

**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 §17.3, motor vehicle certificates of title, new §17.8, landowner's lien, and amendments to §17.23, temporary registration permits, all relating to motor vehicle registration, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments and new section, attached to this minute order as Exhibits A - C, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §17.3, and new §17.8, and amendments to §17.23 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:

\_\_\_\_\_  
Director, Vehicle Titles and Registration  
Division

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

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

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts  
3 amendments to §17.3, concerning motor vehicle certificates of  
4 title, new §17.8, concerning landowner's lien, and amendments to  
5 §17.23, concerning temporary registration permits for motor  
6 vehicles. The amendments to §17.3, new §17.8, and amendments to  
7 §17.23 are adopted without changes to the proposed text as  
8 published in the October 12, 2007 issue of the *Texas Register*  
9 (32 TexReg 7246) and will not be republished.

10

11 EXPLANATION OF ADOPTED AMENDMENTS AND NEW SECTION

12 The adopted amendments and new section are necessary to  
13 implement the provisions of House Bills 481, 1260, 2931, and  
14 3437 of the 80<sup>th</sup> Legislature, Regular Session, 2007; update  
15 statutory references; clarify existing information; and remove  
16 unnecessary language.

17

18 House Bill 481 amended Transportation Code, Chapter 520 to  
19 expand the methods by which a vehicle transfer notification may  
20 be submitted to the department by providing for electronic  
21 submission through the department's internet website. Written  
22 notification may also be submitted to the department by mail or  
23 in person at one of the department's regional offices.

24

25 House Bill 1260 added Government Code, §431.039 to create a

1 title transfer fee exemption for certain military personnel that  
2 have been deployed to hostile fire zones.

3  
4 House Bill 2931 added Property Code, Chapter 70, Subchapter F to  
5 create a method by which a landowner may obtain and perfect a  
6 lien against a motor vehicle that has damaged the landowners'  
7 fence.

8  
9 House Bill 3437 allowed counties that meet certain criteria to  
10 impose an additional fee of up to \$10 to fund transportation  
11 projects within the county. At present, Hidalgo and Cameron  
12 counties are the only counties that meet the criteria.

13  
14 The amendments correct the existing rules to ensure they are  
15 consistent with all the statutory changes. In addition,  
16 clarification of current policy has been added, nonsubstantive  
17 corrections in statutory citations have been made, and  
18 unnecessary language has been removed.

19  
20 Amendments to §17.3(a)(3) reformat the language to explain that  
21 Transportation Code, §501.036 provides for optional titling of  
22 farm semitrailers.

23  
24 Amendments to §17.3(a)(4) make the language consistent with the  
25 definition of "motor vehicle" found in Transportation Code,

1 §501.002(14) and §17.3(a)(4)(C)(i) adds "manufactured home or"  
2 to make the language consistent with the terms used in  
3 Occupations Code, Chapter 1201. New clause (iv) of  
4 §17.3(a)(4)(C) is added to explain the existing requirements for  
5 title and registration of a park model type trailer. The  
6 existing requirements are necessary due to federal regulations.

7  
8 The amendment to §17.3(b)(2)(I) deletes language that is no  
9 longer necessary. The department's registration and title  
10 system has been implemented statewide and all counties have  
11 implemented the automated registration and title system.

12  
13 As required by House Bill 1260, amendments to §17.3(d),  
14 Certificate of Title Issuance, reformat the language to add a  
15 new subsection (1) providing an exemption from the payment of  
16 title application fees for certain military personnel that are  
17 being deployed. Subsequent subsections are renumbered  
18 accordingly.

19  
20 Amendments to §17.3(e), Replacement of certificate of title,  
21 more clearly explain the existing fees for obtaining a certified  
22 copy of a certificate of title.

23  
24 Amendments to §17.3(f), Department notification of second hand  
25 vehicle transfers, provides a specific statutory citation,

1 broadens how transfer notifications may be submitted as required  
2 by House Bill 481, and eliminates unnecessary language by  
3 deleting paragraphs (1) and (3) because they provided no  
4 additional information to that outlined in the statute.  
5 Subsequent paragraphs are renumbered accordingly.

6  
7 New §17.8, Landowner's Lien, is added to comply with the  
8 requirements of House Bill 2931. The new section provides the  
9 requirements for recording and discharging a landowner's lien on  
10 a motor vehicle for payment of damages to the landowner's fence.  
11 Section 17.8 requires that the application for a certificate of  
12 title be accompanied by an original or certified copy of the  
13 court order so that the department can validate the lien. This  
14 section uses the release of lien procedure established under  
15 §17.3(h).

16  
17 Subsection 17.23(b)(2)(C)(ii) exempts applicants for an annual  
18 permit from the payment of the optional county fee for  
19 transportation projects provided for in the Transportation Code,  
20 §502.1725, as required by House Bill 3437.

21  
22 COMMENTS

23 No comments on the proposed amendments and new section were  
24 received.

25

1 STATUTORY AUTHORITY

2 The amendments and new section are adopted under Transportation  
3 Code, §201.101, which provides the Texas Transportation  
4 Commission with the authority to establish rules for the conduct  
5 of the work of the department, and more specifically,  
6 Transportation Code, §501.131, which allows the department to  
7 adopt rules to administer Chapter 501, regarding titling of  
8 motor vehicles, and Transportation Code, §502.0021, which  
9 authorizes the department to adopt rules governing the issuance  
10 of motor vehicle registration.

