
TEXAS REGISTER

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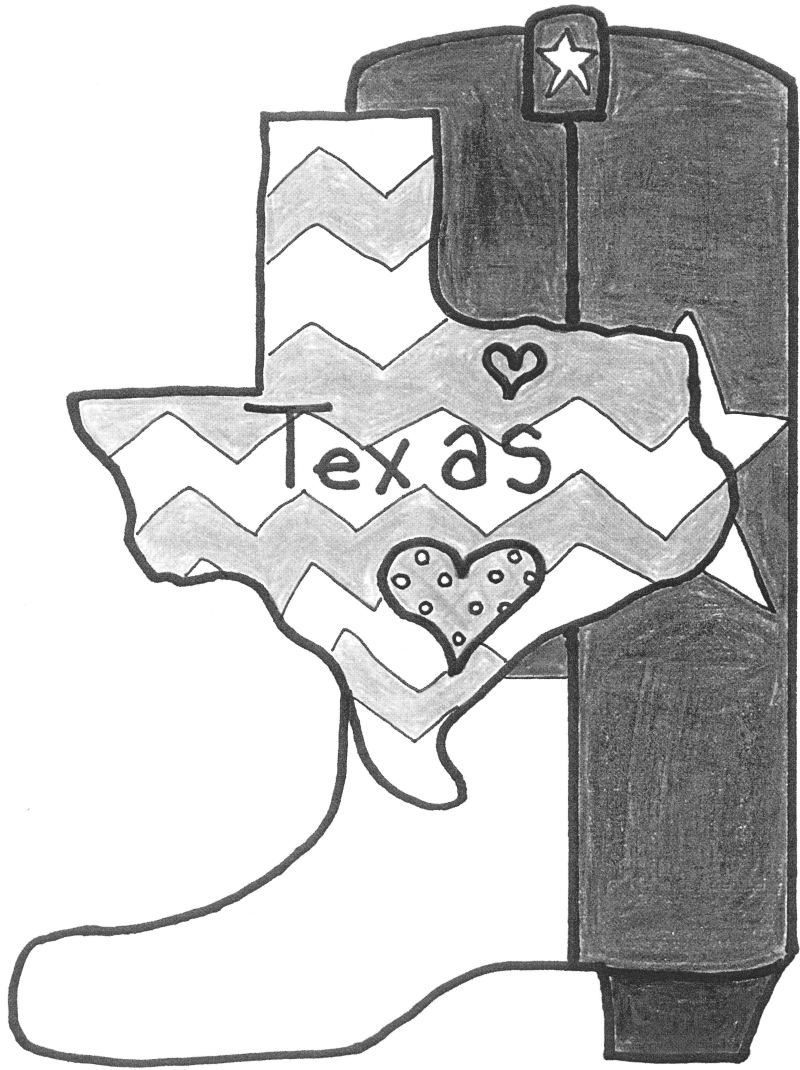
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THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for June 11, 2026

Appointed to the Texas Higher Education Coordinating Board for a term to expire August 31, 2027, Brian J. Haley of Austin, Texas (replacing Daniel O. Wong, Ph.D. of Houston, who resigned).

Appointed to the Texas Medical Board District Three Review Committee for a term to expire January 15, 2032, Sharon E. Carr of Canadian, Texas (Ms. Carr is being reappointed).

Appointed to the Texas Medical Board District Three Review Committee for a term to expire January 15, 2032, Surendra K. Varma, M.D. of Lubbock, Texas (Dr. Varma is being reappointed).

Appointments for June 12, 2026

Appointed to the Governor's Committee on People with Disabilities for a term to expire February 1, 2027, Brandy J. "Jenée" Land of Lubbock, Texas (replacing Ronald W. "Ronnie" Browning of Spring, who resigned).

Appointments for June 15, 2026

Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2029, April I. Aguirre of Pasadena, Texas.

Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2029, Derek M. Cohen, Ph.D. of Austin, Texas.

Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2031, Tracy L. Harrison of Friendswood, Texas.

Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2031, Andrew M. "Andy" Kahan of Houston, Texas.

Appointed to the State Commission on Judicial Conduct for a term to expire December 31, 2031, Yinon Weiss of Austin, Texas.

Appointed to the Teacher Retirement System of Texas Board of Trustees for a term to expire August 31, 2031, Peter D. "Pete" Pape, Ed.D. of Leander, Texas (replacing Harry "Michael" Ball of Argyle, whose term expired).

Appointed to the Teacher Retirement System of Texas Board of Trustees for a term to expire August 31, 2031, Daniel G. "Dan" West of Houston, Texas (replacing David Corpus of Humble, whose term expired).

Appointments for June 16, 2026

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2027, Frederick T. "Fred" Dodd, II of Bryan, Texas (replacing Helen Jimenez, Ph.D. of Richmond, who resigned).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2029, Bradley J. "Brad" Benham of Abilene, Texas (replacing Moid U. "Mike" Khan of Sugar Land, who resigned).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Thomas "Tom" Abraham of Sugar Land, Texas (Mr. Abraham is being reappointed).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Gary O. Boren of Lubbock, Texas (Mr. Boren is being reappointed).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Lonnie W. Key of Lake Jackson, Texas (replacing David L. Savage of Katy, whose term expired).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, James P. "Jim" Lattimore, Jr. of Graford, Texas (Mr. Lattimore is being reappointed).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Wesley D. "Wes" Lloyd of Waco, Texas (Mr. Lloyd is being reappointed).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Stephen A. Luskey of Fort Worth, Texas (replacing Anthony "Tony" Mbroh of Carrollton, whose term expired).

Appointed to the Brazos River Authority Board of Directors for a term to expire February 1, 2031, Jeffrey S. "Jeff" Tallas of Sugar Land, Texas (replacing Michael L. "Mike" Fernandez of Abilene, whose term expired).

Appointments for June 17, 2026

Appointed to the State Soil and Water Conservation Board for a term to expire February 1, 2028, Lindsey M. Bowers of Inez, Texas (replacing Christina "Tina" Yturria Buford of Harlingen, whose term expired).

Greg Abbott, Governor

TRD-202602481



Proclamation 41-4290

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that the severe storms event that began on June 14, 2026, and that included heavy rainfall, flash flooding, hazardous wind gusts, large hail, and tornado threats, is causing widespread and severe property damage, injury, or loss of life in Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Coryell, DeWitt, Dimmit, Duval, Edwards, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Go-liad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Madison, Mason, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Montgomery, Newton, Nueces, Orange, Polk, Real, Refugio, Robertson, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Starr,

Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 15th day of June, 2026.

Greg Abbott, Governor

TRD-202602470



Proclamation 41-4291

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamations;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Coleman, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Jacinto, San Patricio, Schleicher, Shackelford, Starr, Sutton, Terrell, Throckmorton, Upton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Willacy, Wilson, Zapata, and Zavala Counties and for all state agencies

affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of June, 2026.

Greg Abbott, Governor

TRD-202602471



Proclamation 41-4292

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions persist in certain counties in Texas and that the presence of drought conditions in certain counties contributes to increased wildfire danger;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Bee, Bexar, Blanco, Borden, Bowie, Brewster, Briscoe, Burnet, Caldwell, Calhoun, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Collingsworth, Comal, Cottle, Crosby, Dallam, Dawson, Deaf Smith, DeWitt, Dickens, Donley, Fayette, Fisher, Floyd, Foard, Franklin, Garza, Gillespie, Gonzales, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Hardin, Harrison, Hartley, Hays, Hemphill, Henderson, Hidalgo, Hockley, Hutchinson, Jim Wells, Kendall, Kent, Kerr, King, Kleberg, La Salle, Lamar, Lamb, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Marion, Martin, Maverick, McMullen, Medina, Moore, Morris, Motley, Nueces, Ochiltree, Oldham, Orange, Panola, Parmer, Potter, Rains, Randall, Real, Red River, Roberts, San Patricio, Scurry, Shelby, Sherman, Smith, Stonewall, Swisher, Terry, Titus, Travis, Upshur, Uvalde, Van Zandt, Wheeler, Wilbarger, Willacy, Williamson, Wilson, Wood, and Yoakum Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of June, 2026.

Greg Abbott, Governor

TRD-202602472



Proclamation 41-4293

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 4, 2025, as amended and renewed in a subsequent proclamations, certifying that the heavy rainfall and flooding event that began on July 2, 2025, that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Bandera, Bexar, Burnet, Caldwell, Coke, Comal, Concho, Edwards, Gillespie, Guadalupe, Hamilton, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Maverick, McCulloch, Menard, Real, Reeves, San Saba, Schleicher, Sutton, Tom Green, Travis, Uvalde, and Williamson Counties;

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. Any statutes that might prevent the transfer of bodies to families as soon as possible are hereby suspended, including Sections 264.514 and 264.515 of the Texas Family Code and Articles 49.04, 49.05, 49.10, and 49.25 of the Texas Code of Criminal Procedure. Further, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

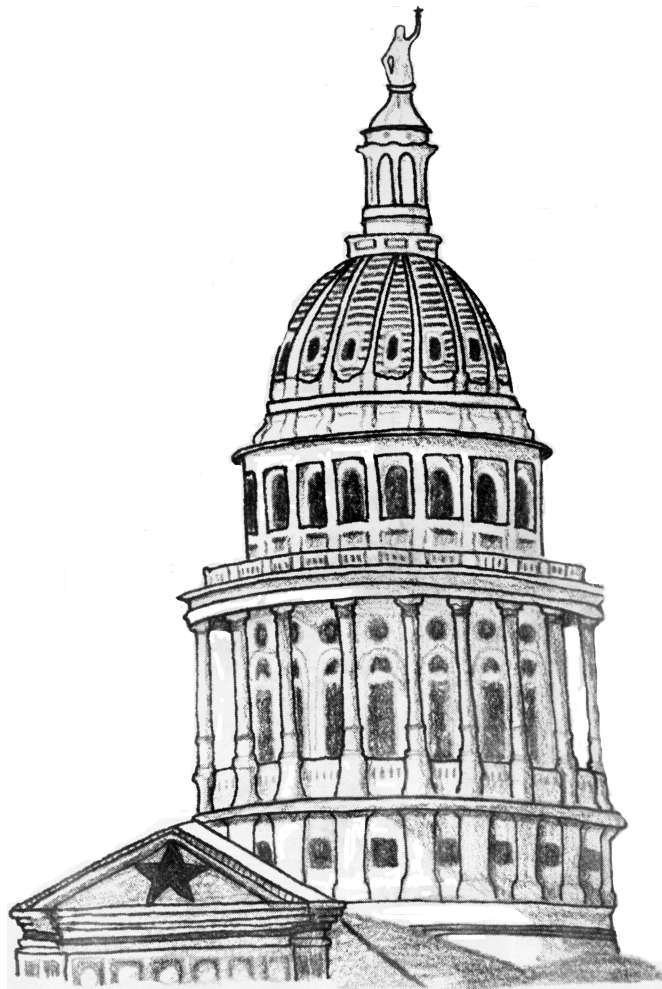
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of June, 2026.

