



Texas Department *of* Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.



Motor Vehicle Industry Regulation Advisory Committee Meeting

9:00 a.m.

Thursday, September 9, 2021

AGENDA
MOTOR VEHICLE INDUSTRY REGULATION ADVISORY COMMITTEE MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
OPEN MEETING VIA
TELEPHONE CONFERENCE CALL*
PURSUANT TO GOVERNMENT CODE §551.125
THURSDAY, SEPTEMBER 9, 2021
9:00 A.M.

THIS MEETING WILL BE HELD REMOTELY VIA TELEPHONE CONFERENCE CALL*

THE PUBLIC PHYSICAL LOCATION FOR PUBLIC TO LISTEN TO THE MEETING:

Texas Department of Motor Vehicles
4000 Jackson Ave., Building 1, Lone Star Room
Austin, Texas 78731

Teleconference Instructions:

Phone number for accessing the meeting via phone:

United States Toll Free: 1-(844)-740-1264

Event number/Access code: 2468 270 5171

Event password: 090921

Link to September 9, 2021, TxDMV Motor Vehicle Industry Regulation Advisory Committee Meeting Documents: <https://www.txdmv.gov/about-us/txdmv-board-meetings>

*The public can listen to the meeting via the toll-free number listed above. If you have any technical questions about accessing the meeting, please send an email to Board.Tech.Help@txdmv.gov.

All agenda items are subject to possible discussion, questions, consideration, and action by the Motor Vehicle Industry Regulation Advisory Committee of the Texas Department of Motor Vehicles (Advisory Committee). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of consideration by the Advisory Committee. A quorum of the Board of the Texas Department of Motor Vehicles (board) may be present at this meeting for information-gathering purposes and discussion. However, board members will not vote on any Advisory Committee agenda items, nor will any board action be taken.

1. CALL TO ORDER

A. Roll Call and Establishment of Quorum

- B. Welcoming Remarks and Introduction of Advisory Committee Members - Whitney Brewster

2. DISCUSSION, BRIEFING, AND ACTION ITEMS

- A. Purpose, General Information, and Scope of the Advisory Committee - TxDMV Office of General Counsel (BRIEFING ONLY)
- B. Nominations and Selection of Advisory Committee Presiding Officer - TxDMV Office of General Counsel (ACTION ITEM)
- C. Nominations and Selection of First Vice Chair to Act as the Presiding Officer When the Presiding Officer is Not Available and to Make Presentations to the Board - Presiding Officer (ACTION ITEM)
- D. Nominations and Selection of Second Vice Chair to Act as the Presiding Officer When the Presiding Officer and the First Vice Chair Are Not Available and to Gather and Organize Presentations to the Board - Presiding Officer (ACTION ITEM)
- E. Recommendations of Advisory Committee for Presentation to the Board - TxDMV Office of General Counsel and Presiding Officer (BRIEFING AND DISCUSSION)
- F. Implementation Plan for Advisory Committee Recommendations Regarding House Bill 3927 - TxDMV Staff
 - i. [Overview and History of Temporary Tags](#) - TxDMV Vehicle Titles and Registration Division (BRIEFING AND DISCUSSION)
 - ii. [Implementation of House Bill 3927; Tag Denial and Maximum Tag Limits](#) - TxDMV Enforcement Division and TxDMV Motor Vehicle Division (BRIEFING AND DISCUSSION)

3. PUBLIC COMMENT

4. ADJOURNMENT

The Advisory Committee will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Advisory Committee. No action will be taken on matters that are not otherwise part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Advisory Committee members may respond in accordance with Government Code Section 551.042 and consider referring the matter to the board.

If you want to comment on any agenda item (including an open comment under Item #3), you must send an email to GCO_General@txdmv.gov with one of the following prior to the agenda item being taken up by the Advisory Committee:

1. a completed registration form (available on the TxDMV webpage for the Board and other public meetings: <https://www.txdmv.gov/about-us/txdmv-board-meetings>); or
2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name;
 - c. your address (optional), including your city, state, and zip code; and
 - d. who you are representing.