11

12 CROSS REFERENCE TO STATUTE

13 Transportation Code, §502.1725, and §520.023, Government Code,  
14 §431.039, and Property Code, Chapter 70, Subchapter F.

1 SUBCHAPTER A. MOTOR VEHICLE CERTIFICATES OF TITLE

2 §17.3. Motor Vehicle Certificates of Title.

3 (a) Certificates of title. Unless otherwise exempted by  
4 law or this chapter, the owner of any motor vehicle that is  
5 required to be registered in accordance with Transportation  
6 Code, Chapter 502, shall apply for a Texas certificate of title  
7 in accordance with Transportation Code, Chapter 501.

8 (1) Motorcycles, motor-driven cycles, and mopeds.

9 (A) The title requirements of a motorcycle are the same  
10 requirements prescribed for any motor vehicle.

11 (B) A motorcycle, motor-driven cycle, or moped designed  
12 for or used exclusively on golf courses is not classified as a  
13 motor vehicle and, therefore, title cannot be issued until the  
14 unit is registered.

15 (C) A vehicle that meets the criteria for a moped and  
16 has been certified as a moped by the Department of Public Safety  
17 will be registered and titled as a moped. If the vehicle does  
18 not appear on the list of certified mopeds published by that  
19 agency, the vehicle will be treated as a motorcycle for title  
20 and registration purposes.

21 (D) A motor installed on a bicycle must be certified by  
22 the Department of Public Safety before the vehicle may be  
23 classified as a moped.

1 (2) Farm vehicles.

2 (A) The term motor vehicle does not apply to implements  
3 of husbandry, which may not be titled.

4 (B) Farm tractors owned by agencies exempt from  
5 registration fees in accordance with Transportation Code,  
6 §502.202, are required to be titled and registered with "Exempt"  
7 license plates issued in accordance with Transportation Code,  
8 §502.201.

9 (C) Farm tractors used as road tractors to mow rights  
10 of way or used to move commodities over the highway for hire are  
11 required to be registered and titled.

12 (D) Farm semitrailers with a gross weight of more than  
13 4,000 pounds that are registered in accordance with  
14 Transportation Code, §504.504, may be issued Texas certificates  
15 of title.

16 (3) Exemptions from title. Vehicles registered with the  
17 following distinguishing license plates may not be titled under  
18 Transportation Code, Chapter 501:

19 (A) vehicles eligible for machinery license plates and  
20 permit license plates in accordance with Transportation Code,  
21 §504.504; and

22 (B) vehicles eligible for farm trailer license plates  
23 in accordance with Transportation Code, §502.163, unless the

1 owner chooses to title a farm semitrailer as provided by  
2 Transportation Code, §501.036 [~~with the exception of farm~~  
3 ~~semitrailers with a gross weight of more than 4,000 pounds as~~  
4 ~~referenced in subsection (a)(2)(D) of this section~~].

5 (4) Trailers, semitrailers, and house trailers. Owners  
6 of trailers and semitrailers shall apply for and receive a Texas  
7 certificate of title for any stand alone (full) trailer,  
8 including homemade full trailers, [~~having an empty weight in~~  
9 ~~excess of 4,000 pounds~~] or any semitrailer having a gross weight  
10 in excess of 4,000 pounds. Farm semitrailers with a gross  
11 weight of more than 4,000 pounds that are registered in  
12 accordance with Transportation Code, §504.504, may be issued  
13 Texas certificates of title. House trailer-type vehicles must  
14 meet the criteria outlined in subparagraph (C) of this paragraph  
15 to be titled.

16 (A) In the absence of a manufacturer's rated carrying  
17 capacity for a trailer or semitrailer, the rated carrying  
18 capacity will not be less than one-third of its empty weight.

19 (B) Mobile office trailers, mobile oil field  
20 laboratories, and mobile oil field bunkhouses are not designed  
21 as dwellings, but are classified as commercial semitrailers and  
22 must be registered and titled as commercial semitrailers if  
23 operated on the public streets and highways.

1 (C) House trailer-type vehicles and camper trailers  
2 must meet the following criteria in order to be titled.

3 (i) A house trailer-type vehicle designed for living  
4 quarters and that is eight body feet or more in width or forty  
5 body feet or more in length (not including the hitch), is  
6 classified as a manufactured home or mobile home and is titled  
7 under the Texas Manufactured Housing Standards Act, Occupations  
8 Code, Chapter 1201, administered by the Texas Department of  
9 Housing and Community Affairs.

10 (ii) A house trailer-type vehicle that is less than  
11 eight feet in width and less than forty feet in length is  
12 classified as a travel trailer and shall be registered and  
13 titled.

14 (iii) A camper trailer shall be titled as a house  
15 trailer and shall be registered with travel trailer license  
16 plates.

17 (iv) A recreational park model type trailer that is  
18 primarily designed as temporary living quarters for  
19 recreational, camping or seasonal use, is built on a single  
20 chassis, and is 400 square feet or less when measured at the  
21 largest horizontal projection when in the set up mode shall be  
22 titled as a house trailer and may be issued travel trailer  
23 license plates. If the park model type trailer exceeds eight

1 feet in width or forty feet in length, the title will include a  
2 brand to indicate that an oversize permit must be obtained to  
3 move the trailer on the public roads.

4 (b) Initial application for certificate of title.

5 (1) Place of application. When motor vehicle ownership  
6 is transferred, except as provided by Transportation Code,  
7 Chapters 501 and 502 and by §17.63(a) of this chapter, a  
8 certificate of title application must be filed with the county  
9 tax assessor-collector in the county in which the applicant  
10 resides or in the county in which the motor vehicle was  
11 purchased or encumbered, as selected by the applicant.