Greg Abbott, Governor

TRD-202602473





THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0646-KP

Requestor:

The Honorable Charles Schwertner
Chair, Senate Committee on Business and Commerce
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Re: Municipal authority to regulate residential energy backup systems (RQ-0646-KP)

Briefs requested by July 14, 2026

RQ-0647-KP

Requestor:

The Honorable Cecil Bell, Jr.
Chair, House Committee on Intergovernmental Affairs
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Whether a county treasurer may receive compensation as appointed legal counsel in the county in which he or she serves as county treasurer (RQ-0647-KP)

Briefs requested by July 14, 2026

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202602464

Justin Gordon
General Counsel
Office of the Attorney General
Filed: June 16, 2026



Opinions

Opinion No. KP-0520

The Honorable Bob Hall
Chair, Senate Committee on Administration
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Re: Whether an amusement machine is considered a gambling device under the Texas Penal Code when the machine offers both chance-based and skill-based game modes (RQ-0637-KP)

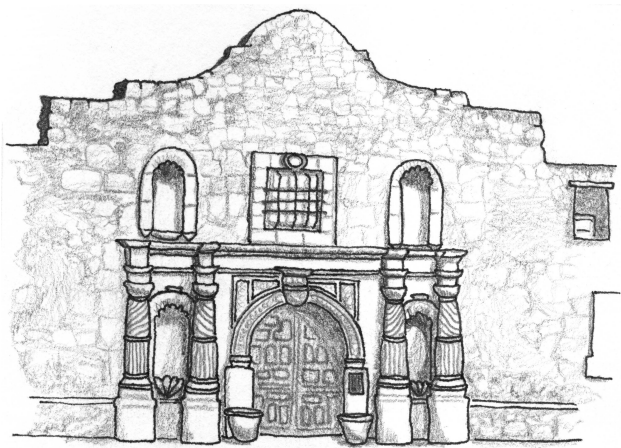
S U M M A R Y

An amusement machine that offers both a chance-based game mode as well as a skill-based mode is a gambling device under Penal Code Chapter 47 so long as chance plays any role in determining whether the player receives something of value, regardless of the presence of skill.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202602465
Justin Gordon
General Counsel
Office of the Attorney General
Filed: June 16, 2026





PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 2. GENERAL POLICIES AND PROCEDURES

SUBCHAPTER A. PRINCIPLES AND PROCEDURES OF THE COMMISSION

13 TAC §2.42

The Texas State Library and Archives Commission (commission) proposes amendments to 13 Texas Administrative Code, §2.42, concerning Negotiation and Mediation of Certain Contract Disputes.

BACKGROUND EXPLANATION OF PROPOSED AMENDMENTS. The commission recently concluded the first phase of a Regulatory Efficiency Review conducted by the Texas Regulatory Efficiency Office (TREO). As a result of this review, the commission, with TREO's assistance, has identified opportunities to simplify, streamline, and clarify many existing rules. This rulemaking is being undertaken to improve §2.42, the commission's rule related to the process for negotiating and mediating certain contract disputes.

Government Code, §2260.052 (relating to Negotiation) requires each unit of state government with rulemaking authority to develop rules to govern the negotiation and mediation of a claim by a contractor. The statute further requires a unit of state government that does not have this rulemaking authority to follow rules adopted by the attorney general. To satisfy this requirement, the commission adopted the rules of the attorney general by reference in §2.42, Negotiation and Mediation of Certain Contract Disputes.

The proposed amendment to §2.42 would delete explanatory text in the rule that is unnecessary as it does not add any detail regarding the commission's process. By pointing only to the rules adopted by the attorney general, the rule will be simpler and more straightforward. This proposed amendment would make no substantive change to the rule.

FISCAL IMPACT. Donna Osborne, Chief Fiscal and Operations Officer, has determined that for each of the first five years the proposed amendments are in effect, there are no foreseeable fiscal implications for state or local governments as a result of enforcing or administering the rule as proposed.

PUBLIC BENEFIT AND COSTS. Ms. Osborne has determined that for each of the first five years the proposed amendments are in effect, the anticipated public benefit will be simpler, more

straightforward rules that will be easier for the public, including contractors, to understand. There are no anticipated economic costs to persons required to comply with the proposed amendments.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no impact on local economies; therefore, no local employment impact statement under Government Code §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. The proposed amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The proposed amendments do not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the proposed amendments will be in effect, the commission has determined that:

The amendments will not create or eliminate a government program;

Implementation will not require the creation or elimination of any employee positions;

Implementation will not require an increase or decrease in future legislative appropriations;

The amendments will require a decrease in fees paid to the commission;

The amendments will not create new regulations;

The amendments will modify existing regulations;

The amendments will not increase the number of individuals subject to the rule's applicability; and

The amendments will not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal. Therefore, the proposed amendments do not constitute a taking under Government Code §2007.043.

REQUEST FOR IMPACT INFORMATION. The commission requests, from any person required to comply with the proposed rules or any other interested person, information related to the cost, benefit, or effect of the proposed amendments, including

any applicable data, research, or analysis. Requested information may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. Requested information must be received no later than 30 days from the date of publication in the *Texas Register*.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed amendments may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 30 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The amendments are proposed under Government Code, §441.006, which directs the commission to govern the state library, and §2260.052, which directs each unit of state government to develop rules or follow rules adopted by the attorney general related to negotiation and medication of certain contract claims.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441; §2260.052.

§2.42. *Negotiation and Mediation of Certain Contract Disputes.*

The commission adopts by reference the rules of the Office of the Attorney General in Texas Administrative Code, Title 1, Part 3, Chapter 68 relating to Negotiation and Mediation of Certain Contract Disputes to comply with the requirements of Government Code, Chapter 2260, §2260.052(c). [The rules set forth a process to permit parties to structure a negotiation or mediation in a manner that is most appropriate for a particular dispute regardless of the contract's complexity, subject matter, dollar amount, or method and time of performance.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 10, 2026.

TRD-202602365

Sarah I. Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 463-5460



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER BB. COMMISSIONER'S

RULES CONCERNING GENERAL PROVISIONS FOR HEALTH AND SAFETY

19 TAC §103.1105

The Texas Education Agency (TEA) proposes new §103.1105, concerning the procedure related to notification to a student's parent regarding the student's mental, emotional, or physical health or well-being. The proposed new rule would implement the procedure required by Senate Bill (SB) 12, 89th Texas Legislature, Regular Session, 2025, for school districts and open-en-

rollment charter schools to notify the parent of a student enrolled in the district of any change in services provided or monitoring related to a student's mental, emotional, or physical health or well-being.

BACKGROUND INFORMATION AND JUSTIFICATION: Subsection (a) would establish the statutory authority for the rule and the responsibilities of school districts and open-enrollment charter schools to implement SB 12, 89th Texas Legislature, Regular Session, 2025.

Subsection (b) would establish definitions applicable to the rule.

Subsection (c) would establish parent rights and access to information about a child that schools may not restrict.

Subsection (d) would require school districts to provide parental notification regarding health-related and health-care services available at the campus the student attends.

Subsections (e) and (f) would establish criteria for school districts related to parental notification when health-related services or health-care services change.

Subsection (g) would establish timelines for parental notification when a school district changes monitoring of a student's mental, emotional, or physical health or well-being.

Subsection (h) would require that services and monitoring related to a student's mental, emotional, or physical health or well-being reinforce a parent's right to make decisions for the parent's child.

Subsection (i) would require timely parental notification when a student discloses behaviors indicating an adverse change in the student's mental, emotional, or physical health or well-being.

Subsection (j) would prohibit school district procedures that encourage withholding information from parents or interfere with a parent's ability to access information or participate in decision making regarding the parent's child.

Subsection (k) would preserve parental choice by requiring opt-in or opt-out decisions to be made on an individual service basis.

Subsection (l) would require school districts to allow parents to opt out of any health-related service provided to their child.

Subsection (m) would specify a parent's statutory right to exempt their child from a service or monitoring.

Subsection (n) would require parental consent before a student receives specified services, including psychological or psychiatric examinations or treatments (except as otherwise permitted by law), health-care services (except in emergencies), or the administration of certain well-being questionnaires or health screening forms.

Subsection (o) would establish when a health-related service also meets the definition of a health-care service for purposes of this rule and would require parental consent before a student participates in such a service.

Subsection (p) would require schools to provide parents with a copy of any well-being questionnaire or health screening form before it is administered to a student.

Subsection (q) would limit the use of opt-in practices by school districts for first aid and routine health-related services reasonably expected to be provided in schools.

Subsection (r) would establish the duration of parental consent for health-related and health-care services, providing that consent remains effective through the end of the school year unless otherwise specified by the parent.

Subsection (s) would require school districts to maintain written parental consent in a student's education records.

Subsection (t) would allow school personnel to make routine, non-service-based inquiries regarding a student's daily or general well-being without parental consent.

Subsection (u) would clarify that general caretaking provided by a school district is not considered a health-related service or a health-care service.

