

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of Chapter 8, Motor Vehicle Distribution, Chapter 17, Vehicle Titles and Registration, and Chapter 18, Motor Carriers.

The preambles and the adopted repeals, attached to this minute order as Exhibits A - F, 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*.

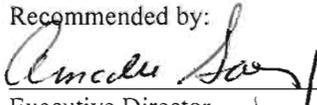
IT IS THEREFORE ORDERED by the commission that the repeal of Chapter 8, Motor Vehicle Distribution, Chapter 17, Vehicle Titles and Registration, and Chapter 18, Motor Carriers are adopted and are authorized for filing with the Office of the Secretary of State.

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

**112226 APR 29 10**

Minute  
Number

Date  
Passed

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The preambles and the adopted repeals, attached to this minute order as Exhibits A - F, 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 repeal of Chapter 8, Motor Vehicle Distribution, Chapter 17, Vehicle Titles and Registration, and Chapter 18, Motor Carriers 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:

Recommended by:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Minute Number      Date Passed

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts the  
3 repeal of §§8.1 - 8.6, 8.21 - 8.58, 8.81 - 8.88, 8.101 - 8.114,  
4 8.131 - 8.160, 8.171 - 8.181, 8.201 - 8.210, 8.241 - 8.271, and  
5 8.301 - 8.317, all concerning 43 TAC Chapter 8, Motor Vehicle  
6 Distribution. The repeal of §§8.1 - 8.6, 8.21 - 8.58, 8.81 -  
7 8.88, 8.101 - 8.114, 8.131 - 8.160, 8.171 - 8.181, 8.201 -  
8 8.210, 8.241 - 8.271, and 8.301 - 8.317 are adopted without  
9 changes to the proposed text as published in the March 12, 2010  
10 issue of the *Texas Register* (35 TexReg 2131) and will not be  
11 republished.

12

13 EXPLANATION OF ADOPTED REPEALS

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

1 of the DMV effective November 1, 2009.

2

3 The repeal of Chapter 8, Motor Vehicle Distribution, removes the  
4 sections that previously regulated motor vehicle dealers,  
5 manufacturers, distributors, converters, representatives,  
6 lessors, and lease facilitators, in accordance with Occupations  
7 Code, Chapter 2301, and Transportation Code, Chapter 503. The  
8 regulation of those entities will be under the DMV rules  
9 contained in 43 TAC Chapter 215, Motor Vehicle Distribution,  
10 which were adopted by the Board of the Texas Department of Motor  
11 Vehicles in January 2010.

12

13 COMMENTS

14 No comments on the proposed repeals were received.

15

16 STATUTORY AUTHORITY

17 The repeals are adopted under Transportation Code, §201.101,  
18 which provides the commission with the authority to establish  
19 rules for the conduct of the work of the department.

20

21 CROSS REFERENCE TO STATUTE

22 None.

1                   CHAPTER 8.   MOTOR VEHICLE DISTRIBUTION

2   SUBCHAPTER A.   GENERAL PROVISIONS

3   §8.1           Scope and Purpose

4   §8.2           Definitions; Conformity with Statutory Requirements

5   §8.3           Duties and Powers of Director

6   §8.4           Formal Opinions

7   §8.5           Informal Opinions

8   §8.6           Exempted Actions

9

10   SUBCHAPTER B.   ADJUDICATIVE PRACTICE AND PROCEDURE

11   §8.21          Objective

12   §8.22          Prohibited Disclosures and Communications

13   §8.23          Appearances

14   §8.24          Petitions

15   §8.25          Affidavits

16   §8.26          Form of Petitions, Pleadings, and the Like

17   §8.27          Complaints

18   §8.28          Docket

19   §8.29          Computing Time

20   §8.30          Filing of Documents

21   §8.31          Cease and Desist Orders

22   §8.32          Enlargement of Time

23   §8.33          Expenses of Witness or Deponent

- 1 §8.34 Institution of Adjudicative Proceedings
- 2 §8.35 Notice of Hearing in Adjudicative Proceedings
- 3 §8.36 Reply
- 4 §8.37 Hearings To Be Public
- 5 §8.38 Recording and Transcriptions of Hearing Cost
- 6 §8.39 Joint Record
- 7 §8.40 Waiver of Hearing
- 8 §8.41 Postponement of Hearing
- 9 §8.42 Presiding Officials
- 10 §8.43 Conduct of Hearing
- 11 §8.44 Conduct and Decorum
- 12 §8.45 Evidence
- 13 §8.46 Stipulation of Evidence
- 14 §8.47 Objections and Exceptions
- 15 §8.48 Motions
- 16 §8.49 Briefs
- 17 §8.50 Service of Pleading, Petitions, Briefs, and the Like
- 18 §8.51 Submission
- 19 §8.52 Findings and Recommendations of Hearing Officer
- 20 §8.53 Filing of Exceptions
- 21 §8.54 Form of Exceptions
- 22 §8.55 Replies to Exceptions
- 23 §8.56 Final Decision