You must wait for the presiding officer to call on you before you verbally make your comment. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker.

Agenda items may be presented by the named presenters or other Advisory Committee members.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact David Richards by telephone at (512) 465-1423.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Tracey Beaver, General Counsel, (512) 465-5665.

AN ACT

relating to certain temporary motor vehicle tags.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 503.0626(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop, manage, and maintain a secure, real-time database of information on vehicles to which dealers and converters have affixed temporary tags. [~~The database shall be managed by the vehicle titles and registration division of the department.~~]

(c) Before a dealer's or converter's temporary tag may be displayed on a vehicle, the dealer or converter must enter into the database through the Internet information on the vehicle and information about the dealer or converter as prescribed by the department. Except as provided by Section 506.0632(f), the [The] department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code, or to any converter licensed under Chapter 2301, Occupations Code.

SECTION 2. Section 503.063, Transportation Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) A vehicle may be issued and display a buyer's tag without satisfying the inspection requirements of Chapter 548 if:

(1) the buyer of the vehicle is not a resident of this state; and

(2) the vehicle:

(A) at the time of purchase, is not located or required to be titled or registered in this state;

(B) will be titled and registered in accordance with the laws of the buyer's state of residence; and

(C) will be inspected in accordance with the laws of the buyer's state of residence, if the laws of that state

require inspection.

(j) A vehicle may be issued and display a buyer's tag without satisfying the inspection requirements of Chapter 548 if the vehicle is purchased at public auction in this state and is:

(1) an antique vehicle as defined by Section 683.077(b); or

(2) a special interest vehicle as defined by Section 683.077(b) that:

(A) is at least 12 years of age; and

(B) has been the subject of a retail sale.

SECTION 3. Sections 503.0631(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop, manage, and maintain a secure, real-time database of information on persons to whom temporary buyer's tags are issued that may be used by a law enforcement agency in the same manner that the agency uses vehicle registration information. [~~The database shall be managed by the vehicle titles and registration division of the department.~~]

(c) Except as provided by Subsection (d), before a buyer's temporary tag may be displayed on a vehicle, a dealer must enter into the database through the Internet information about the buyer of the vehicle for which the tag was issued as prescribed by the department and generate a vehicle-specific number for the tag as required by Section 503.063(e). Except as provided by Section 506.0632(f), the [~~The~~] department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

SECTION 4. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0632 to read as follows:

Sec. 503.0632. DEPARTMENT REGULATION OF TEMPORARY TAGS AND ACCESS TO TEMPORARY TAG DATABASES. (a) The department by rule

may establish the maximum number of temporary tags that a dealer or converter may obtain in a calendar year under Section 503.062, 503.0625, or 503.063.

(b) The maximum number of temporary tags that the department determines a dealer or converter may obtain under this section must be based on the dealer's or converter's anticipated need for temporary tags, taking into consideration:

(1) the dealer's or converter's:

(A) time in operation;

(B) sales data; and

(C) expected growth;

(2) expected changes in the dealer's or converter's market;

(3) temporary conditions that may affect sales by the dealer or converter; and

(4) any other information the department considers relevant.

(c) At the request of a dealer or converter, the department may authorize additional temporary tags of any type for the dealer or converter if the dealer or converter demonstrates a need for additional temporary tags resulting from business operations, including anticipated need.

(d) The department's denial of a request under Subsection (c) may be overturned if a dealer or converter shows by a preponderance of the evidence the need for additional temporary tags.

(e) The department shall monitor the number of temporary tags obtained by a dealer or converter.

(f) If the department determines that a dealer or converter is fraudulently obtaining temporary tags from the temporary tag database, the department may, after giving notice electronically and by certified mail to the dealer or converter, deny access to

a temporary tag database to the dealer or converter. A dealer or converter denied access to a temporary tag database under this subsection may request a hearing on the denial as provided by Subchapter O, Chapter 2301, Occupations Code.