Subsection (v) would specify that parental notification and any opt-out rights for health screenings required by law are governed by those laws and related rules.

Subsection (w) would specify that consent for services provided through an individualized education program or as part of an evaluation to determine eligibility under the Individuals with Disabilities Education Act (IDEA) is governed by IDEA requirements related to informed consent, consent revocation, and consent expiration.

Subsection (x) would preserve existing requirements to report and investigate child abuse or neglect.

Subsection (y) would establish exceptions to required parental notification when disclosure would likely result in abuse or neglect or when conducting behavioral threat assessments, while requiring compliance with other applicable notification and consent laws.

FISCAL IMPACT: Jennifer Alexander, associate commissioner for special populations and student supports, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation establishing a parental notification requirement regarding a student's mental, emotional, or physical health or well-being, which is necessary to align with SB 12, 89th Texas Legislature, Regular Session, 2025.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Alexander has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to require school districts and open-enrollment charter schools to adopt a procedure to notify the parent of a student enrolled in the district regarding any change in services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being. The new rule would establish definitions and criteria for notification and specify parent rights, exceptions, and documentation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins June 26, 2026, and ends July 27, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on June 26, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §26.009, as amended by SB 12, 89th Texas Legislature, Regular Session, 2025, which establishes parental consent requirements for certain activities and services affecting a student's mental, emotional, or physical health or well-being; and TEC, §26.0083, as added by SB 12, 89th Texas Legislature, Regular Session, 2025, which establishes parental rights to receive information and to provide or withhold consent regarding a student's mental, emotional, or physical health and health related services.

CROSS REFERENCE TO STATUTE. The new section implements TEC, §26.009, as amended by SB 12, 89th Texas Legislature, Regular Session, 2025, and §26.0083, as added by SB 12, 89th Texas Legislature, Regular Session, 2025.

§103.1105. Procedure Related to Notification to a Student's Parent Regarding the Student's Mental, Emotional, or Physical Health or Well-Being.

(a) Authority and applicability. This rule implements the Texas Education Agency's (TEA's) procedure required under Texas Education Code (TEC), §26.0083, that school districts and open-enrollment charter schools must follow to notify parents of enrolled students of any changes in services to or monitoring of the student related to the student's mental, emotional, or physical health or well-being and addresses TEC, §26.009, which is applicable to school districts. An open-enrollment charter school must comply with the provisions of this section that implement TEC, §26.0083, or other relevant referenced law with which an open-enrollment charter school must comply.

(b) Definitions. For purposes of this section, the following definitions apply.

(1) "First aid" is a health-related service and means any one-time immediate treatment, and any necessary follow-up visits for the purpose of observation, of typically minor conditions or occurrences, or temporary treatment while waiting for medical care, which could be provided by a medical professional or a non-medical professional but does not otherwise involve medical care and does not include the dispensing of medication.

(2) "General caretaking" means noninvasive actions to address minor student claims of feeling unwell or adult observations of a child being physically unwell, such as cleaning spills or other accidents, offering a change of clothing if necessary, and providing support that an adult would typically provide to support a child's expressions of being unwell (such as feeling a student's forehead or checking for swollen lymph nodes or tonsils). It also includes minor student care actions such as applying adhesive bandages or wiping a bloody nose. Responding to in-the-moment emotional behavioral challenges by actions such as inquiring about a child's well-being, attempting to calm a student if they are crying, or diffusing a situation where a student is observably angry would also be considered general caretaking.

(3) "Health-care services" means services that would meet the definition of either a psychological or psychiatric examination or test, including mental-health screenings, or a psychological or psychiatric treatment, as well as services that involve medical treatment; medical procedures; therapy of a clinical or physically, mentally, or emotionally therapeutic nature or the kind provided by a licensed professional; or dispensing medication.

(4) "Health-related services," as used in TEC, §26.0083(g), and this section, means services that are typically short-term, noninvasive activities designed to promote a student's mental, emotional, or physical health or well-being but are not considered a health-care service. Health-related services are different from health-care services in that they are typically designed to promote healthy student behaviors and not considered formal, clinical, or therapeutic methods that rise to the level of health-care services. These services would include, but are not limited to, school counseling services related to mental or emotional health that do not rise to the level of therapy; first aid; and specialized health-related instruction outside the scope of instruction in the Texas Essential Knowledge and Skills on social skills, stress management, nutrition, wellness promotion, substance abuse prevention, or suicide prevention. Additionally, scoliosis, hearing, and vision screeners are health-related services. General caretaking is not a health-related service. Academic screenings and services, such as dyslexia screenings and interventions, are not considered health-related services.

(5) "Monitoring," as this term is used in TEC, §26.0083, means planned and recurring observations of a student. Monitoring does not include incidental or in-the-moment observations or unplanned interactions.

(6) "Opt-in" or "opt in" means a process where a parent actively grants informed consent for their child to participate in or receive a service prior to the delivery of that service.

(7) "Opt-out" or "opt out" means a process where a parent is considered to have automatically consented unless and until the parent takes action to withhold consent of or decline for their child to participate in or receive a service.

(8) "Parent" has the same meaning as Texas Family Code (TFC), §101.024. The term also includes those standing in parental relation to the student if the person who enrolls the student represents themselves as such. It does not include a parent whose rights have been terminated or whose rights have been modified by court order in relation to parental rights and duties in TFC, §151.001.

(9) "Personnel" includes all employees, as well as volunteers and contractors, who interact with students on a regular basis.

(10) "Psychological or psychiatric examination or test," as defined by TEC, §26.009(a-1)(2), means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(11) "Psychological or psychiatric treatment," as defined by TEC, §26.009(a-1)(3), means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(12) "Services" means structured, defined efforts or activities designed to be or capable of being delivered in a reasonably consistent manner provided to or on behalf of a student to address a student's needs. Services include responsive services offered typically by counselors to ensure students are educated and knowledgeable of skills necessary to address troubling circumstances before they become problematic. The term "services" does not include incidental or in-the-moment methods or techniques used to de-escalate isolated behavioral, emotional, or other incidents.

(c) Parent rights and access to information. Parent rights and access to information may not be restricted. Unless otherwise provided by or in accordance with other law, parental rights, as described by TEC, §1.009 and §26.001, must not be infringed upon by a school district, nor may a district withhold information from a parent regarding their student. In the event of any conflicts regarding parental notification or consent between this section and other programs, such as the model counseling program under TEC, §33.005(a), the requirements of this section shall prevail.

(d) Notice of available health-related and health-care services. Before the first instructional day of each school year, a school district must provide to the parent of each enrolled student written notice of each health-related service and health-care service offered at the campus the student attends. The notice must:

(1) include a statement of the parent's right to withhold consent for or decline any listed service, delineating between services that are opt in (consent must be provided prior to service delivery) and opt out (consent is assumed unless specifically communicated otherwise);

(2) allow a parent the opportunity to provide or withhold consent, as appropriate, for any listed service offered by the district; and

(3) provide instructions on how to inform the district during the school year of a change in consent for any of the services.

(e) Change in health-related services. Any proposed change in providing health-related services to a student should be shared with the parent prior to initiating the change. If prior notification is not possible and is not otherwise required under other law or when immediate services are sought by students rather than planned to be offered by staff, the parent must be notified of any change in health-related services within three school days, unless a different timeline is provided by other law. Health-related services that are regular, recurring, and ongoing require notification only when services are first delivered within a school year and not for each individual interaction with the student. Sporadically provided health-related services of the same type that are not regular and recurring require notification for each occurrence (e.g., occasional but irregular health-related services by a counselor with a student). Administration of first aid is not considered a change in health-related service under this section, although schools are encouraged to notify parents as appropriate.

(f) Change in health-care services. A school district must notify parents when a student is identified as needing or possibly needing health-care services. Health-care services may not be provided without prior consent except in emergencies. If provided in an emergency, notification must be provided to the parent as soon as possible.

(g) Change in monitoring. When a school district intends to make a change in monitoring of a student related to the student's mental, emotional, or physical health or well-being, the district should notify the student's parent prior to initiating the change. If prior notification is not possible or is not otherwise required under other law, the parent must be notified of the monitoring change within three school days, unless a different timeline is provided by other law.

(h) Services and monitoring. Services and monitoring must reinforce parental rights. Any activity related to the provision of services or monitoring of a student's mental, emotional, or physical health or well-being by a school district must reinforce the right of a parent to make decisions regarding the upbringing and control of the parent's child. Personnel must:

(1) encourage a student to discuss issues related to the student's well-being with the student's parent; or

(2) facilitate a discussion regarding a student's well-being with the student and the student's parent.

(i) Notification to parent of certain behaviors. Personnel must notify the parent of a student within one school day or as soon as feasible information that the student discloses about behaviors, including planned behaviors, that represent an adverse change in the student's mental, emotional, or physical health or well-being, including, but not limited to, disclosures related to any sexual behaviors, behaviors involving unlawful use of substances, behaviors related to tattoos or permanent physical or body modifications, violence or suicidal ideation, or other harmful behaviors.

(j) No withholding of information. Any procedure adopted by a school district must not:

(1) encourage or have the effect of encouraging a student to withhold information from their parent about the student's mental, emotional, or physical health or well-being;

(2) prevent a parent from accessing education or health records of the student; or

(3) discourage or prohibit parental knowledge of or involvement in decisions affecting their child's mental, emotional, or physical health or well-being.

(k) Individual service selection. A school district may not require a parent who opts out of or opts into one or more health-care

services or health-related services to make the same choice for any or all other health-care services or health-related services.

(l) Opt-out requirements. A school district must allow a parent to opt out of each health-related service offered or provided by the school district.

(m) Exemption from instruction. A parent may exercise their right under TEC, §26.010, to exempt their child from a service or monitoring. A separate written request as described by TEC, §26.010, is not required if the parent has already opted out in accordance with this section.