12 (2) Information to be included on application. An  
13 applicant for an initial certificate of title must file an  
14 application on a form prescribed by the department. The form  
15 will at a minimum require the:

16 (A) motor vehicle description including, but not  
17 limited to, the motor vehicle's:

18 (i) year;

19 (ii) make;

20 (iii) model;

21 (iv) identification number;

22 (v) body style;

23 (vi) manufacturer's rated carrying capacity in tons

1 for commercial motor vehicles; and

2 (vii) empty weight;

3 (B) license plate number, if the motor vehicle is  
4 subject to registration under Transportation Code, Chapter 502;

5 (C) odometer reading and brand, or the word "exempt" if  
6 the motor vehicle is exempt from federal and state odometer  
7 disclosure requirements;

8 (D) previous owner's name and city and state of  
9 residence;

10 (E) name and complete address of the applicant;

11 (F) name and mailing address of any lienholder and the  
12 date of lien, if applicable;

13 (G) signature of the seller of the motor vehicle or the  
14 seller's authorized agent and the date the certificate of title  
15 application was signed;

16 (H) signature of the applicant or the applicant's  
17 authorized agent and the date the certificate of title  
18 application was signed; and

19 (I) applicant's social security number~~[, if the~~  
20 ~~application is filed in a county in which the department's~~  
21 ~~automated registration and title system has been implemented,]~~

22 with the following exceptions:

23 (i) an application filed in the name of an entity

1 that does not have a social security number, or

2 (ii) an individual applicant who does not have a  
3 social security number, in which case the applicant must execute  
4 a statement to that effect on a form prescribed by the  
5 department.

6 (3) Serial number. If no serial number is die-stamped by  
7 the manufacturer on a motor vehicle, house trailer, trailer,  
8 semitrailer, or item of equipment required to be titled, or if  
9 the serial number assigned and die-stamped by the manufacturer  
10 has been lost, removed, or obliterated, the department will on  
11 proper application, presentation of evidence of ownership, and  
12 presentation of evidence of a law enforcement physical  
13 inspection, assign a serial number to the motor vehicle,  
14 trailer, or equipment. The manufacturer's serial number or the  
15 assigned serial number will be used by the department as the  
16 major identification of the motor vehicle or trailer in the  
17 issuance of a certificate of title.

18 (4) Accompanying documentation. The certificate of title  
19 application must be supported by, at a minimum, the following  
20 documents:

21 (A) evidence of vehicle ownership, as described in  
22 subsection (c) of this section;

23 (B) an odometer disclosure statement properly executed

1 by the seller of the motor vehicle and acknowledged by the  
2 purchaser, if applicable;

3 (C) proof of financial responsibility in the  
4 applicant's name, as required by Transportation Code, §502.153,  
5 unless otherwise exempted by law; and

6 (D) an identification certificate if required by  
7 Transportation Code, §548.256, and Transportation Code,  
8 §501.030, and if the vehicle is being titled and registered, or  
9 registered only; and

10 (E) a release of any liens, provided that if any liens  
11 are not released, they will be carried forward on the new  
12 certificate of title application with the following limitations.

13 (i) A lien recorded on out-of-state evidence as  
14 described in subsection (c) of this section cannot be carried  
15 forward to a Texas title when there is a transfer of ownership,  
16 unless a release of lien or authorization from the lienholder is  
17 attached.

18 (ii) A lien recorded on out-of-state evidence as  
19 described in subsection (c) of this section is not required to  
20 be released when there is no transfer of ownership from an out-  
21 of-state title and the same lienholder is being recorded on the  
22 Texas application as is recorded on the out-of-state title.

23 (c) Evidence of motor vehicle ownership. Evidence of motor

1 vehicle ownership properly assigned to the applicant must  
2 accompany the certificate of title application. Evidence must  
3 include, but is not limited to, the following documents.

4 (1) New motor vehicles. A manufacturer's certificate of  
5 origin assigned by the manufacturer or the manufacturer's  
6 representative or distributor to the original purchaser is  
7 required for a new motor vehicle that is sold or offered for  
8 sale.

9 (A) The manufacturer's certificate of origin must be in  
10 the form prescribed by the division director and must contain,  
11 at a minimum, the following information:

12 (i) motor vehicle description including, but not  
13 limited to, the motor vehicle's year, make, model,  
14 identification number, body style and empty weight;

15 (ii) the manufacturer's rated carrying capacity in  
16 tons when the manufacturer's certificate of origin is invoiced  
17 to a licensed Texas motor vehicle dealer and is issued for  
18 commercial motor vehicles as that term is defined in  
19 Transportation Code, Chapter 502; and

20 (iii) a statement identifying a motor vehicle  
21 designed by the manufacturer for off-highway use only.

22 (B) When a motor vehicle manufactured in another  
23 country is sold directly to a person other than a manufacturer's

1 representative or distributor, the manufacturer's certificate of  
2 origin must be assigned to the purchaser by the seller.

3 (2) Used motor vehicles. A certificate of title issued  
4 by the department, a certificate of title issued by another  
5 state if the motor vehicle was last registered and titled in  
6 another state, or other evidence of ownership must be  
7 relinquished in support of the certificate of title application  
8 for any used motor vehicle. A letter of Title and Registration  
9 verification is required from a vehicle owner coming from a  
10 state that no longer titles vehicles after a certain period of  
11 time.