SECTION 5. Sections 503.067(b) and (d), Transportation Code, are amended to read as follows:

(b) A person may not operate a vehicle that displays:

(1) a temporary tag in violation of this chapter or Chapter 502; or

(2) any other [an] unauthorized temporary tag.

(d) A person may not sell or distribute a temporary tag or an item represented to be a temporary tag unless the person is[÷

~~[(1)]~~ a dealer issuing the tag in connection with the sale of a vehicle[; ~~or~~

~~[(2) a printer or distributor engaged in the business of selling temporary tags solely for uses authorized under this chapter].~~

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 3927 was passed by the House on May 7, 2021, by the following vote: Yeas 128, Nays 12, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3927 on May 28, 2021, by the following vote: Yeas 125, Nays 16, 4 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3927 was passed by the Senate, with amendments, on May 22, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor



Texas Department of Motor Vehicles

Temporary Tags and Other Timed Permits and Enhancements

Temporary permits issued in lieu of registration were originally printed on cardboard stock and provided by dealers or at the county tax assessor-collectors' offices statewide depending on the type of permit and its use. There was no statewide tracking mechanism for the permits which included dealer Buyer's Tags, Internet Down Tags, One Trip, 30 Day, 72-Hour, and 144-Hour Permits.

Timeline of Security Enhancements to Dealer and Other Timed Permits

| | |
|-------------------------|--|
| 2008 – October | <ul style="list-style-type: none"> eTAG system created for ease of use to print dealer Buyer's Tags and eTAG permits |
| 2010 – October | <ul style="list-style-type: none"> Registration and Title System (RTS) enhanced with a permit database to track non-dealer temporary timed permits issued Allowed for real time creation and tracking of permit records |
| 2014 – September | <ul style="list-style-type: none"> Non-dealer temporary timed permits added to the TxDMV website (webPermits) for ease of customer use Limited number of temporary timed permit prints/reprints to three |
| 2016 – June | <ul style="list-style-type: none"> Restricted issuance of 30-Day permits to a vehicle with an existing Texas record |
| 2018 – April | <ul style="list-style-type: none"> eTAG integrated with the webDEALER application Limited number of Buyer's Tag prints/reprints to three |
| 2018 – May | <ul style="list-style-type: none"> New security features added to the temporary permits, e.g., barcode, hologram, state seal, and Bezier curves |
| 2018 – June | <ul style="list-style-type: none"> Removed 30 Day and One Trip permit ordering from TxDMV website |
| 2018 – December | <ul style="list-style-type: none"> Query of temporary permits by VIN added to MVINet and Texas Law Enforcement Telecommunications System (TLETS) for law enforcement use Captured applicant's Internet Protocol address for TxDMV website permit purchases and the eTAG System The origination or destination for a One Trip Permit must be in Texas Upon entry of a VIN in the webPermit system on TxDMV website, customer must verify the vehicle year, make, and body style |
| 2019 – August | <ul style="list-style-type: none"> TxDMV submitted a suggestion for an interim examination of the department's authority to address misuse of the temporary tag database and whether termination of database access and temporary suspension or restriction of a motor vehicle dealer's license could provide additional tools to combat noncompliance |
| 2019 – September | <ul style="list-style-type: none"> Captured vehicle color for temporary permits - law enforcement request Effective date of the permit limited to one year from the date of issuance Governmental agencies authorized to issue Buyer's Tags through the eTAG system for vehicles sold or transferred, per H.B. 3760, 86th session |
| 2019 – December | <ul style="list-style-type: none"> Validation of dealer license number and Buyer's Tags in webDEALER and RTS ReCAPTCHA, a program or system intended to distinguish human from machine input, added to the webPermit system to prevent use of the system by automated bots |
| 2021 – February | <ul style="list-style-type: none"> TxDMV Board recommended to the 87th Legislature to grant rulemaking authority to establish a limit on the total number of temporary tags a dealer may issue and allow a dealer to make a request to the department to issue additional tags as recommended by staff and the Consumer Protection Advisory Committee |
| 2021 – June | <ul style="list-style-type: none"> Query of permits in MVINet and TLETS displays seller name, DBA (if available) dealer license number, and dealer address, including expired and voided eTAG information |