(n) Opt-in requirements. A parent must opt in to each type of service provided before their child may receive the provision of:

(1) psychological or psychiatric examinations or tests and psychological or psychiatric examination treatments, unless a specific exemption is provided by law;

(2) health-care services, except in the case of emergencies;
and

(3) the administration of a well-being questionnaire or health screening form to a student in accordance with subsection (p) of this section.

(o) Determining when health-related services may also meet the definition of health-care services. Not all health-related services are health-care services. But a health-related service may become a health-care service based on the nature, frequency, or ongoing provision of the service. If the service becomes a health-care service, parental consent must be obtained prior to a student's participation in the effort or activity.

(p) Well-being questionnaire and health screening form. Before administering a well-being questionnaire or a health screening form to a student, including one that is scheduled to be administered as part of a required course, class, or elective, a copy must be provided to the student's parent.

(q) Opt-in practices. A school district must not impose an opt-in practice for first aid and should not impose an opt-in process on health-related services that a reasonably prudent person would expect a school to provide for the majority of students.

(r) Consent expiration. Unless otherwise provided by a parent, a parent's consent to the provision of health-related services or health-care services, whether provided explicitly or assumed for opt-out health-related services, remains effective until the end of the school year in which the consent was obtained or assumed.

(s) Retention of parental consent. A school district must retain any written consent provided by a student's parent under this section in the student's education records.

(t) Asking about daily or general well-being. Parental consent is not required for personnel to inquire about a student's daily or general well-being, which is not considered a service under this section.

(u) General caretaking. General caretaking is not considered a health-related or health-care service. School districts shall provide general caretaking to students.

(v) Health screenings required by other law. Parental notification and any rights to opt out of health screenings required by law, such as spinal, hearing, and vision screenings, will be made in accordance with those laws, such as Texas Health and Safety Code, §§36.004, 36.005, 37.001, and 37.002, and with any related rules.

(w) Informed consent under the Individuals with Disabilities Education Act (IDEA). Services provided through an individualized

education program or as part of an evaluation to determine eligibility as a child with a disability under IDEA will adhere to informed consent, consent revocation, and consent expiration provisions under IDEA.

(x) Duty to report abuse or neglect. Nothing in this section alters the requirement to report child abuse or neglect under TFC, Chapter 261, or an investigation of a report of abuse or neglect under that chapter.

(y) Exception to required parental notification. Notification of information to a student's parent under this section is not required for the following situations, but notification and consent, if applicable, will be provided or obtained in accordance with other applicable law:

(1) when a reasonably prudent person would believe that disclosure is likely to result in the student suffering abuse or neglect, as defined by TFC, §261.001. If the decision is made not to inform a parent under this subsection, campus-based personnel must report it to the principal, district-level personnel must report it to the superintendent or designee to make the decision on whether disclosure is necessary, and the decision must be documented; and

(2) when conducting behavioral threat assessments, for which notifications will be made in accordance with TEC, §37.115, and the requirements and protocols set by TEA and the Texas School Safety Center.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602443

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 475-1497



SUBCHAPTER CC. COMMISSIONERS RULES CONCERNING SAFE SCHOOLS

19 TAC §§103.1201, 103.1203, 103.1205

The Texas Education Agency (TEA) proposes amendments to §§103.1201, 103.1203, and 103.1205, concerning disciplinary alternative education programs (DAEPs). The proposed amendments would update statutory authority and clarify current program practices and requirements in accordance with House Bill (HB) 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 103.1201 establishes requirements for the operation of DAEPs. The proposed amendment would clarify due process protections for students assigned to DAEPs to align with HB 6, 89th Texas Legislature, Regular Session, 2025, and make additional clarifying and conforming updates related to Section 504 services, staff training requirements related to student safety and mental health, and student supervision and separation requirements.

Section 103.1203 establishes criteria for the assessment of academic growth for students assigned to DAEPs. The proposed amendment would clarify permissible assessment instruments; address the provision of accommodations and modifications for students receiving special education or Section 504 services;

and clarify requirements to support consistent implementation of existing statutory requirements for students placed in DAEPs.

Section 103.1205 defines violent conduct for purposes of DAEP placement when a program is at capacity. The proposed amendment would add an appropriate administrator, in addition to the campus behavior coordinator, to make determinations regarding violent conduct for purposes of DAEP placement and would reorganize the violent conduct provisions to conform with the repeal of TEC, §37.007(d), by HB 6. The proposed changes would improve clarity to support consistent disciplinary placement decisions when DAEP capacity is limited.

FISCAL IMPACT: Jennifer Alexander, associate commissioner for special populations and student supports, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand existing regulations by clarifying DAEP operations and assessment requirements and addressing placement considerations when a program is at capacity to align with HB 114, 88th Texas Legislature, Regular Session, 2023 and HB 6, 89th Texas Legislature, Regular Session, 2025.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Alexander has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to update standards for the operation of DAEPs and due process considerations to align with current statutory requirements; update requirements related to the assessment of academic growth for students placed in DAEPs; and revise the definition of violent conduct for purposes of DAEP placement when a program is at capacity to ensure consistency

with statute. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins June 26, 2026, and ends July 27, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on June 26, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules>.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §37.006, as amended by House Bill (HB) 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for when a student must be removed from class and placed in a disciplinary alternative education program (DAEP) for specified misconduct; TEC, §37.007, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes the criteria and procedures for expelling a student for serious offenses and distinguishes between mandatory and discretionary expulsion; TEC, §37.008, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, which establishes the requirement for school districts to provide DAEPs and sets the core standards for how those programs must operate; TEC, §37.0082, which establishes requirements for assessing the academic growth of students placed in a DAEP; and TEC, §37.009, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes procedures for conference, hearing, and review related to student disciplinary removals.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §37.006, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025; §37.007, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025; §37.008, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023; §37.0082; and §37.009, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025.

§103.1201. Standards for the Operation of School District Disciplinary Alternative Education Programs.

(a) A disciplinary alternative education program (DAEP) established in conformance with the Texas Education Code (TEC), §37.008, and this section is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed

from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.

(b) Each school district participating in a shared services arrangement (SSA) for DAEP services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus required by the TEC, §11.251 and §11.252, include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

(1) student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;

(2) attendance rates;

(3) pre- and post-assessment results;

(4) dropout rates;

(5) graduation rates; and

(6) recidivism rates.

(c) A DAEP may be located on-campus or off-campus in adherence with requirements specified in §129.1025 of this title (relating to Adoption By Reference: Student Attendance Accounting Handbook). For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the campus the student would be attending if the student was not attending the DAEP).

(d) An individual school district or an SSA may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider.

(e) The campus of accountability for student performance must be the student's locally assigned campus, including when the individual school district or SSA contracts with a third party for DAEP services.

(f) Each school district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education and Section 504 services.

(1) A student's high school personal graduation plan required under TEC, §28.02121, may not be altered when the student is assigned to a DAEP. A student must be offered an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, including correspondence or distance learning opportunities or summer school. A district may not charge for a course required under this section.

(2) The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses as required under the TEC, §25.081.

(3) Notwithstanding the TEC, §37.008(a)(3), summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

(g) A DAEP program serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program established by a duly-constituted admis-

sion, review, and dismissal committee, in accordance with the TEC, §37.004, and federal requirements.

(h) Each school district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in the TEC, §22.0511, shall not be impacted.

(1) The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. Elementary grade students assigned to the DAEP shall be separated from secondary grade students assigned to the DAEP. The designation of elementary and secondary will be determined by adopted local policy.

(2) The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

(3) Students in the DAEP shall be separated from students in a juvenile justice alternative education program or in-school suspension and students who are not assigned to the DAEP.

(4) Each district shall establish a board-approved policy for discipline and intervention measures in the DAEP to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity. A student assigned to a DAEP shall be afforded due process in accordance with TEC, Chapter 37, if the student engages in conduct that results in an additional disciplinary removal.

(i) Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

(1) training on the education and discipline of students with disabilities who receive special education or Section 504 services;

(2) instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, bullying, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; ~~and~~

(3) annual training about suicide prevention and on the established procedures for reporting abuse, neglect, or exploitation of students; and[-]

(4) any other training the district staff is required to take on the local, state, or federal level.

(j) Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP, including written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success.

(k) The transition procedures established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by TEC, §37.023.

§103.1203. Assessment of Academic Growth of Students in Disciplinary Alternative Education Programs.

(a) Each school district shall be responsible for administering a pre- and post-assessment for each student assigned to the district's disciplinary alternative education program (DAEP) for a period of 90 school days or longer as required by the Texas Education Code (TEC), §37.0082. Released state assessments for reading and mathematics for the appropriate grade may be used, as well as a district's end-of-course (EOC) exams. A school district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills for read-

ing and mathematics for the student's assigned grade. The commissioner of education will publish on the Texas Education Agency (TEA) website a list of assessments approved for use in each school year. A school district may contact TEA to obtain accommodated versions of particular assessments.

(b) The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

(c) Each school district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within 10 school days of the student completing the post-assessment.

(d) Procedures for administering the pre- and post-assessment, including required appropriate accommodations and modifications for students receiving special education services or Section 504 services as needed, shall be developed and implemented in accordance with local school district policy and applicable state and federal laws and regulations.

(e) A student in the district's DAEP must also be assessed under the requirements of the TEC, Chapter 39.

§103.1205. Violent Conduct for Purposes of Placement in a Disciplinary Alternative Education Program When Program is at Capacity.

(a) As authorized under Texas Education Code (TEC), §37.009(a-2), a student who has been placed in a disciplinary alternative education program (DAEP) for conduct described under TEC, §37.006(a)(2)(C-1), (C-2), (D), or (E), relating to offenses involving marijuana, e-cigarettes, alcoholic beverages, and abusable volatile chemicals, may be removed from the DAEP and placed in in-school suspension to make a position available at the DAEP for a student who has engaged in one or more acts of violent conduct, as defined in this section.

(b) Violent conduct means an act by a student against another person that is intended to result in physical harm, bodily injury, or assault or a threat that reasonably places the other person in fear of imminent physical harm, bodily injury, or assault.