12 (3) Motor vehicles brought into the United States. An  
13 application for certificate of title for a motor vehicle last  
14 registered or titled in a foreign country must be supported by  
15 documents including, but not limited to, the following:

16 (A) the motor vehicle registration certificate or other  
17 verification issued by a foreign country reflecting the name of  
18 the applicant as the motor vehicle owner, or reflecting that  
19 legal evidence of ownership has been legally assigned to the  
20 applicant;

21 (B) verification of the vehicle identification number  
22 of the vehicle, on a form prescribed by the department, executed  
23 by a member of:

- 1 (i) the National Insurance Crime Bureau;
- 2 (ii) the Federal Bureau of Investigation; or
- 3 (iii) a law enforcement auto theft unit; and
- 4 (C) for motor vehicles that are less than 25 years old,
- 5 proof of compliance with United States Department of
- 6 Transportation (USDOT) regulations, including, but not limited
- 7 to, the following documents:
- 8 (i) the original bond release letter with all
- 9 attachments advising that the motor vehicle meets federal motor
- 10 vehicle safety requirements or a letter issued by the USDOT,
- 11 National Highway Traffic Safety Administration, verifying the
- 12 issuance of the original bond release letter;
- 13 (ii) a legible copy of the motor vehicle importation
- 14 form validated with an original United States Customs stamp,
- 15 date, and signature as filed with the USDOT confirming the
- 16 exemption from the bond release letter required in clause (i) of
- 17 this subparagraph, or a copy thereof certified by United States
- 18 Customs;
- 19 (iii) a verification of motor vehicle inspection by
- 20 United States Customs certified on its letterhead and signed by
- 21 its agent verifying that the motor vehicle complies with USDOT
- 22 regulations;
- 23 (iv) a written confirmation that a physical

1 inspection of the safety certification label has been made by  
2 the department and that the motor vehicle meets United States  
3 motor vehicle safety standards;

4 (v) the original bond release letter, verification  
5 thereof, or written confirmation from the previous state  
6 verifying that a bond release letter issued by the USDOT was  
7 relinquished to that jurisdiction, if the non United States  
8 standard motor vehicle was last titled or registered in another  
9 state for one year or less; or

10 (vi) verification from the vehicle manufacturer on  
11 its letterhead stationary.

12 (4) Alterations to documentation. An alteration to a  
13 registration receipt, certificate of title, manufacturer's  
14 certificate, or other evidence of ownership constitutes a valid  
15 reason for the rejection of any transaction to which altered  
16 evidence is attached.

17 (A) Altered lien information on any surrendered  
18 evidence of ownership requires a release from the original  
19 lienholder or a statement from the proper authority of the state  
20 in which the lien originated. The statement must verify the  
21 correct lien information.

22 (B) A strikeover that leaves any doubt about the  
23 legibility of any digit in any document will not be accepted.

1 (C) A corrected manufacturer's certificate of origin  
2 will be required if the manufacturer's certificate of origin  
3 contains an:

4 (i) incomplete or altered vehicle identification  
5 number;

6 (ii) alteration or strikeover of the vehicle's model  
7 year;

8 (iii) alteration or strikeover to the body style, or  
9 omitted body style on the manufacturer's certificate of origin;  
10 or

11 (iv) alteration or strikeover to the manufacturer's  
12 rated carrying capacity.

13 (D) A Statement of Fact may be requested to explain  
14 errors, corrections, or conditions from which doubt does or  
15 could arise concerning the legality of any instrument. A  
16 Statement of Fact will be required in all cases:

17 (i) in which the date of sale on an assignment has  
18 been erased or altered in any manner; or

19 (ii) of alteration or erasure on a Dealer's  
20 Reassignment of Title.

21 (5) Rights of survivorship. A signed "rights of  
22 survivorship" agreement may be executed by a natural person  
23 acting in an individual capacity in accordance with

1 Transportation Code, §501.031.

2 (d) Certificate of title issuance.

3 (1) Issuance. The department or its designated agent  
4 will issue a receipt and process the application for certificate  
5 of title on receipt of:

6 (A) a completed application for certificate of title;

7 (B) accompanying documentation required by subsections  
8 (b)(4) and (c) of this section;

9 (C) the statutory fee for a title application, unless  
10 exempt under:

11 (i) Transportation Code, §501.138; or

12 (ii) Government Code, §431.039 and copies of official  
13 military orders are presented as evidence of the applicant's  
14 active duty status and deployment orders to a hostile fire zone;  
15 and

16 (D) any other applicable fees [~~On receiving a completed~~  
17 ~~application for certificate of title, along with the statutory~~  
18 ~~fee for a title application and any other applicable fees, the~~  
19 ~~department or its designated agent will issue a receipt and~~  
20 ~~process the application for certificate of title].~~

21 (2) [+1] Titles. The department will issue and mail or  
22 deliver a certificate of title to the applicant or, in the event  
23 that there is a lien disclosed in the application, to the first

1 lienholder.

2           (3) [~~+2~~] Receipt. The receipt issued at the time of  
3 application for title may be used only as evidence of title and  
4 may not be used to transfer any interest or ownership in a motor  
5 vehicle or to establish a new lien.

6           (e) Replacement of certificate of title. If a certificate  
7 of title is lost or destroyed, the department will issue a  
8 certified copy of the title to the owner, the lienholder, or a  
9 verified agent of the owner or lienholder in accordance with  
10 Transportation Code, Chapter 501, on proper application and  
11 payment of the appropriate fee to the department.