- 1 §8.57 Submission of Amicus Briefs
- 2 §8.58 Format for Documents Filed with the Director
- 3 Subsequent to the Issuance of a Proposal for Decision
- 4
- 5 SUBCHAPTER C. LICENSES, GENERALLY
- 6 §8.81 Objective
- 7 §8.82 Administration of Licensing Fees
- 8 §8.83 Renewal of Licenses
- 9 §8.84 Brokering, New Motor Vehicles
- 10 §8.85 Brokering, Used Motor Vehicles
- 11 §8.86 Processing of License Applications, Amendments, or
- 12 Renewals
- 13 §8.87 License Terms and Fees
- 14 §8.88 Transition Period for the Issuance of Two-Year
- 15 Licenses
- 16
- 17 SUBCHAPTER D. FRANCHISED DEALERS, MANUFACTURERS, DISTRIBUTORS,
- 18 CONVERTERS AND REPRESENTATIVES
- 19 §8.101 Objectives
- 20 §8.102 Representatives
- 21 §8.103 Service-Only Facility
- 22 §8.104 Amended License
- 23 §8.105 Notification of License Application; Protest

- 1 Requirements
- 2 §8.106 Time for Filing Protest
- 3 §8.107 Hearing
- 4 §8.108 Addition or Relocation of Line Make
- 5 §8.109 Replacement Dealership
- 6 §8.110 Franchise Verification
- 7 §8.111 Notice of Termination or Noncontinuance of Franchise
- 8 and Time for Filing Protest
- 9 §8.112 Motor Home Show Limitations and Restrictions
- 10 §8.113 Manufacturer Ownership of Franchised Dealer; Good
- 11 Cause Extension; Dealer Development
- 12 §8.114 Sale of Vehicles by Manufacturer/Distributor at
- 13 Wholesale Auction
- 14
- 15 SUBCHAPTER E. GENERAL DISTINGUISHING NUMBERS
- 16 §8.131 Objective
- 17 §8.132 Definitions
- 18 §8.133 General Distinguishing Number
- 19 §8.134 House Trailer; Travel Trailer; Towable Recreational
- 20 Vehicle
- 21 §8.135 More than One Location
- 22 §8.136 Off-site Sales
- 23 §8.137 Security Requirements

- 1 §8.138 Use of Metal Dealer License Plates
- 2 §8.139 Metal Dealer Plate Allocation
- 3 §8.140 Established and Permanent Place of Business
- 4 §8.141 Sanctions
- 5 §8.142 GDN Sanction and Qualification Hearing
- 6 §8.143 Manufacturers License Plates
- 7 §8.144 Record of Sales and Inventory
- 8 §8.145 Change of Dealer's Status
- 9 §8.146 Metal Converter's License Plates.
- 10 §8.147 Proof of Valid License Required of Foreign Motor  
11 Vehicle Dealers
- 12 §8.148 Dealer Agents
- 13 §8.149 Independent Mobility Motor Vehicle Dealers
- 14 §8.150 Authorization to Issue Temporary Tags
- 15 §8.151 Temporary Tags, General Use Requirements, and  
16 Prohibitions
- 17 §8.152 Obtaining Numbers for Issuance of Temporary Tags
- 18 §8.153 Specifications for All Temporary Tags
- 19 §8.154 Dealer Temporary Tags
- 20 §8.155 Buyer's Temporary Tags
- 21 §8.156 Buyer's Temporary Tag Receipt and Notice to Buyer
- 22 §8.157 Advance Numbers, Internet-down Buyer's Temporary Tags
- 23 §8.158 Advance Numbers, Emergency Buyer's Temporary Tags

1 §8.159 General Requirements and Allocation of Internet-down  
2 and Emergency Buyer's Tag Numbers