(c) A campus behavior coordinator or appropriate administrator may determine whether a specific instance of conduct listed in paragraphs (1)-(9) ~~[(1)-(6)]~~ of this subsection rises to the level of violent conduct for purposes of determining placement in a DAEP. Violent conduct includes certain conduct for which a student may be required or permitted to be removed under TEC, §37.007, including: [If school district policy allows a student to appeal to the board of trustees or the board's designee a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under TEC, §37.007, the decision of the board or the board's designee is final and may not be appealed.]

(1) unlawfully carrying weapons under Texas Penal Code, §46.02, or elements of an offense relating to prohibited weapons under Texas Penal Code, §46.05; exhibiting, using, or threatening to exhibit or use a firearm under TEC, §37.125; or disorderly conduct involving a firearm under Texas Penal Code, §42.01(a)(7) or (8);

(2) assault under Texas Penal Code, §22.01(a)(1); aggravated assault under Texas Penal Code, §22.02; sexual assault under Texas Penal Code, §22.011; or aggravated sexual assault under Texas Penal Code, §22.021;

(3) murder under Texas Penal Code, §19.02; capital murder under Texas Penal Code, §19.03; criminal attempt, under Texas Penal Code, §15.01, to commit murder or capital murder; manslaughter under Texas Penal Code, §19.04; or criminally negligent homicide under Texas Penal Code, §19.05;

(4) indecency with a child under Texas Penal Code, §21.11, or continuous sexual abuse of a young child or disabled individual under Texas Penal Code, §21.02;

(5) kidnapping under Texas Penal Code, §20.03, or aggravated kidnapping under Texas Penal Code, §20.04;

(6) burglary under Texas Penal Code, §30.02; robbery under Texas Penal Code, §29.02; or aggravated robbery under Texas Penal Code, §29.03;

(7) terroristic threat under Texas Penal Code, §22.07;

(8) deadly conduct under Texas Penal Code, §22.05; or

(9) a felony offense under Texas Penal Code, Title 5.

[(1) TEC, §37.007(b)(1)—The student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Texas Penal Code, §42.06, or terroristic threat under Texas Penal Code, §22.07.]

[(2) TEC, §37.007(b)(2)(C)—While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of assault under Texas Penal Code, §22.01(a)(1), including when committed as an act of retaliation against an employee or volunteer, as described in TEC, §37.007(d).]

[(3) TEC, §37.007(b)(2)(D)—While on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of deadly conduct under Texas Penal Code, §22.05.]

[(4) TEC, §37.007(b)(3)(A) and (B)—While within 300 feet of school property, or when committed as an act of retaliation against an employee or volunteer, whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:]

[(A) conduct that contains the elements of the offense of unlawful carrying of weapons under Texas Penal Code, §46.02;]

[(B) an offense relating to prohibited weapons under Texas Penal Code, §46.05;]

[(C) aggravated assault under Texas Penal Code, §22.02;]

[(D) sexual assault under Texas Penal Code, §22.011;]

[(E) aggravated sexual assault under Texas Penal Code, §22.021;]

[(F) arson under Texas Penal Code, §28.02;]

[(G) murder under Texas Penal Code, §19.02;]

[(H) capital murder under Texas Penal Code, §19.03;]

[(I) criminal attempt to commit murder or capital murder under Texas Penal Code, §15.01;]

[(J) indecency with a child under Texas Penal Code, §21.11;]

[(K) aggravated kidnapping under Texas Penal Code, §20.04;]

[(L) aggravated robbery under Texas Penal Code, §29.03;]

[(M) manslaughter under Texas Penal Code, §19.04;]

[(N) criminally negligent homicide under Texas Penal Code, §19.05;]

[(O) continuous sexual abuse of a young child or an individual with disabilities under Texas Penal Code, §21.02;]

[(P) selling, giving, delivering to another person, possessing, using, or being under the influence of a controlled substance or dangerous drug, excluding marijuana or tetrahydrocannabinol; or]

[(Q) possessing a firearm, as defined by 18 U.S.C. §921.]

[(5) TEC, §37.007(b)(4)—The student engages in conduct against another student, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, that contains the elements of:]

[(A) the offense of aggravated assault under Texas Penal Code, §22.02;]

[(B) sexual assault under Texas Penal Code, §22.011;]

[(C) aggravated sexual assault under Texas Penal Code, §22.021;]

[(D) murder under Texas Penal Code, §19.02;]

[(E) capital murder under Texas Penal Code, §19.03; or]

[(F) criminal attempt to commit murder or capital murder under Texas Penal Code, §15.01.]

[(6) TEC, §37.007(c)(1)-(4)—While placed in a DAEP and on the program campus, the student engages in documented serious misbehavior despite documented behavioral interventions.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602444

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 14. TEXAS OPTOMETRY BOARD

CHAPTER 277. PRACTICE AND PROCEDURE

22 TAC §277.1

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.1 - Complaint Procedures.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March

6, 2026, issue of the *Texas Register* (51 TexReg 1429). One comment was received regarding the Board's notice of review related to Rule 277.1. The commenter suggested 277.1(d)(3) be repealed. However, the Board disagrees with the comment as the statute related to that section does not expire until September 1, 2027.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.1 as currently in effect are necessary.

In conjunction with the quadrennial review, the rule was reviewed by the Texas Regulatory Efficiency Office (TREGO). These amendments incorporate many recommendations by TREGO to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers.

The amendments clarify the Board's complaint process for the public and licensees by reducing the word count and simplifying the classification system. The rule repeals current (e)(3) related to options the Board has regarding the disposition of complaint as these options are found in statute and do not need to be repeated in the rule.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public although the updated rule provides increased clarity for stakeholders impacted by the complaint process.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the complaint process is found in Subchapter E of the Occupations Code (Public Interest Information and Complaint Procedures).

No other sections are affected by the amendments.

§277.1. *Complaint Procedures.*

(a) [~~Purpose: Pursuant to §351.205 of the Act, the Board is authorized to adopt rules relating to the investigation of complaints filed with the Board.~~]

[(b)] [~~Complaints:~~] Complaints shall be submitted on the official complaint form promulgated by the Board and shall include express authorization to release patient records to the Board if necessary. The Board shall protect the identity of a complainant in the investigative process to the extent possible. [~~Complaints shall contain the following information:~~]

[(1) the name and contact information of the complainant (and patient);]

[(2) the name and contact information of the person the complaint is filed against;]

[(3) the date, time, and place of occurrence of alleged violation of the Act or Board rules;]

[(4) the type of service (in-person or telehealth);]

[(5) the complete description of incident giving rise to the complaint; and]

[(6) the express authorization to release patient records to the Board where applicable.]

(b) [(c) **Classification of Complaints:** All complaints received shall be sent to the Executive Director. The Board shall determine jurisdiction and distinguish between categories of complaints as follows:]

[(1)] [~~Non-jurisdictional:~~] A complaint is considered non-jurisdictional if the Board does not have any authority over the subject

of the complaint. If possible, these complaints shall be referred to an agency having jurisdiction over the complaint.

~~{(2) Jurisdictional. A complaint is jurisdictional if it alleges conduct that, if true, would constitute a violation of the Act or Board rules. A jurisdictional complaint may require a Board investigation including but not limited to a Board member expert review and/or contractual third-party expert review. The Board shall further classify these complaints according to the schedule in subsection (d) of this section. These complaints shall be processed according to subsection (e) of this section.}~~

~~(c) [(d) Classification of Jurisdictional Complaints:] All jurisdictional complaints shall be classified in one of the following categories:~~

~~(1) Complaints of high priority. Complaints alleging conduct that potentially threatens the public health, including violations of the professional standard of care or glaucoma-related complaints. The processing of these complaints shall have priority over normal priority complaints. The Board shall evaluate complaints of high priority to determine whether an emergency temporary suspension shall be sought under §277.8 of this title. [This includes, but is not limited to, complaints alleging:]~~

~~{(A) professional misconduct,}~~

~~{(B) qualifications of applicants or licensees,}~~

~~{(C) unauthorized practice;}~~

~~{(D) other acts or the failure to act that potentially threatens the public health, and}~~

~~{(E) a violation of the professional standard of care. The processing of these complaints shall have priority over normal priority complaints. The Board shall evaluate complaints of high priority to determine whether an emergency temporary suspension shall be sought under §277.8 of this title.}~~

~~(2) Complaints of normal priority. Complaints alleging violations of the Optometry Act or Board rules that do not potentially threaten the public health. [This includes, but is not limited to, complaints alleging:]~~

~~{(A) advertising violations,}~~

~~{(B) violations of the Act or Board Rules resulting in economic harm, and}~~

~~{(C) violations of the Act regarding notice that do not potentially threaten the public health.}~~

~~(3) Glaucoma. All complaints received relating to glaucoma shall be considered high-priority and shall be investigated pursuant to the process outlined by §277.13 and §277.14 of this title.~~

~~(d) [(e) Investigation-Enforcement Committee.~~

~~(1) [Makeup of Committee. The Chair shall appoint a committee to consider all jurisdictional complaints referred from Board staff. The committee shall be known as the] The Investigation-Enforcement Committee [and] shall be composed of Board [board] members who are licensed [optometrists or] therapeutic optometrists. To investigate individual complaints, subcommittees may be formed.~~

~~(2) [Authority of Committee.] The Committee shall have the power to make recommendations regarding resolution and disposition of specific cases such as those regarding professional competency or recommendations regarding dismissals of complaints and closure or investigations. The Committee may determine the appropriate disposition of the complaint consistent with applicable provisions of the~~

Optometry Act, including but not limited to dismissal, further investigation, referral for remedial plan, or recommendation of formal proceedings.