12           (1) Certified copy.

13           (A) Issuance. An application for a certified copy must  
14 be properly executed and supported by appropriate verifiable  
15 proof for the vehicle owner, lienholder, or agent regardless of  
16 whether the application is submitted in person or by mail.

17           (i) If the applicant requests that a certified copy  
18 be issued before the fourth business day following application,  
19 the application must be made in person.

20           (ii) An applicant other than the vehicle owner,  
21 lienholder, or verified agent must apply for a certified copy of  
22 a certificate of title by mail.

23           (B) Denial. If issuance of a certified copy is denied,

1 the applicant may resubmit the request with the required  
2 verifiable proof or may pursue the privileges available in  
3 subsection (g)(2)(A) and (B) of this section.

4 (2) Certified copy designation. A certified copy of an  
5 existing certificate of title will be marked "Certified Copy"  
6 until ownership of the vehicle is transferred, when the words  
7 "Certified Copy" will be eliminated from the new certificate of  
8 title.

9 (3) Fees. The fee for obtaining a certified copy of a  
10 certificate of title is \$2.00 if the application is submitted to  
11 the department by mail [~~processed at the department's~~  
12 ~~headquarters office~~] and \$5.45 if the application is submitted  
13 in person for expedited processing [~~processed~~] at one of the  
14 department's regional offices.

15 (f) Department notification of second hand vehicle  
16 transfers. A transferor of a motor vehicle may voluntarily make  
17 written notification to the department of the sale of the  
18 vehicle, in accordance with Transportation Code, §520.023  
19 [~~Chapter 520, Subchapter C, and this subsection~~]. The written  
20 notification may be submitted to the department by mail, in  
21 person at one of the department's regional offices, or  
22 electronically through the department's Internet website.

23 [~~(1) Notification form. The department will provide a~~

1 ~~form for written notice of transfer. The form will include~~  
2 ~~the:~~]

3 [~~(A) vehicle identification number of the vehicle;~~]

4 [~~(B) license plate number issued to the vehicle, if~~  
5 ~~any;~~]

6 [~~(C) full name and address of the transferor;~~]

7 [~~(D) full name and address of the transferee;~~]

8 [~~(E) date the transferor delivered possession of the~~  
9 ~~vehicle to the transferee;~~]

10 [~~(F) signature of the transferor; and]~~

11 [~~(G) date the transferor signed the form.]~~

12 (1) [~~(2)~~] Records. On receipt of written notice of  
13 transfer from the transferor of a motor vehicle, the department  
14 will mark its records to indicate the date of transfer and will  
15 maintain a record of the information provided on the written  
16 notice of transfer.

17 [~~(3) Ownership of transferred vehicle. After the date of~~  
18 ~~the transfer of the vehicle as shown in the department records,~~  
19 ~~the transferee of the vehicle is rebuttably presumed to be:]~~

20 [~~(A) the owner of the vehicle; and]~~

21 [~~(B) subject to civil and criminal liability arising~~  
22 ~~out of the use, operation, or abandonment of the vehicle, to the~~  
23 ~~extent that ownership of the vehicle subjects the owner of the~~

1 ~~vehicle to criminal or civil liability under another provision~~  
2 ~~of the law.]~~

3 (2) [~~4~~] Certificate of title issuance. A certificate  
4 of title will not be issued in the name of a transferee until  
5 the transferee files an application for the certificate of title  
6 as described in this section.

7 (g) Suspension, revocation, or refusal to issue  
8 Certificates of Title.

9 (1) Grounds for title suspension, revocation, or refusal  
10 to issue. The department will refuse issuance of a certificate  
11 of title, or having issued a certificate of title, will suspend  
12 or revoke the certificate of title if the:

13 (A) application contains any false or fraudulent  
14 statement;

15 (B) applicant has failed to furnish required  
16 information requested by the department;

17 (C) applicant is not entitled to the issuance of a  
18 certificate of title under Transportation Code, Chapter 501;

19 (D) department has reasonable grounds to believe that  
20 the vehicle is a stolen or converted vehicle or that the  
21 issuance of a certificate of title would constitute a fraud  
22 against the rightful owner or a lienholder;

23 (E) registration of the vehicle stands suspended or

1 revoked; or

2 (F) required fee has not been paid.

3 (2) Contested case procedure. Any person who has an  
4 interest in a motor vehicle to which the department has refused  
5 to issue a certificate of title or has suspended or revoked the  
6 certificate of title may contest the department's decision in  
7 accordance with Transportation Code, §501.052 and §501.053, in  
8 the following manner.

9 (A) Hearing. Any person who has an interest in a motor  
10 vehicle to which the department has refused to issue a  
11 certificate of title or has suspended or revoked the certificate  
12 of title may apply for a hearing to the designated agent of the  
13 county in which the applicant resides. At the hearing the  
14 applicant and the department may submit evidence, and a ruling  
15 of the designated agent will bind both parties. An applicant  
16 wishing to appeal the ruling of the designated agent may do so  
17 to the County Court of the county in which the applicant  
18 resides.

19 (B) Alternative to hearing. In lieu of a hearing, any  
20 person who has an interest in a motor vehicle to which the  
21 department has refused to issue a certificate of title or has  
22 suspended or revoked a certificate of title may file a bond with  
23 the department, in an amount equal to one and one-half times the

1 value of the vehicle as determined by the department, and in a  
2 form prescribed by the department. On the filing of the bond,  
3 the department may issue a certificate of title. The bond shall  
4 expire three years after the date it becomes effective and will  
5 be returned to the person posting bond, on expiration, unless  
6 the department has been notified of the pendency of an action to  
7 recover on the bond.