3 §8.160 Converter's Temporary Tags  
4

5 SUBCHAPTER F. LESSORS AND LEASE FACILITATORS

6 §8.171 Objective

7 §8.172 Definitions

8 §8.173 License

9 §8.174 Application for a License

10 §8.175 Sanctions

11 §8.176 More Than One Location

12 §8.177 Established and Permanent Place of Business

13 §8.178 Records of Leasing

14 §8.179 Change of Lessor or Lease Facilitator Status

15 §8.180 Required Notices to Lessees

16 §8.181 General Distinguishing Number Exception  
17

18 SUBCHAPTER G. WARRANTY PERFORMANCE OBLIGATIONS

19 §8.201 Objective

20 §8.202 Filing of Complaints

21 §8.203 Review of Complaints

22 §8.204 Notification to Manufacturer, Converter, or  
23 Distributor

- 1 §8.205 Mediation; Settlement
- 2 §8.206 Hearings
- 3 §8.207 Contested Cases: Decisions and Final Orders
- 4 §8.208 Decisions
- 5 §8.209 Incidental Expenses
- 6 §8.210 Compliance with Order Granting Relief
- 7
- 8 SUBCHAPTER H. ADVERTISING
- 9 §8.241 Objective
- 10 §8.242 General Prohibition
- 11 §8.243 Specific Rules
- 12 §8.244 Definitions
- 13 §8.245 Availability of Vehicles
- 14 §8.246 Accuracy
- 15 §8.247 Untrue Claims
- 16 §8.248 Layout
- 17 §8.249 Manufacturer's Suggested Retail Price
- 18 §8.250 Dealer Price Advertising
- 19 §8.251 Identification
- 20 §8.252 Advertising at Cost or Invoice
- 21 §8.253 Trade-in Allowances
- 22 §8.254 Used Vehicles
- 23 §8.255 Demonstrators, Factory, Executives/Official Vehicles

- 1 §8.256 Auction
- 2 §8.257 Free Offers
- 3 §8.258 Authorized Dealer
- 4 §8.259 Manufacturer and Distributor Rebates
- 5 §8.260 Rebate and Financing Rate Advertising by Dealers
- 6 §8.261 Lease Advertisements
- 7 §8.262 Manufacturer Sales; Wholesale Prices
- 8 §8.263 Savings Claims; Discounts
- 9 §8.264 Sales Payment Disclosures
- 10 §8.265 Payment Disclosure - Lease
- 11 §8.266 Bait Advertisement
- 12 §8.267 Lowest Price Claims
- 13 §8.268 Fleet Prices
- 14 §8.269 Bankruptcy/Liquidation Sale
- 15 §8.270 Finding of Violation
- 16 §8.271 Enforcement
- 17
- 18 SUBCHAPTER I. PRACTICE AND PROCEDURE FOR HEARINGS CONDUCTED BY
- 19 THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
- 20 §8.301 Scope and Purpose
- 21 §8.302 Conformity with Statutory Requirements
- 22 §8.303 Application of Division and SOAH Rules
- 23 §8.304 Notice of Alleged Violation

- 1 §8.305 Filing of Complaints, Protests, and Petitions
- 2 §8.306 Referral to SOAH
- 3 §8.307 Notice of Hearing
- 4 §8.308 Reply to Notice of Hearing and Default Proceedings
- 5 §8.309 Recording and Transcriptions of Hearing Cost
- 6 §8.310 Issuance of Proposals for Decision, Recommendations,
- 7 and Orders
- 8 §8.311 Amicus Briefs
- 9 §8.312 Discovery
- 10 §8.313 Official Notice of Division Records
- 11 §8.314 Cease and Desist Orders
- 12 §8.315 Statutory Stay
- 13 §8.316 Informal Disposition
- 14 §8.317 Motion for Rehearing



1  
2 The repeal of Chapter 17, Vehicle Titles and Registration,  
3 removes the sections that were previously used for the titling  
4 and registration of motor vehicles, including nonrepairable and  
5 salvage motor vehicles and rebuilt salvage motor vehicles, and  
6 the regulation of salvage vehicle agents, dealers, and  
7 rebuilders. The regulation of those entities will be under the  
8 DMV rules contained in 43 TAC Chapter 217, Vehicle Titles and  
9 Registration, which were adopted by the Board of the Texas  
10 Department of Motor Vehicles in February 2010.

11  
12 COMMENTS

13 No comments on the proposed repeals were received.

14  
15 STATUTORY AUTHORITY

16 The repeals are adopted under Transportation Code, §201.101,  
17 which provides the commission with the authority to establish  
18 rules for the conduct of the work of the department.