~~(3) The Committee may issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of books, records, and documents, to issue commissions to take depositions, to administer oaths and to take testimony concerning all matters within the assigned jurisdiction. In addition to subpoena power, each member of the committee may authorize the Executive Director to investigate an alleged violation.~~

~~{(3) Disposition of Complaint. During the investigation of a filed jurisdictional complaint related to professional competency, members of the Committee may determine:}~~

~~{(A) whether a violation of the Act or Board rules has occurred;}~~

~~{(B) whether to dismiss the matter and take no further action;}~~

~~{(C) whether to conduct further investigations;}~~

~~{(D) whether to forward to the Board the Committee's determination that a violation of the Act may have occurred together with a recommendation that the Board issue a remedial plan;}~~

~~{(E) whether to forward to the Board the Committee's determination that a violation of the Act may have occurred together with a recommendation that proceedings be instituted with the State Office of Administrative Hearings to consider disciplinary action, sanctions, administrative penalties, issuance of cease and desist orders, or refusal to issue a license;}~~

~~{(F) whether to forward to the Board the Committee's determination that some person, firm, or corporation may be practicing optometry without a license or otherwise violating the provisions of the Act, along with the members' recommendation that the board notify the attorney general or appropriate district attorney with accompanying request that appropriate action be taken in accordance with law; and}~~

~~{(G) whether to forward to the Executive Director the Committee's determination of findings applicable to subparagraphs (D) and (E) of this paragraph to issue a remedial plan or for assessment of administrative penalties.}~~

~~(c) [(f) Complaints Investigated by Staff.] Board staff may investigate jurisdictional complaints that do not directly relate to patient care and the investigation or disposition of which do not require expertise in optometry or therapeutic optometry. Board staff investigations and dispositions shall be conducted in accordance with procedures adopted by the Board. [During the investigation, Board staff may consult members of the Investigation-Enforcement Committee to assist with the investigation. A complaint shall be directed to the Investigation-Enforcement Committee if the Executive Director determines that the complaint should not be dismissed or settled or the Executive Director is unable to reach an agreed settlement.]~~

~~(f) [(g) Notification and Request for Information.] Once an investigation commences, Board staff shall notify the subject of the complaint and request a written response to the allegations along with patient charts and any other relevant information. The subject of the complaint shall [have 14 days from the receipt of the Board's request to] respond pursuant to §273.16 of this title. The Executive Director may extend the time period upon a showing of good cause by the subject of the complaint.~~

~~(g) [(h) Dismissal and Tracking of Complaints.] The Executive Director shall report on complaint dismissals and status at each~~

Board meeting. [A complaint shall not be dismissed without appropriate consideration. The complainant shall be advised of complaint dismissals. A complaint dismissed by the Executive Director shall be approved by the Board at a Board Meeting. The Executive Director shall make a report at each board meeting regarding complaints to the Board.]

(h) [(†)] Basic Competence Violations.

(1) If during a review of patient records related to a patient complaint or an inspection conducted in accordance with Section 351.1575 of the Optometry Act [the investigation of an optometrist's or therapeutic optometrist's compliance with Section 351.353 of the Act and §279.1 or §279.3 of this title], the optometrist or therapeutic optometrist failed to complete all the of required findings in an initial examination at which a prescription for corrective lenses is written as required by Section 351.353 of the Optometry Act, the completed [investigation] report will be classified as a complaint [and forwarded by the Executive Director to the Investigation-Enforcement Committee].

(2) In determining the action to take [under subsection (e)(3), if any], the Investigation-Enforcement Committee or the Executive Director shall consider the seriousness of the omitted finding, the compliance history of the optometrist or therapeutic optometrist, and prior actions of the Board concerning similar complaints. [Omission of four or more basic competency findings requires the committee members to conduct an informal conference.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602434

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.2

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.2 - Disciplinary Proceedings.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.2.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.2 as currently in effect are necessary.

In conjunction with the quadrennial review, the rule was reviewed by the Texas Regulatory Efficiency Office (TREGO). These amendments incorporate many recommendations by TREGO to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers.

The amendments clarify the Board's disciplinary proceedings process for the public and licensees by reducing word count and ensuring the Board's proceedings comply with the Administra-

tive Procedures Act (APA). By referencing compliance with the APA, the Board does not need to amend its rule if the APA is amended by the Texas Legislature at a future date. Additionally, the rule adds a section referencing the option for Alternative Dispute Resolution as that rule is being repealed in a separate rule submission.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public although the updated rule provides increased clarity for stakeholders impacted by the complaint process.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and wel-

fare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the disciplinary process is found in Subchapter k of the Occupations Code (Disciplinary Procedures).

No other sections are affected by the amendments.

§277.2. Disciplinary Proceedings.

(a) ~~[General statement.]~~ In a contested case before the Board, proceedings shall be governed by the Administrative Procedure Act (APA), except as specifically provided in the Optometry Act. In any contested case, opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved. Unless precluded by law, informal disposition may be made of any contested case by any method authorized under Government Code, Section 2001.056, including but not limited to stipulation, agreed settlement, consent order, or default. ~~[by stipulation, agreed settlement, consent order, default, refund of examination fees, remedial plan or dismissal.]~~

(b) The Board may seek to resolve a contested matter through any Alternative Dispute Resolution (ADR) procedure. Such procedures may include, but are not limited to, those applied to resolve matters pending at the State Office of Administrative Hearing (SOAH) and in the state's district courts.

(c) ~~[(b) Informal disposition of contested case.]~~ Prior to the imposition of disciplinary sanctions, remedial plan, or administrative penalties against a respondent (a licensee or a person issued a cease and desist order), the respondent shall be offered an opportunity to attend an informal conference and show compliance with all requirements of law, in accordance with the APA.

(1) The Executive Director shall designate the informal conference panel in accordance with Section 351.507 of the Optometry Act. [Informal conferences shall be attended by the Executive Director, the Board's legal counsel, the two members of the Investigation-Enforcement Committee, a public member, and other representatives of the Board as the Executive Director and legal counsel may deem necessary for the proper conduct of the conference.] The respondent and/or the authorized representative may attend the informal conference and shall be provided an opportunity to be heard. If applicable, the complainant may attend the informal conference in order to be heard on the complaint.

(2) Informal conferences shall not be deemed to be meetings of the Board and no formal record of the proceedings at the conferences shall be made or maintained. [In any case where charges are based upon information provided by a person who filed a complaint with the Board (complainant), the complainant may attend the informal conference, and shall be provided with an opportunity to be heard. Nothing herein requires a complainant to attend an informal conference.]

(3) In making a settlement offer, the panel shall consider the Penalty Schedule in §277.6 of this title to determine the recommendation for an administrative fine or penalty. The panel also may

recommend the respondent refund all or part of the examination fee paid by the complainant.

(4) The panel's proposed settlement offer shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the settlement offer. If the respondent does not concur with the settlement or the Board disapproves the offer, the case shall be forwarded to SOAH for formal action.

(d) ~~[(3)]~~ Notice of the informal conference shall be served not less than 10 days prior to the date of the conference by certified or registered mail, return receipt requested, to the licensee's address of record as maintained by the Board or by electronic means to the licensee's designated electronic address of record, and shall include:

(1) ~~[(A)]~~ a statement of the legal authority, jurisdiction, and alleged conduct under which the enforcement action is based, with a reference to the particular section(s) of the statutes and rules involved;

(2) ~~[(B)]~~ an offer for the respondent to attend an informal conference at a specified time and place and show compliance with all requirements of law, in accordance with ~~[Chapter 2004 of]~~ the APA ~~[Administrative Procedure Act];~~

(3) ~~[(C)]~~ a statement that the respondent has an opportunity for a hearing before SOAH ~~[the State Office of Administrative Hearings]~~ on the allegations; and

(4) ~~[(D)]~~ a default warning in the form prescribed by Board policy ~~[the following statement in capital letters in 12 point boldface type: FAILURE TO RESPOND TO THE ALLEGATIONS, BY EITHER PERSONAL APPEARANCE AT THE INFORMAL CONFERENCE OR IN WRITING, WILL RESULT IN THE ALLEGATIONS BEING ADMITTED AS TRUE AND THE RECOMMENDED SANCTION MADE AT THE INFORMAL CONFERENCE BEING GRANTED BY DEFAULT. The notice shall be served by delivering a copy to the respondent or licensee in person, by courier receipted delivery, or by certified or registered mail, return receipt requested, to the licensee's last known address of record as shown by agency records, not less than 10 days prior to the date of the conference.]~~

(e) ~~[(4)]~~ The respondent shall respond by either personal appearance at the informal conference or in writing no later than the date of the informal conference. If the respondent chooses to respond in writing, the response shall address the allegations set forth in the notice. [If the respondent chooses to respond in writing, the response shall admit or deny each of the allegations. If the respondent intends to deny only a part of an allegation, the respondent shall specify so much of it is true and shall deny only the remainder. The response shall also include any other matter, whether of law or fact, upon which the respondent intends to rely for his or her defense.]

(f) If the respondent fails to respond [to the notice specified in this subsection,] the matter will be considered as a default case.

(1) The [and the] respondent will be deemed to have:

(A) admitted all the factual allegations in the notice specified in this subsection;

(B) waived the opportunity to show compliance with the law;

(C) waived notice of a hearing;

(D) waived the opportunity for a hearing on the allegations; and

(E) waived objection to the recommended sanctions made at the informal conference.

(2) [(5)] The [Investigation-Enforcement Committee may recommend that the] Board shall either enter a default order [- based upon the allegations set out in the notice specified in this subsection,] adopting the recommended sanctions made at the informal conference [- Upon consideration of the case, the Board may enter a default order under §2001.056 of the Administrative Procedure Act] or direct that the case be set for a hearing at SOAH [the State Office of Administrative Hearings].

[(6)] Any default judgment [granted under this section] will be entered on the basis of the factual allegations in the notice and upon proof of proper notice to the respondent's address of record [as specified in paragraph (3) of this subsection].

(3) [(7)] A motion for rehearing which requests that the Board vacate its default order under this section shall be granted if the motion presents convincing evidence that the failure to respond to the notice specified in this subsection was not intentional or the result of conscious indifference, but due to accident or mistake, provided that the respondent has a meritorious defense to the factual allegations contained in the notice specified in this subsection and the granting thereof will not result in delay or injury to the public or the Board.

[(8)] Informal conferences shall not be deemed to be meetings of the Board and no formal record of the proceedings at the conferences shall be made or maintained.]