Texas Department *of* Motor Vehicles

Temporary Tags and Other Timed Permits and Enhancements

Future enhancements being considered:

- Require validation of the applicant's and dealer's driver license or identification card number through the Department of Public Safety's database prior to a tag being issued
- Implement H.B. 3927 passed during the 87th legislative session, including:
 - to set criteria and process by rule to establish the maximum number of temporary tags that a dealer or converter may obtain in a calendar year; and
 - denial of access to database for fraudulently obtaining temporary tags
- Update the process of printing an agent tag by restricting who can be an agent in the system, limiting the number of agent tags that can be requested, associating an agent tag to a vehicle, and updating the design of the agent tag



House Bill (HB) 3927 Implementation of Temporary Tag Database Denial

In House Bill (HB) 3927, the legislature authorized TxDMV to deny a dealer or converter access to the temporary tag database if the department determines that when a dealer or converter has fraudulently obtained temporary tags from the temporary tag database. The department's denial of access can be appealed to the State Office of Administrative Hearings. The department is drafting rules to implement the temporary tag denial of access provisions in HB 3927, including the following concepts:

- **Establishing what constitutes fraudulently obtaining temporary tags from the temporary tag database.**

Fraudulently obtaining temporary tags from the temporary tag database is not defined in statute. The department considers the activity would include

- (1) a dealer or converter that obtained an excessive number of temporary tags relative to their reported sales - these are the dealers who issue thousands of excess tags. However, this should become less of a problem based on the temporary tag limits that will be discussed later;
- (2) obtaining temporary tags for a vehicle or vehicles not in the dealer's or converter's inventory. The presumption would be that if a vehicle is not listed in the relevant monthly Dealer's Motor Vehicle Inventory Tax Statement, the vehicle was not in the inventory;
- (3) allowing a fictitious user or person using a false identity to obtain temporary tags using the dealer's or converter's account.

- **Establishing dealer and Converter responsibilities for dealing with temporary tags in rule.**

The department considers that setting out dealer and converter responsibilities to prevent temporary tags from being issued fraudulently will assist dealers and converters, including that a dealer or converter is responsible for:

- (1) all use and access to the applicable databases under the dealer's or converter's account, including by any sub user of the system or use by an unauthorized, unknown, or fictitious person; and
- (2) monitoring temporary tag usage and manage account access including taking timely and appropriate actions to maintain system security such as
 - (a) following department password policies,
 - (b) changing passwords,
 - (c) limiting authorized users to employees with a business need to access the database,
 - (c) removing users who no longer have a legitimate business need to access the system,
 - (d) securing printed tags,
 - (e) preventing the sharing of passwords, and
 - (f) securing equipment used to access the department system and print temporary tags.

- **Establishing the Notice and Appeal Process.**

Determination

To make a determination the department reviews information that a dealer or converter has fraudulently obtained temporary tags from the temporary tag database. The length and type of the review may vary based on the activity being investigated. The result is that a dealer or converter would likely have some notice of a problem prior to a department determination.

**Notice**

If TxDMV determines that a dealer or converter fraudulently obtained temporary tags, we will send the dealer or converter a notice by certified mail and email that in 10 calendar days, that dealer or converter's access to the temporary tag database will be denied. The dealer or converter will have an opportunity within those 10 days to let us know if they believe our determination was wrong or otherwise enter into an agreement with us that resolves our concerns about the dealer or converter's use of temporary tags. If the dealer or converter doesn't come to an agreement with us, their access will be terminated after those 10 days.

Review

If the dealer or converter's access is denied, the dealer or converter can request a hearing before the State Office of Administrative Hearings. The dealer or converter is still free to try to reach an agreement with the department to restore their access in the meantime. If, however, the dealer or converter doesn't request a hearing after their access is terminated, that termination will become final 26 days from the date we sent the notice.



