~~initial deposit and minimum balance is maintained in the amount~~
4 ~~of;]~~

5 ~~[(i) \$200 for an on-line access account; or]~~

6 ~~[(ii) \$1,000 for a prepaid account for batch purchase~~
7 ~~of motor vehicle registration information;]~~

8 ~~[(C) notification regarding the charges provided in~~
9 ~~§3.13 of this subchapter;]~~

10 ~~[(D) termination and default provisions;]~~

11 ~~[(E) service hours for access to motor vehicle records~~
12 ~~for on-line access;]~~

13 ~~[(F) the contractor's signature;]~~

14 ~~[(G) a statement that the use of registration~~
15 ~~information obtained by virtue of a service agreement is~~
16 ~~conditional upon its being used;]~~

17 ~~[(i) in accordance with 18 U.S.C. §2721,~~
18 ~~Transportation Code, §502.008, and Transportation Code, Chapter~~
19 ~~730; and]~~

20 ~~[(ii) only for the purposes defined in the agreement;~~
21 ~~and]~~

22 ~~[(H) the statements required by §3.12(a)(3)(B) of this~~
23 ~~subchapter.]~~

1 ~~[(3) Agreements with governmental agencies.]~~

2 ~~[(A) The written service agreement with an agency must~~

3 ~~contain:]~~

4 ~~[(i) the specified purpose of the agreement;]~~

5 ~~[(ii) method of payment;]~~

6 ~~[(iii) notification regarding the charges provided in~~

7 ~~§3.13 of this subchapter;]~~

8 ~~[(iv) a statement that the use of registration~~

9 ~~information obtained by virtue of a service agreement is~~

10 ~~conditional upon its being used in accordance with 18 U.S.C.~~

11 ~~§2721, Transportation Code, §502.008, and Transportation Code,~~

12 ~~Chapter 730, and only for the purposes defined in the~~

13 ~~agreement;]~~

14 ~~[(v) the statements required by §3.12(a)(3)(B) of~~

15 ~~this subchapter;]~~

16 ~~[(vi) the signature of an authorized official; and]~~

17 ~~[(vii) an attached statement citing the agency's~~

18 ~~authority to obtain social security number information, if~~

19 ~~applicable.]~~

20 ~~[(B) Texas Law Enforcement Telecommunication System~~

21 ~~(TLETS) access is exempt from the payment of fees.]~~

1 SUBCHAPTER C. COMPLAINT RESOLUTION

2 §3.24. Notice to Consumers and Service Recipients. The
3 department will provide notice of mailing addresses and/or
4 telephone numbers as may be appropriate to geographical
5 locations and subject matter for purposes of directing
6 complaints to the department. Relevant information will at a
7 minimum be provided as follows.

8 (1) General publication. The department will publish
9 notice of how to direct complaints:

10 (A) in selected public information literature;

11 (B) in the official state travel map;

12 (C) on the department's [~~World Wide Website on the~~]
13 Internet site; and

14 (D) at each business office of the department.

15 [~~(2) Notice to consumers of regulated entities. The~~
16 ~~following regulated entities must prominently display at the~~
17 ~~entity's place of business, in a form prescribed by the~~
18 ~~department, notice of how consumers may direct complaints to the~~
19 ~~department concerning those entities:~~]

20 [~~(A) a motor vehicle salvage dealer regulated by the~~
21 ~~department under Texas Civil Statutes, Article 6687-1a; and]~~

22 [~~(B) a vehicle storage facility operator regulated by~~
23 ~~the department under Texas Civil Statutes, Article 6687-9a.]~~

1 (2) [~~(3)~~] Notice to entities regulated by the department.

2 The department will include notice of how to direct complaints
3 concerning the department's regulation of a regulated entity in
4 an:

5 ~~[(A) application for a vehicle storage facility~~
6 ~~operator's license issued under Texas Civil Statutes, Article~~
7 ~~6687-9a;]~~

8 ~~[(B) application for a motor vehicle salvage dealer~~
9 ~~license issued under Texas Civil Statutes, Article 6687-1a;]~~

10 (A) [~~(C)~~] application for an outdoor advertising
11 license and license renewal issued in Transportation Code,
12 Chapter 391, Subchapter C;

13 (B) [~~(D)~~] application for rural road sign permit and
14 permit renewal issued under Transportation Code, Chapter 394;

15 (C) [~~(E)~~] information piece concerning the control of
16 outdoor advertising signs;

17 ~~[(F) application for motor carrier registration issued~~
18 ~~under Transportation Code, Chapters 643, 645, and 646;]~~

19 (D) [~~(G)~~] information piece concerning screening of
20 junkyards under Transportation Code, Chapter 391, Subchapter E;
21 and

22 ~~[(H) information piece concerning carriers of household~~
23 ~~goods;]~~

1 [~~(I) insert to a motor vehicle registration renewal~~
2 notice; and]

3 (E) [~~(J)~~] application for a permit issued under Chapter
4 28 of this title (relating to Oversize and Overweight Vehicles
5 and Loads) authorizing the movement of oversize and overweight
6 vehicles and loads.