

Licensure & Plate Requirements for Drive-a-Way Operators

Effective June 2024

Under TEX. TRANSP. CODE Sec. 503.001, "Drive-a-way operator" means a person who transports and delivers a vehicle in Texas from the manufacturer or another point of origin to a location in Texas using the vehicle's own power or using the full-mount method, the saddle-mount method, the tow-bar method, or a combination of those methods. A person (including a business entity) may not engage in business as a drive-a-way operator without a drive-a-way in-transit license.

Under TEX. TRANSP. CODE Sec. 503.069(b), a drive-a-way operator who has been issued a drive-a-way in-transit license shall display the operator's in-transit license plates on each transported motor vehicle from the vehicle's point of origin to its point of destination in Texas in accordance with the laws relating to the operation of a vehicle on a public highway.

43 TEX. ADMIN. CODE § 215.134 – Requirements for a Drive-a-way Operator In-Transit License

(a) No drive-a-way operator may engage in business in Texas unless that person has a currently valid drive-a-way operator in-transit license issued by the department.

(b) A drive-a-way operator in-transit application must be on a form prescribed by the department and properly completed by the applicant as required under §215.83 of this title (relating to License Applications, Amendments, or Renewals). A drive-a-way operator in-transit application must include all required information, required supporting documents, and required fees, and must be submitted to the department electronically in the licensing system designated by the department.

(c) A drive-a-way operator in-transit license holder renewing or amending its license must verify current license information, provide related information and documents for any new requirements or changes to the license, and pay required fees.

(d) An applicant for a new license must register for an account in the department-designated licensing system by selecting the licensing system icon on the dealer page of the department website. An applicant must designate the account administrator and provide the name and email address for that person, and provide the business telephone number, name, business type, and social security number or employer identification number, as applicable. The applicant's licensing account administrator must be an owner, officer, manager, or bona fide employee.

(e) Once registered, an applicant may apply for a new license and must provide the following:

(1) Required information:

(A) type of license requested;

(B) business information, including the name, physical and mailing addresses, telephone number, Secretary of State file number (as applicable), and website address, as applicable;

(C) contact name, email address, and telephone number of the person submitting the application;

(D) contact name, email address, and telephone number of a person who can provide information about business operations and the motor vehicle services offered;

(E) the name, social security number, date of birth, identity document information, and ownership percentage for each owner, partner, member, beneficiary, or principal if the applicant is not a publicly traded company;

(F) the name, social security number, date of birth, and identity document information for each officer, director, manager, trustee, or other representative authorized to act on behalf of the applicant if the applicant is owned in full or in part by a legal entity;

- (G) the name, employer identification number, ownership percentage, and non-profit or publicly traded status for each legal entity that owns the applicant in full or in part;
- (H) criminal history record information under the laws of Texas, another state in the United States, the United States, and any foreign jurisdiction for each person listed in the application, including offense description, date, and location;
- (I) military service status;
- (J) licensing history required to evaluate fitness for licensure under §215.89 of this title (relating to Fitness);
- (K) signed Certification of Responsibility, which is a form provided by the department; and
- (L) any other information required by the department to evaluate the application under current law and board rules.

(2) A legible and accurate electronic image of each applicable required document:

- (A) the certificate of filing, certificate of incorporation, or certificate of registration on file with the Secretary of State, as applicable;
- (B) each assumed name certificate on file with the Secretary of State or county clerk;
- (C) one of the following unexpired identity documents for each natural person listed in the application:
 - (i) driver license;
 - (ii) Texas Identification Card issued by the Texas Department of Public Safety under Transportation Code, Chapter 521, Subchapter E;
 - (iii) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;
 - (iv) passport; or
 - (v) United States military identification card;
- (D) a list of manufacturers, distributors, dealers, or auctions for which the applicant provides drive-a-way services;
- (E) a description of the business model or business process, transportation methods, compensation agreements, products, and services used or offered sufficient to allow department to determine if the license type applied for is appropriate under Texas law; and
- (F) any other documents required by the department to evaluate the application under current law and board rules.

(3) Required fees:

- (A) the license fee as prescribed by law; and
- (B) the fee, including any taxes, for each drive-a-way in-transit standard license plate requested by the applicant as prescribed by law.

(f) An applicant for a drive-a-way operator in-transit license must also comply with fingerprint requirements in §211.6 of this title (relating to Fingerprint Requirements for Designated License Types).

(g) An applicant operating under a name other than the applicant's business name shall use the name under which the applicant is authorized to do business, as filed with the Secretary of State or county clerk, and the assumed name of such legal entity shall be recorded by the applicant on the application using the letters "DBA." The applicant may not use a name or assumed name that may be confused with or is similar to that of a governmental entity or that is otherwise deceptive or misleading to the public.

43 TEX. ADMIN. CODE § 215.143 – Drive-a-way Operator In-Transit License Plates

- (a) A drive-a-way operator may apply for a drive-a-way in-transit standard license plate:
- (1) when applying for a new or renewal in-transit license, or
 - (2) by submitting a plate request application electronically in the system designated by the department.
- (b) A drive-a-way operator must display an in-transit license plate in the rear of each transported motor vehicle from the vehicle's point of origin to its point of destination in Texas in accordance with §217.27 of this title (relating to Vehicle Registration Insignia).
- (c) A drive-a-way operator shall maintain a record of each license plate issued to the operator by the department. The record of each license plate issued must contain:
- (1) the license plate number;
 - (2) the year and make of the vehicle to which the license plate is affixed;
 - (3) the VIN of the vehicle; and
 - (4) the name of the person in control of the vehicle.
- (d) If a drive-a-way operator cannot account for a license plate or a license plate is damaged, the operator must:
- (1) document the license plate as "void" in the operator's plate record;
 - (2) within three days of discovering that the license plate is missing or damaged, report the license plate as lost, stolen, or damaged in the electronic system designated by the department; and
 - (3) if found once reported, cease use of the license plate.
- (e) A license plate is no longer valid for use after the drive-a-way operator reports to the department that the plate is lost, stolen, or damaged. A drive-a-way operator must render a void plate unusable by permanently marking the front of the plate with the word "VOID" or a large "X" and once marked, may destroy or recycle the license plate, or return the license plate to the department for recycling within 10 days.
- (f) The drive-a-way operator's license plate record must be available for inspection and copying by the department during normal business hours or be available to submit electronically to the department upon request.
- (g) In evaluating requests for additional license plates, the department will consider the business justification provided by a drive-a-way operator including the following:
- (1) the number of vehicles currently being transported to a location in Texas;
 - (2) the highest number of motor vehicles transported in the prior 12 months;
 - (3) the size and type of business; and
 - (4) the operator's record of tracking and reporting missing or damaged plates to the department.
- (h) If a drive-a-way operator closes the associated license or the associated license is revoked or canceled by the department, the operator must return a license plate to the department within 10 days.