Types of Temporary Tags and Temporary Permits

Temporary Tags

Dealers who hold a General Distinguishing Number license may issue Dealer Temporary Tags, Buyer's Temporary Tags, and Internet-Down Temporary Tags for each type of vehicle the dealer is licensed to sell. A converter may only issue Converter Temporary Tags.

Buyer Tags:

The buyer's tag is issued with a retail sale. The dealer must enter the vehicle's and the buyer's information into the e-TAG System. The system then assigns a vehicle-specific number to the transaction, which can be printed out in the form of a temporary registration tag.

- Issued to a retail purchaser
- Must have current inspection, unless exempt under Trans. Code Chapters 503 or 548
- Must be displayed and properly secured in rear plate holder
- Must keep Buyer's Tag Receipt in vehicle until registered
- If tag is stolen or lost, replacement is reprinted with original expiration date
- Can display signs and carry load on vehicle
- Tag is good for 60 calendar days
- Dealer is required to apply for title and registration within 30 calendar days of the date of sale or 45 calendar days if seller-financed
- \$5.00 fee, paid to the county at the time of title and registration. Buyer tags are valid for 60 days after the date of purchase
- Only one tag is allowed per VIN/Buyer.

Example:





Dealer Agent and Converter Tags:

These tags contain vehicle-specific information or agent-specific information.

- Uses:
 - Vehicle demonstration
 - Transit from dealer to dealer
 - Auction
 - Reconditioning, etc.
 - May be used on a loaner to a customer while vehicle is being repaired
- Cannot be used on commercial vehicles for carrying a load UNLESS the vehicle is carrying another vehicle with a temp tag from the same dealer on the way to or from the auction
- Cannot be used by dealership personnel for personal use
- Must be displayed and properly secured in rear plate holder
- Does not need current inspection
- Cannot display signs on vehicle
- Valid from 1 to 60 calendar days
- More than one tag may be issued to any agent but only one tag may be assigned to any specific vehicle at a time.
- Title must be in name of or assigned to dealership
- Fees are not collected for these tag types.

Examples:



Internet Down Tags:

If the webDEALER System is unavailable at the time of a retail sale, a dealer must use an Internet Down Tag and provide a buyer's receipt.

- Used when Internet is down as an alternate Buyer's tag.
- Tags and receipts are pre-printed by dealer with the assigned number. Buyer and vehicle information is handwritten by the dealer.
- Dealer required to enter all information into webDEALER System within 24 hours of resuming Internet service.

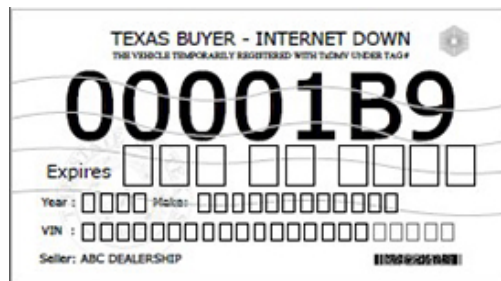


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- Issued to a retail purchaser
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- Must keep Buyer's Tag Receipt in vehicle until registered
- If tag is stolen or lost, replacement is reprinted with original expiration date
- Can display signs and carry load on vehicle
- Internet Down Tag are valid for 60 calendar days after the date of purchase
- Dealer is required to apply for title and registration within 30 calendar days of the date of sale or 45 calendar days if seller-financed
- \$5.00 fee, paid to the county at the time of title and registration

Example:



Temporary Permits

TxDMV issues temporary permits for private or commercial vehicles subject to Texas registration laws, but not authorized to travel on Texas highways due to the lack of registration or lack of reciprocity with the state or country in which the vehicle is registered.

72 & 144-Hour Permits:

TxDMV issues a 72-Hour Permit or 144-Hour Permit for the movement of a laden truck, truck-tractor, trailer, semitrailer, or a motor bus on the highways of Texas.

These permits may only be issued to commercial vehicles and buses owned by residents of the United States, Mexico, or Canada.