[(9)] The Investigation-Enforcement Committee shall consider the Penalty Schedule in §277.6 of this title to determine the parameters of any administrative fine or penalty to recommend to the respondent and the Board. The Investigation-Enforcement Committee may recommend a settlement to the respondent that includes an agreed order to refund all or part of the examination fee paid by the complainant to the respondent. This settlement must be approved by the Board pursuant to subsection (b)(10).]

[(10)] Any proposed order shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the proposed order. Should the Board approve the proposed order, the appropriate notation shall be made in the minutes of the Board and the proposed order shall be entered as an official action of the Board. Should the Board amend the proposed order, the Executive Director shall contact the respondent to seek concurrence. If the respondent does not concur, the provisions of the next sentence shall apply. Should the Board disapprove the proposed order, the case shall be rescheduled for purposes of reaching an agreed order or in the alternative forwarded to the State Office of Administrative Hearings for formal action.]

(g) [(e) Formal disposition of a contested case.] All contested cases not resolved by informal conference shall be referred to SOAH [the State Office of Administrative Hearings]. Formal proceedings shall be conducted in accordance with the contested-case provisions of the APA and the procedural rules of SOAH.

[(1)] Notice. The respondent shall be entitled to reasonable notice of not less than 10 days. Notice shall include the matters specifically required by the APA, to wit:]

[(A)] a statement of the time, place, and nature of the hearing;]

[(B)] a statement of the legal authority and jurisdiction under which the hearing is being held;]

[(C)] a reference to the particular section of the Act and rules involved; and]

[(D)] a short and plain statement of the matters asserted.]

[(2)] Service of notice. The notice of hearing and a copy of the formal complaint shall be served on the respondent's last known address at least 10 days prior to the hearing. Service on the respondent shall be complete and effective if the document to be served is sent by registered or certified mail to the respondent at the address shown on the respondent's annual renewal certificate.]

[(3)] Filing of documents. All pleadings and motions relating to any contested case pending before the State Office of Administrative Hearings shall be filed with the State Office of Administrative Hearings. They shall be deemed filed only when actually received.]

[(4)] Motion for continuance. Continuances may be granted by the State Office of Administrative Hearings in accordance with procedural rules established by that agency.]

[(5)] Transcription. Proceedings, or any part of them, must be transcribed on the written request of any party. The agency may pay the cost of the transcript or assess the cost to one or more parties.]

[(6)] Discovery. Requests for the issuance of subpoenas, requests for depositions and for production of documents, and other discovery matters shall be governed by the APA.]

[(d)] If, after receiving notice of hearing, a party fails to appear in person or by representative on the day and time set for hearing, the Administrative Law Judge may proceed in that party's absence and, as authorized by applicable law, may issue a proposal for decision or order against the defaulting party in which the factual allegations against that party in the notice of hearing are deemed admitted as true without the requirement of submitting additional proof.]

[(e)] Any default judgment entered under this section shall be issued only upon adequate proof that proper notice was provided to the defaulting party, and such notice includes disclosure, in 12 point, bold-faced type: FAILURE TO RESPOND TO THE ALLEGATIONS, BY EITHER PERSONAL APPEARANCE AT THE INFORMAL CONFERENCE OR IN WRITING, WILL RESULT IN THE ALLEGATIONS BEING ADMITTED AS TRUE AND THE RECOMMENDED SANCTION MADE AT THE INFORMAL CONFERENCE BEING GRANTED BY DEFAULT. Proper notice may be established by proof that the Board complied with subsection (e)(1) and (2) of this section.]

[(f)] This section does not preclude the agency from informally disposing of a case by default under the agency's statute or rules in the event the respondent fails to file a timely written response or other responsive pleading required by the agency's statute or rules.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602435

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.3

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.3 - Probation.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.3.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.3 as currently in effect are necessary.

The amendment simply updates the terminology found in the rule from "practitioner" to "licensee" to clarify that the Board may offer probation to a licensee. It further clarifies that the Board "may" act without the unnecessary language related to a majority vote as a majority vote is needed for all Board actions.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rule may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the probation process is found in §351.506 of the Occupations Code.

No other sections are affected by the amendments.

§277.3. Probation.

(a) The Board ~~may~~ [shall have the right and may upon majority vote] rule that an order denying an application for license or any order canceling, suspending, or revoking any license be probated so long as the probated licensee [practitioner] conforms to such orders and rules as the Board may set out in the terms of the probation. The Board, at the time of its decision to probate the licensee [practitioner], shall set out the period of time which shall constitute the probationary period; provided, however, that the Board may at any time while the licensee [practitioner] remains on probation upon majority vote rescind the probation and enforce the Board's original action denying, suspending, or revoking such license for violation of the terms of the probation or for other good cause as the Board in its discretion may determine. To rescind the probation shall require a formal disciplinary hearing and be conducted as a contested case within the meaning of the Administrative Procedures Act [APA].

(b) The Executive Director shall maintain a chronological and alphabetical listing of licensees who have had their license canceled, suspended, or revoked, and shall monitor each consent order in respect to each license holder's specific sanction. Any noncompliance observed as a result of monitoring shall be referred to the Board.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602436

Janice McCoy
Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.4

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.4 - Reinstatement.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.4.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.4 as currently in effect are necessary.

The amendment simply updates the terminology found in the rule from "practitioner" to "person" to clarify that the person seeking reinstatement of a license should not be practicing. Additionally, it provides that the Board may make the decision to reinstate a license without holding a hearing at the State Office of Administrative Hearings (SOAH). Implied is that if the Board makes an adverse action, the person may appeal the decision to SOAH under the provisions of the Administrative Procedures Act.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the reinstatement process is found in §351.505 of the Occupations Code.

No other sections are affected by the amendments.

§277.4. *Reinstatement.*

(a) Any person [~~practitioner~~] whose license to practice has been revoked [~~for a period of more than one year~~] may, after the expiration of at least one year from the date that such revocation became final, apply to the Board, on forms provided by the Board, to have the revocation order withdrawn and to have the Board reinstate a license to practice optometry or therapeutic optometry. [~~In considering the reinstatement of a revoked license, the State Office of Administrative Hearings shall consider all factors it deems relevant, and the applicant for reinstatement of a revoked license must appear before the State Office of Administrative Hearings. After consideration of the proposal for decision, the]~~

(b) The Board in its discretion may:

- (1) deny reinstatement of a revoked license;
- (2) reinstate a revoked license and probate the licensee [~~practitioner~~] for a specified period of time under specified conditions; or
- (3) authorize reinstatement of the revoked license.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602437

Janice McCoy
Executive Director
Texas Optometry Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.5

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.5 - Convictions.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.5.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.5 as currently in effect are necessary.

The amendment removes unnecessary language which only restates statute or provides subjective commentary about the rule.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the review of convictions process is found in Chapter 53 of the Occupations Code

No other sections are affected by the amendments.

§277.5. *Convictions.*

~~[(a) The Act, §351.501(a)(3), and Texas Occupations Code Chapter 53, provide that the Board may suspend or revoke an existing valid license, disqualify a person from receiving a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor, including being placed on deferred adjudication or court ordered community or mandatory supervision, with or without an adjudication of guilt, or revocation of parole, probation or court ordered supervision, if the crime directly relates to duties and responsibilities of a licensed optometrist or therapeutic optometrist.]~~

(a) ~~[(b)]~~ A licensee or applicant receiving a felony or misdemeanor criminal conviction, including deferred adjudication or court ordered community or mandatory supervision, with or without an adjudication of guilt, or revocation of parole, probation or court ordered supervision, shall report the order of conviction, deferred adjudication or court ordered community or mandatory supervision, or revocation of parole, probation, or supervision within 30 days of the date the court issued the order. This subsection does not require the reporting of a Class C Misdemeanor traffic violation. The failure of a licensee or applicant to report a conviction is deceit, dishonesty and misrepresentation in the practice of optometry and authorizes the Board to take disciplinary action under §351.501 of the Optometry Act.

(b) The licensee shall furnish any document relating to the conviction as requested by the Board.

~~[(e) The Texas Optometry Act authorizes licensees to provide health services.]~~

(c) ~~[(d)]~~ A person currently incarcerated because of a felony conviction or revocation of parole, probation or court ordered supervision in a felony case may not ~~[sit for examination,]~~ obtain a license under the Optometry Act ~~[this act,]~~ or renew a previously issued license to practice optometry or therapeutic optometry.

(d) ~~[(e)]~~ In considering whether a criminal conviction directly relates to the occupation of an optometrist or therapeutic optometrist, the Board shall consider the factors listed in ~~[Texas]~~ Occupations Code §53.022.

[(f)] [The practice of optometry and therapeutic optometry places the optometrist or therapeutic optometrist in a position of public trust. A licensee practices in an autonomous role in treating patients young and old; in prescribing, administering and safely storing dangerous drugs including controlled substances; in preparing and safeguarding confidential records and information; and in accepting client funds. Therefore the] The crimes considered by the Board to relate to the practice of optometry and therapeutic optometry include, but are not limited to:

- (1) any felony or misdemeanor of which fraud, dishonesty or deceit is an essential element;
- (2) any criminal violation of the Optometry Act, or other statutes regulating or pertaining to the practice or profession of optometry and therapeutic optometry;
- (3) any criminal violation of statutes regulating other professions in the healing arts;
- (4) any crime involving moral turpitude;
- (5) murder;
- (6) burglary;
- (7) robbery;
- (8) theft;
- (9) sex offense;
- (10) perjury;
- (11) child molesting; and
- (12) substance abuse or substance diversion.

(c) [(g)] In determining the present fitness of a person who has been convicted of a crime, the Board shall consider the factors listed in [Texas] Occupations Code §53.023.

[(h)] It shall be the responsibility of the person to furnish to the Board proof of the additional factors [applicant for license to secure and provide to the Board the recommendations of the prosecution, law enforcement, and correctional authorities regarding all offenses].