8 (h) Discharge of lien. A lienholder shall provide the  
9 owner, or the owner's designee, a discharge of the lien after  
10 receipt of the final payment within the time limits specified in  
11 Transportation Code, Chapter 501. The lienholder shall submit  
12 one of the following documents:

13 (1) the certificate of title including an authorized  
14 signature in the space reserved for release of lien;

15 (2) a release of lien form prescribed by the department,  
16 with the form filled out to include the:

17 (A) certificate of title or document number, or a  
18 description of the motor vehicle including, but not limited to,  
19 the motor vehicle's:

20 (i) year;

21 (ii) make;

22 (iii) vehicle identification number; and

23 (iv) license plate number, if the motor vehicle is

1 subject to registration under Transportation Code, Chapter 502;

2 (B) printed name of lienholder;

3 (C) signature of lienholder or an authorized agent;

4 (D) printed name of the authorized agent if the agent's  
5 signature is shown;

6 (E) telephone number of lienholder; and

7 (F) date signed by the lienholder;

8 (3) signed and dated correspondence submitted on company  
9 letterhead that includes:

10 (A) a statement that the lien has been paid;

11 (B) a description of the vehicle as indicated in  
12 paragraph (2)(A) of this subsection;

13 (C) a certificate of title or document number; or

14 (D) lien information;

15 (4) any out-of-state prescribed release of lien form,  
16 including an executed release on a lien entry form;

17 (5) out-of-state evidence with the word "Paid" or "Lien  
18 Satisfied" stamped or written in longhand on the face, followed  
19 by the name of the lienholder, countersigned or initialed by an  
20 agent, and dated; or

21 (6) original security agreements or copies of the  
22 original security agreements if the originals or copies are  
23 stamped "Paid" or "Lien Satisfied" with a company paid stamp or

1 if they contain a statement in longhand that the lien has been  
2 paid followed by the company's name.

3

4 §17.8. Landowner's Lien.

5 (a) Filing of lien. Pursuant to Property Code, Chapter 70,  
6 Subchapter F, a landowner may file a lien against the motor  
7 vehicle of a person who damages the landowner's fence with the  
8 motor vehicle upon issuance of a court ordered judgment.

9 (b) Perfection. The landowner's lien must be perfected in  
10 accordance with Transportation Code, Chapter 501, Subchapter F.  
11 The applicant must file an application for certificate of title  
12 through a county tax assessor-collector on a form prescribed by  
13 the department. The application must be accompanied by an  
14 original or certified copy of the court order and the statutory  
15 fee for a title application.

16 (c) Release of Lien. Upon receipt of the final payment,  
17 the landowner must provide the vehicle owner with a discharge of  
18 lien in accordance with §17.3(h) of this chapter.

1 SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

2 §17.23. Temporary Registration Permits.

3 (a) Purpose and scope. Transportation Code, Chapter 502,  
4 Subchapter G, charges the department with the responsibility of  
5 issuing temporary registration permits which shall be recognized  
6 as legal registration for the movement of motor vehicles not  
7 authorized to travel on Texas public highways for lack of  
8 registration or for lack of reciprocity with the state or  
9 country in which the vehicles are registered. In order for the  
10 department to efficiently and effectively perform these duties,  
11 this section prescribes the policies and procedures for the  
12 application and the issuance of temporary registration permits.

13 (b) Permit categories. The department will issue the  
14 following categories of temporary registration permits.

15 (1) Additional weight permits. The owner of a truck,  
16 truck tractor, trailer, or semitrailer may purchase temporary  
17 additional weight permits for the purpose of transporting the  
18 owner's own seasonal agricultural products to market or other  
19 points for sale or processing in accordance with Transportation  
20 Code, §502.351. In addition, such vehicles may be used for the  
21 transportation without charge of seasonal laborers from their  
22 place of residence, and materials, tools, equipment, and  
23 supplies from the place of purchase or storage, to a farm or

1 ranch exclusively for use on such farm or ranch.

2 (A) Additional weight permits are valid for a limited  
3 period of less than one year.

4 (B) An additional weight permit will not be issued for  
5 a period of less than one month or extend beyond the expiration  
6 of a license plate issued under Transportation Code, Chapter  
7 502.

8 (C) The statutory fee for an additional weight permit  
9 is based on a percentage of the difference between the owner's  
10 regular annual registration fee and the annual fee for the  
11 desired tonnage computed as follows:

12 (i) one-month (or 30 consecutive days)--10%

13 (ii) one-quarter (three consecutive months)--30%

14 (iii) two-quarters (six consecutive months)--60%

15 (iv) three-quarters (nine consecutive months)--90%

16 (D) Additional weight permits are issued for calendar  
17 quarters with the first quarter to begin on April 1st of each  
18 year.

19 (E) A permit will not be issued unless the registration  
20 fee for hauling the larger tonnage has been paid prior to the  
21 actual hauling.

22 (F) Additional weight permits may not be issued to farm  
23 licensed trailers or semitrailers.

1 (2) Annual permits.

2 (A) Transportation Code, §502.353, authorizes the  
3 department to issue annual permits to provide for the movement  
4 of foreign commercial vehicles that are not authorized to travel  
5 on Texas highways for lack of registration or for lack of  
6 reciprocity with the state or country in which the vehicles are  
7 registered. The department will issue annual permits:

8 (i) for a 12-month period designated by the  
9 department which begins on the first day of a calendar month and  
10 expires on the last day of the last calendar month in that  
11 annual registration period; and

12 (ii) to each vehicle or combination of vehicles for  
13 the registration fee prescribed by weight classification in  
14 Transportation Code, §502.162 and §502.167.