19  
20 CROSS REFERENCE TO STATUTE

21 None.

1	CHAPTER 17. VEHICLE TITLES AND REGISTRATION
2	SUBCHAPTER A. MOTOR VEHICLE CERTIFICATES OF TITLE
3	§17.1 Purpose and Scope
4	§17.2 Definitions
5	§17.3 Motor Vehicle Certificates of Title
6	§17.7 Alias Certificate of Title
7	§17.8 Landowner's Lien
8	§17.9 Child Support Liens
9	§17.10 Restitution Liens
10	§17.11 Electronic Lien Title Program
11	
12	SUBCHAPTER B. MOTOR VEHICLE REGISTRATION
13	§17.20 Purpose and Scope
14	§17.21 Definitions
15	§17.22 Motor Vehicle Registration
16	§17.23 Temporary Registration Permits
17	§17.24 Disabled Person License Plates and Identification
18	Placards
19	§17.25 Construction Machinery Criteria
20	§17.27 Privately Owned Buses
21	§17.28 Specialty License Plates, Symbols, Tabs, and Other
22	Devices
23	§17.29 Vehicle Registration Renewal via the Internet

- 1 §17.30 Commercial Vehicle Registration
- 2 §17.32 Registration Fee Credit: Application
- 3 §17.33 Registration Fee Credit: Nontransferable
- 4 §17.34 Registration Fee Credit: Title Reinstatement
- 5 §17.35 Machinery
- 6 §17.36 Water Well Drilling Equipment
- 7 §17.37 Equipment and Vehicles within Road Construction
- 8 §17.38 Change of Classification: Trucks and Truck-Tractors
- 9 §17.39 Water Well Drilling Vehicles
- 10 §17.40 Marketing of Specialty License Plates through a
- 11 Private Vendor
- 12 §17.41 Removal of License Plates and Registration Insignia
- 13 upon Sale of Motor Vehicle
- 14 §17.49 Registration of Fleet Vehicles
- 15 §17.50 Exempt and Alias Vehicle Registration
- 16 §17.51 Registration Reciprocity Agreements
- 17 §17.52 Vehicle Emissions Enforcement System
- 18
- 19 SUBCHAPTER C. REGISTRATION AND TITLE SYSTEM
- 20 §17.53 Automated Vehicle Registration and Certificate of
- 21 Title System
- 22 §17.54 Automated Equipment
- 23 §17.55 Agreement

- 1
- 2 SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES
- 3 §17.60 Purpose and Scope
- 4 §17.61 Definitions
- 5 §17.62 Requirement for Nonrepairable or Salvage Vehicle
- 6 Title
- 7 §17.63 Application for Nonrepairable or Salvage Vehicle
- 8 Title
- 9 §17.64 Replacement of Nonrepairable or Salvage Motor Vehicle
- 10 Ownership Documents
- 11 §17.65 Dismantling, Scrapping, or Destruction of Motor
- 12 Vehicles
- 13 §17.66 Rights of Holder of Nonrepairable or Salvage Motor
- 14 Vehicle Documents
- 15 §17.67 Sale, Transfer, or Release of Ownership of a
- 16 Nonrepairable or Salvage Motor Vehicle
- 17 §17.68 Rebuilt Salvage Motor Vehicles
- 18
- 19 SUBCHAPTER E. SALVAGE VEHICLE DEALERS
- 20 §17.70 Purpose and Scope
- 21 §17.71 Definitions
- 22 §17.72 Classifications of Salvage Vehicle Dealer Licenses
- 23 §17.73 Salvage Vehicle Dealer License

- 1 §17.74 Salvage Vehicle Agent License
- 2 §17.75 Investigation, Report by the Department, and Issuance
- 3 of License
- 4 §17.76 Place of Business
- 5 §17.77 Change of Licensee's Status
- 6 §17.78 License Renewal
- 7 §17.79 Licensee Duties
- 8 §17.80 Record of Purchases, Sales, and Inventory
- 9 §17.81 Denial, Suspension, or Revocation

Adoption Preamble

1  
2 The Texas Department of Transportation (department) adopts the  
3 repeal of §§18.1, 18.2, 18.10, 18.11, 18.13 - 18.19, 18.30 -  
4 18.33, 18.40 - 18.42, 18.50 - 18.65, and 18.70 - 18.76, all  
5 concerning 43 TAC Chapter 18, Motor Carriers. The repeal of  
6 §§18.1, 18.2, 18.10, 18.11, 18.13 - 18.19, 18.30 - 18.33, 18.40  
7 - 18.42, 18.50 - 18.65, and 18.70 - 18.76 are adopted without  
8 changes to the proposed text as published in the March 12, 2010  
9 issue of the *Texas Register* (35 TexReg 2142) and will not be  
10 republished.