These permits may be used to:

- Operate an unregistered commercial vehicle or bus in Texas.
- Engage in intrastate operations in Texas with out-of-state licensed commercial vehicles.

Texas residents may use these permits to operate:

- An unregistered commercial vehicle or bus in Texas.



- A Texas registered commercial vehicle with a heavier gross weight than registered. The heavier load may operate for only the period that the permit is valid, unless the owner purchases additional permits.
- A vehicle registered with either Farm or Soil Conservation license plates when the vehicle is operating over the maximum weight allowed by law.

These permits may **not** be issued to:

- Any vehicle that has been issued a salvage or nonrepairable certificate of title
- Any vehicle that has been apprehended

One-Trip Permit:

TxDMV issues a One-Trip Permit for the temporary movement of an unladen vehicle subject to Texas registration laws. A One-Trip Permit is valid for a period of 15 days from the effective date.

A One-Trip Permit is valid for one trip only between the point of origin and the point of destination and the intermediate point as shown on the receipt.

One-Trip Permits may be issued for:

- A bus for the transit of the vehicle only (the vehicle shall not at the time of transit be used for the transportation of property or passengers, unless it is operated for charter from another state)
- A charter bus from another state or country (may carry property and passengers)
- A private bus (may carry property and passengers)
- A commercial vehicle with a camper unit mounted (the camper unit may be of the permanent or slide-in type)
- A commercial vehicle that is not transporting any passengers or property (vehicle must be empty)
- A passenger car (may carry property and passengers)
- An unladen truck or truck-tractor operating in combination with an unladen trailer or semitrailer (if both vehicles are unregistered, two permits must be issued, one for each unit)
- Park Model trailers (a house trailer-type vehicle that is 400 square feet or less measured at the largest horizontal projections)
- A motorcycle
- A trip in which the point of origin or the point of destination is in the State of Texas

One-Trip Permits may **not** be issued for:

- Manufactured housing - A house trailer-type device that is 8 body feet or more in width or 40 body feet or more in length.
- A charter bus based in Texas that is transporting passengers.
- A commercial vehicle that is transporting the owner's household goods.
- A boat trailer that is carrying a boat.
- A laden luggage trailer or laden utility trailer.
- A vehicle carrying a fixed load regardless of whether the vehicle is conventional or unconventional.
- A vehicle that has been apprehended for operating unregistered.
- A junked, salvage, or nonrepairable vehicle.
- A trip that originates and terminates outside Texas.



30-Day Permit:

TxDMV issues a 30-Day Permit for the temporary movement of a vehicle subject to Texas registration laws. A 30-Day Permit is valid for a period of 30 days from the effective date reflected on the permit.

No more than three 30-Day Permits will be issued per vehicle.

The permit is available for:

- Passenger vehicles, motorcycles, private buses, trailers, and semi-trailers with a gross weight not exceeding 10,000 lbs.
- Light commercial vehicles not exceeding a gross vehicle weight of 10,000 lbs.
- A commercial vehicle exceeding a gross weight of 10,000 lbs. is eligible for the permit if operating unladen.

30-Day Permits may **not** be issued for:

- Vehicles that have been apprehended in Texas for operating unregistered or with expired license plates. In such instances, the owner must purchase registration and pay a penalty equal to 20% of the applicable fee.
- Junked, salvage, or nonrepairable vehicles.
- A vehicle that has been apprehended for operating unregistered.

Vehicle Transit Permit:

If a consumer buys a car or light truck and the seller keeps the Texas license plate, the Vehicle Transit Permit allows the consumer to legally drive the vehicle home or to the local county tax office.

Only one Vehicle Transit Permit may be issued per vehicle. Only passenger vehicles and light trucks are eligible.

The Vehicle Transit Permit is valid for 5 days (maximum) from date of issuance; the start date is the day the permit is printed.

If the vehicle travels out of state, please verify that the permit is valid for operation in that state. This permit may only authorize operation of the vehicle in Texas.