15 (B) The department will not issue annual permits for  
16 the importation of citrus fruit into Texas from a foreign  
17 country except for foreign export or processing for foreign  
18 export.

19 (C) The following exemptions apply to vehicles  
20 displaying annual permits.

21 (i) Registered foreign semitrailers having gross  
22 weights in excess of 6,000 pounds used or to be used in  
23 combination with truck tractors or commercial motor vehicles

1 with manufacturer's rated carrying capacities in excess of one  
2 ton are exempted from the requirement to pay the token fee and  
3 display the associated distinguishing license plate provided for  
4 in Transportation Code, §502.167. An annual permit is required  
5 for the power unit only.

6 (ii) Vehicles registered with annual permits are not  
7 subject to the optional county registration fee under  
8 Transportation Code, §502.172, the optional county fee for  
9 transportation projects under Transportation Code, §502.1725 or  
10 the optional registration fee for child safety under  
11 Transportation Code, §502.173.

12 (3) 72-hour permits and 144-hour permits.

13 (A) In accordance with Transportation Code, §502.352,  
14 as amended, the department will issue a permit valid for 72  
15 hours or 144 hours for the movement of commercial motor  
16 vehicles, trailers, semitrailers, and motor buses owned by  
17 residents of the United States, Mexico, or Canada.

18 (B) A 72-hour permit or a 144-hour permit is valid for  
19 the period of time stated on the permit beginning with the  
20 effective day and time as shown on the permit registration  
21 receipt.

22 (C) Vehicles displaying 72-hour permits or 144-hour  
23 permits are subject to vehicle safety inspection in accordance

1 with Transportation Code, §548.051, except for:

2 (i) vehicles currently registered in another state of  
3 the United States, Mexico, or Canada; and

4 (ii) mobile drilling and servicing equipment used in  
5 the production of gas, crude petroleum, or oil, including, but  
6 not limited to, mobile cranes and hoisting equipment, mobile  
7 lift equipment, forklifts, and tugs.

8 (D) The department will not issue a 72-hour permit or a  
9 144-hour permit to a commercial motor vehicle, trailer,  
10 semitrailer, or motor bus apprehended for violation of Texas  
11 registration laws. Apprehended vehicles must be registered  
12 under Transportation Code, Chapter 502.

13 (4) Temporary agricultural permits.

14 (A) Transportation Code, §502.355, authorizes the  
15 department to issue a 30-day temporary nonresident registration  
16 permit to a nonresident for any truck, truck tractor, trailer,  
17 or semitrailer to be used in the movement of all agriculture  
18 products produced in Texas:

19 (i) from the place of production to market, storage,  
20 or railhead not more than 75 miles distant from the place of  
21 production; or

22 (ii) to be used in the movement of machinery used to  
23 harvest Texas-produced agricultural products.

1 (B) The department will issue a 30-day temporary  
2 nonresident registration permit to a nonresident for any truck,  
3 truck tractor, trailer, or semitrailer used to move or harvest  
4 farm products, produced outside of Texas, but:

5 (i) marketed or processed in Texas; or

6 (ii) moved to points in Texas for shipment from the  
7 point of entry into Texas to market, storage, processing plant,  
8 railhead or seaport not more than 80 miles distant from such  
9 point of entry into Texas.

10 (C) The statutory fee for temporary agricultural  
11 permits is one-twelfth of the annual Texas registration fee  
12 prescribed for the vehicle for which the permit is issued.

13 (D) The department will issue a temporary agricultural  
14 permit only when the vehicle is legally registered in the  
15 nonresident's home state or country for the current registration  
16 year.

17 (E) The number of temporary agricultural permits is  
18 limited to three permits per nonresident owner during any one  
19 vehicle registration year.

20 (F) Temporary agricultural permits may not be issued to  
21 farm licensed trailers or semi-trailers.

22 (5) One-trip permits. Transportation Code, §502.354,  
23 authorizes the department to temporarily register any unladen

1 vehicle upon application to provide for the movement of the  
2 vehicle for one trip, when the vehicle is subject to Texas  
3 registration and not authorized to travel on the public roadways  
4 for lack of registration or lack of registration reciprocity.

5 (A) Upon receipt of the \$5.00 fee, registration will be  
6 valid for one trip only between the points of origin and  
7 destination and intermediate points as may be set forth in the  
8 application and registration receipt.

9 (B) The department will issue a one-trip permit to a  
10 bus which is not covered by a reciprocity agreement with the  
11 state or country in which it is registered to allow for the  
12 transit of the vehicle only. The vehicle should not be used for  
13 the transportation of any passenger or property, for  
14 compensation or otherwise, unless such bus is operating under  
15 charter from another state or country.

16 (C) A one-trip permit is valid for a period up to 15  
17 days from the effective date of registration.

18 (D) A one-trip permit may not be issued for a trip  
19 which both originates and terminates outside Texas.

20 (E) A laden motor vehicle or a laden commercial vehicle  
21 cannot display a one-trip permit. If the vehicle is  
22 unregistered, it must operate with a 72-hour or 144-hour permit.

23 (6) 30-day temporary registration permits.