11

12 EXPLANATION OF ADOPTED REPEALS

13 The legislature at its 2009 Regular Session enacted House Bill  
14 No. 3097, which created the Texas Department of Motor Vehicles  
15 (DMV) and transferred to the DMV the powers, duties,  
16 obligations, and rights of action of the department's vehicle  
17 titles and registration division and motor vehicle division, the  
18 Automobile Burglary Theft Prevention Authority, and the part of  
19 the department's motor carrier division responsible for motor  
20 carrier registration and the enforcement of Transportation Code,  
21 Subtitle F, Title 7, which relates to the regulation of vehicles  
22 and traffic. The legislation transferred the rules of the Texas  
23 Transportation Commission (commission) related to those powers,  
24 duties, obligations, and rights of action to the governing board  
25 of the DMV effective November 1, 2009.

1  
2 The repeal of Chapter 18, Motor Carriers, removes the rules that  
3 previously regulated motor carriers, leasing businesses, and  
4 transportation brokers. The regulation of those entities will  
5 be under the DMV rules contained in 43 TAC Chapter 218, Motor  
6 Carriers, which were adopted by the Board of the Texas  
7 Department of Motor Vehicles in January 2010.

8  
9 COMMENTS

10 No comments on the proposed repeals were received.

11  
12 STATUTORY AUTHORITY

13 The repeals are adopted under Transportation Code, §201.101,  
14 which provides the commission with the authority to establish  
15 rules for the conduct of the work of the department.

16  
17 CROSS REFERENCE TO STATUTE

18 None.

1	CHAPTER 18. MOTOR CARRIERS
2	SUBCHAPTER A. GENERAL PROVISIONS
3	§18.1. Purpose.
4	§18.2. Definitions.
5	
6	SUBCHAPTER B. MOTOR CARRIER REGISTRATION
7	§18.10. Purpose.
8	§18.11. Motor Carrier Registration.
9	§18.13. Application for Motor Carrier Registration.
10	§18.14. Expiration and Renewal of Commercial Motor Vehicle
11	Registration.
12	§18.15. Payment of Fees.
13	§18.16. Insurance Requirements.
14	§18.17. Single State Registration System
15	§18.18. Unified Carrier Registration System
16	§18.19. Short-term Lease and Substitute Vehicles
17	
18	SUBCHAPTER C. RECORDS AND INSPECTIONS
19	§18.30. Purpose
20	§18.31. Investigations and Inspections of Motor Carrier Records
21	§18.32. Motor Carrier Records
22	§18.33. Enforcement
23	

- 1 SUBCHAPTER D. MOTOR TRANSPORTATION BROKERS
- 2 §18.40. Applicability
- 3 §18.41. Bond
- 4 §18.42. Fees
- 5
- 6 SUBCHAPTER E. CONSUMER PROTECTION
- 7 §18.50. Purpose and Scope
- 8 §18.51. Household Goods Agents
- 9 §18.52. Advertising
- 10 §18.53. Household Goods Carrier Cargo Liability
- 11 §18.54. Selling Insurance to Shippers
- 12 §18.55. Information for Shippers
- 13 §18.56. Proposals and Estimates for Moving Services
- 14 §18.57. Moving Services Contract
- 15 §18.58. Moving Services Contract - Options for Carrier
- 16 Limitation of Liability
- 17 §18.59. Inventories
- 18 §18.60. Determination of Weights
- 19 §18.61. Claims
- 20 §18.62. Mediation by the Department
- 21 §18.63. Annual Report
- 22 §18.64. Rates
- 23 §18.65. Tariff Registration

1

2 SUBCHAPTER F. ENFORCEMENT

3 §18.70. Purpose

4 §18.71. Administrative Penalties

5 §18.72. Administrative Sanctions

6 §18.73. Administrative Proceedings

7 §18.74. Settlement Agreements

8 §18.75. Implications for Nonpayment of Penalties

9 §18.76. Registration Suspension Ordered under Family Code