1 Transportation Code, §502.354, authorizes the department to  
2 issue a temporary registration permit valid for 30 days for a  
3 \$25 fee. A vehicle operated on a 30-day temporary permit is not  
4 restricted to a specific route. The permit is available for:

5 (A) passenger vehicles;

6 (B) motorcycles;

7 (C) private buses;

8 (D) trailers and semitrailers with a gross weight not  
9 exceeding 10,000 pounds;

10 (E) light commercial vehicles not exceeding a  
11 manufacturer's rated carrying capacity of one ton; and

12 (F) a commercial vehicle exceeding one ton, provided  
13 the vehicle is operated unladen.

14 (c) Application process.

15 (1) Procedure. An owner who wishes to apply for a  
16 temporary registration permit for a vehicle which is otherwise  
17 required to be registered in accordance with §17.22 of this  
18 title (relating to Motor Vehicle Registration), must do so on a  
19 form prescribed by the director.

20 (2) Form requirements. The application form will at a  
21 minimum require:

22 (A) the signature of the owner;

23 (B) the name and complete address of the applicant; and

1 (C) the vehicle description.

2 (3) Fees and documentation. The application must be  
3 accompanied by:

4 (A) statutorily prescribed fees;

5 (B) evidence of financial responsibility:

6 (i) as required by Transportation Code, Chapter 502,  
7 Subchapter G, provided that all policies written for the  
8 operation of motor vehicles must be issued by an insurance  
9 company or surety company authorized to write motor vehicle  
10 liability insurance in Texas; or

11 (ii) if the applicant is a motor carrier as defined  
12 by §18.2 of this title (relating to Definitions), indicating  
13 that the vehicle is registered in compliance with Chapter 18,  
14 Subchapter B of this title; and

15 (C) any other documents or fees required by law.

16 (4) Place of application.

17 (A) All applications for annual permits must be  
18 submitted directly to the department for processing and  
19 issuance.

20 (B) Additional weight permits and temporary  
21 agricultural permits may be obtained by making application with  
22 the department through the county tax assessor-collectors'  
23 offices.

1 (C) 72-hour and 144-hour permits, one-trip permits, and  
2 30-day temporary registration permits may be obtained by making  
3 application either with the department or the county tax  
4 assessor-collectors' offices.

5 (d) Display of registration insignia. The department will  
6 issue a specially designed cardboard tag or windshield  
7 validation sticker, upon receipt of a complete application for a  
8 permit.

9 (1) Cardboard tags shall be displayed in a manner that is  
10 clearly visible and legible when viewed from outside of the  
11 vehicle. The tag shall be attached to or displayed in the  
12 vehicle to allow ready inspection.

13 (2) Windshield validation stickers shall be displayed on  
14 the inside of the front windshield in the lower left corner.

15 (3) A receipt will be issued for each registration  
16 insignia as evidence of registration to be carried in the  
17 vehicle during the time the permit is valid. If the receipt is  
18 lost or destroyed, the owner must obtain a duplicate from the  
19 department or from the county office who issued the original  
20 receipt. The fee for the duplicate receipt is the same as the  
21 fee required by Transportation Code, §502.179.

22 (e) Transfer of temporary registration permits.

23 (1) Temporary registration permits are non-transferable

1 between vehicles and/or owners.

2 (2) If the owner of a vehicle displaying a temporary  
3 registration permit disposes of the vehicle during the time the  
4 permit is valid, the permit must be returned to the department  
5 immediately.

6 (f) Replacement permits. Vehicle owners displaying annual  
7 permits may obtain replacement permits if an annual permit is  
8 lost, stolen, or mutilated.

9 (1) The fee for a replacement annual permit is the same  
10 as for a replacement number plate, symbol, tab, or other device  
11 as provided by Transportation Code, §502.184, as amended.

12 (2) The owner shall apply directly to the department in  
13 writing for the issuance of a replacement annual permit. Such  
14 request should include a copy of the registration receipt and  
15 replacement fee.

16 (g) Agreements with other jurisdictions. In accordance  
17 with Transportation Code, §502.054 and Chapter 648, the  
18 executive director of the department may enter into a written  
19 agreement with an authorized officer of a state, province,  
20 territory, or possession of a foreign country to provide for the  
21 exemption from payment of registration fees by nonresidents if  
22 residents of this state are granted reciprocal exemptions. The  
23 executive director may enter into such agreement only upon:

1 (1) the approval of the governor; and

2 (2) making a determination that the economic benefits to  
3 the state outweigh all other factors considered.

4 (h) Exemptions. A foreign commercial vehicle operating in  
5 accordance with Transportation Code, Chapter 648 is exempt from  
6 the display of a temporary registration permit if:

7 (1) the vehicle is engaged solely in the transportation  
8 of cargo across the border into or from a border commercial  
9 zone;

10 (2) for each load of cargo transported the vehicle  
11 remains in this state for:

12 (A) not more than 24 hours; or

13 (B) not more than 48 hours, if:

14 (i) the vehicle is unable to leave this state within  
15 24 hours because of circumstances beyond the control of the  
16 motor carrier operating the vehicle; and

17 (ii) all financial responsibility requirements  
18 applying to this vehicle are satisfied;

19 (C) the vehicle is registered and licensed as required  
20 by the law of another state or country as evidenced by a valid  
21 metal license plate attached to the front or rear exterior of  
22 the vehicle; and

23 (D) the country in which the person who owns or

- 1 controls the vehicle is domiciled or is a citizen, provides a
- 2 reciprocal exemption for commercial motor vehicles owned or
- 3 controlled by residents of Texas.