[(i)] The applicant for license shall also furnish proof in such form as may be required by the Board, that the licensee maintained a record of steady employment and has supported licensee dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in all criminal cases in which the licensee has been convicted.

(f) [(j)] Upon suspension or revocation of a license, or denial of an application for license or examination because of the person's [prior] conviction of a crime and the relationship of the crime to the license, the Board shall notify the person in writing:

- (1) of the reasons for the suspension, revocation, denial, or disqualification;
- (2) of the review procedure provided by [Texas] Occupations Code §53.052; and
- (3) of the earliest date that the person may appeal.

[(k)] The Board, however, shall be under no duty to generate evidence with respect to the matters listed in Texas Occupations Code Chapter 53.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602438

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



22 TAC §277.8

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.8 - Emergency Temporary Suspension or Restriction.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.8.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.8 as currently in effect are necessary.

The amendment provides the Chair of the Board has discretion when appointing the emergency committee and the appointments would not need to be approved by the full Board. Finally, the amendment allows the committee to meet by video or telephone call if necessary.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local em-

ployment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the emergency suspension process is found in §351.5015 of the Occupations Code.

No other sections are affected by the amendments.

§277.8. *Emergency Temporary Suspension or Restriction.*

(a) ~~The [Annually, the]~~ chair of the Board shall appoint ~~[for approval by the Board]~~ a three-member disciplinary panel ("panel") and alternate, consisting of at least one public member, for the purpose of making a determination of whether a license should be temporarily suspended or restricted ~~[under Section 351.5015 of the Act]~~. The chair shall name one of the members as chair of the panel. If a member of the panel is recused, or unable to participate in the panel, the alternate Board member may serve in the member's place.

(b) The panel shall meet to receive information on a complaint indicating that a licensee's continued practice of optometry or therapeutic optometry may constitute a continuing or imminent threat to the public welfare. At the conclusion of the meeting, if the panel concludes that the licensee's continued practice would constitute a continuing or imminent threat to the public welfare, the panel may restrict or suspend the license for a temporary, stated period of time.

(c) The ~~[disciplinary]~~ panel may hold a meeting by telephone or video conference call if immediate action is required and convening of the panel at one location is inconvenient for any member of the disciplinary panel.

(d) The panel may suspend a license under this section without notice or a hearing on the complaint, provided the Investigation-Enforcement Committee shall meet in an informal conference as soon as

practical, to determine if formal disciplinary proceedings should be initiated against the licensee. The licensee must receive notice of the conference at least 72 hours prior to the conference.

(e) Following the informal conference, the Investigation-Enforcement Committee shall take one of the following actions:

(1) Lift the temporary suspension or restriction and reinstate the license without conditions.

(2) Negotiate an agreed settlement order that will dissolve, continue or modify the suspension or restriction, or impose other sanctions as appropriate. The agreed order shall be presented to the Board at the next available Board Meeting for approval.

(3) Prepare a complaint affidavit setting out the details of the complaint and recommended sanctions, and forward the complaint affidavit to the State Office of Administrative Hearings for setting of an administrative hearing. Following the hearing, the administrative law judge will prepare a proposal for decision for adoption, in the form of an order, by the Board.

(f) The panel and the Investigation-Enforcement Committee may receive testimony and evidence in oral or written form. Written statements may be sworn or unsworn. The panel or committee members may question witnesses at the members' discretion. Evidence or information that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602439

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.9

The Texas Optometry Board proposes to repeal 22 TAC Part 14 Chapter 277 Administration - Rule 277.9 - Alternative Dispute Resolution.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.9.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREG) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREG review, the Board is proposing the repeal of Rule 277.9.

This rule is derived from Texas Government Code Chapter 2009 which outlines the Alternative Dispute Resolution process for government agencies. In conjunction with the repeal of this rule, the Board is in the process of amending Rule 277.2-Disciplinary Proceedings to state the "Board may seek to resolve a contested matter through any Alternative Dispute Resolution (ADR) proce-

dures. Such procedures may include, but are not limited to, those applied to resolve matters pending at the State Office of Administrative Hearing (SOAH) and in the state's district courts."

Government Growth Impact Statement. For the first five-year period after the repeal, the Board estimates that the repeal will have no effect on government growth. The repeal does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the repeal, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the repeal does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the repeal. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the repeal will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the repeal is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the repeal, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed repeal rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite

9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

§277.9. *Alternative Dispute Resolution.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

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Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



22 TAC §277.12

The Texas Optometry Board proposes amendments to 22 TAC Chapter 277, §277.12 - Denial Of License And Disciplinary Action By Board.

The rules in the Chapter 277 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. Notice of the review was published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1429). No comments were received regarding the Board's notice of review related to Rule 277.12.

The Board has determined that there continues to be a need for the rules in Chapter 277. The Board has also determined that changes to §277.12 as currently in effect are necessary.

As currently written, the rule simply restates Texas Occupations Code §351.501 which is redundant and could be confusing for stakeholders. This proposed amendment simplifies and clarifies the Board's authority to discipline a licensee or applicant.

Additionally, based on a recent State Office of Administrative Hearing's ruling, the Board is attempting to define "wilful" by stating "An applicant or license holder is considered to have committed a wilful violation if the person intentionally disregarded the Optometry Act. Unless the person can prove he or she did not know how to review and understand the law, the Board deems every violation as intentional as each person is required to take and pass the Board's jurisprudence exam prior to licensure and to take one hour of continuing education related to professional responsibility each year once licensed."

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to

the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public although the updated rule provides increased clarity for stakeholders impacted by the complaint process.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the disciplinary process is found in Subchapter K of the Occupations Code (Disciplinary Procedures).

No other sections are affected by the amendments.

§277.12. *Denial Of License And Disciplinary Action By Board.*

(a) The Board may refuse to issue a license to an applicant or may discipline a license holder in accordance with Section 351.501 of the Optometry Act.

[(a) Denial of License. The Board may refuse to issue a license to an applicant, if the Board determines that:]

[(1) the applicant is guilty of fraud, deceit, dishonesty, or misrepresentation in the practice of optometry or therapeutic optometry or in seeking admission to that practice;]

[(2) the applicant is unfit or incompetent by reason of negligence;]

[(3) the applicant has been convicted of a misdemeanor involving moral turpitude or a felony;]

[(4) the applicant has developed an incapacity that prevents or could prevent the applicant from practicing optometry or therapeutic optometry with reasonable skill, competence, and safety to the public;]

[(5) the applicant has wilfully or repeatedly violated this chapter or a Board rule adopted under this chapter;]

[(6) the applicant has acted to deceive, defraud, or harm the public;]

[(7) the applicant is guilty of gross incompetence in the practice of optometry or therapeutic optometry;]

[(8) the applicant has engaged in a pattern of practice or other behavior demonstrating a wilful provision of substandard care;]

[(9) the applicant has committed an act of sexual abuse, misconduct, or exploitation with a patient or has otherwise unethically or immorally abused the doctor-patient relationship;]

[(10) the applicant has prescribed, sold, administered, distributed, or given a drug legally classified as a controlled substance or as an addictive or dangerous drug for other than an accepted diagnostic or therapeutic purpose;]

[(11) the applicant has failed to report to the Board the relocation of the applicant's office not later than the 30th day after the date of relocation, whether in or out of this state;]

[(12) the applicant's violation of a law of this state, other than Texas Occupations Code Chapter 351, or a rule of another licensing board in this state, or of a statute or rule of another state if the violation constitutes a violation of the laws of this state or a Board rule; or]

[(13) the applicant has violated the provisions of a disciplinary order or agreement issued by the Board.]

(b) Disciplinary actions include, but are not limited to, the authority to revoke or suspend a license, place on probation a license holder whose license has been suspended, impose a fine, impose a stipulation, limitation, or condition relating to continued practice, including conditioning continued practice on counseling or additional education, or reprimand a license holder.

(c) An applicant or license holder is considered to have committed a wilful violation if the person intentionally disregarded the Optometry Act. Unless the person can prove he or she did not know how to review and understand the law, the Board deems every violation as intentional as each person is required to take and pass the Board's jurisprudence exam prior to licensure and to take one hour of continuing education related to professional responsibility each year once licensed.

[(b) Disciplinary Action. The Board may revoke or suspend a license, place on probation a license holder whose license has been suspended, impose a fine, impose a stipulation, limitation, or condition relating to continued practice, including conditioning continued practice on counseling or additional education, or reprimand a license holder if the Board determines that:]

[(1) the license holder is guilty of fraud, deceit, dishonesty, or misrepresentation in the practice of optometry or therapeutic optometry or in seeking admission to that practice;]

[(2) the license holder is unfit or incompetent by reason of negligence;]

[(3) the license holder has been convicted of a misdemeanor involving moral turpitude or a felony;]

[(4) the license holder has developed an incapacity that prevents or could prevent the license holder from practicing optometry or therapeutic optometry with reasonable skill, competence, and safety to the public;]

[(5) the license holder has directly or indirectly employed, hired, procured, or induced a person to practice optometry or therapeutic optometry in this state without a license;]

[(6) the license holder has directly or indirectly aided or abetted an unlicensed person in the practice of optometry or therapeutic optometry;]

[(7) the license holder has placed the holder's license at the disposal or service of, including lending, leasing, or renting to, a person not licensed to practice optometry or therapeutic optometry in this state;]

[(8) the license holder has wilfully or repeatedly violated this chapter or a Board rule adopted under this chapter;]

[(9) the license holder has wilfully or repeatedly represented to a member of the public that the license holder is authorized or competent to cure or treat an eye disease beyond the authorization granted by this chapter;]

[(10) the license holder has had the right to practice optometry or therapeutic optometry suspended or revoked by a federal agency for a cause that the Board believes warrants that action;]

[(11) the license holder has acted to deceive, defraud, or harm the public;]

[(12) the license holder is guilty of gross incompetence in the practice of optometry or therapeutic optometry;]

[(13) the license holder has engaged in a pattern of practice or other behavior demonstrating a wilful provision of substandard care;]

[(14) the license holder has committed an act of sexual abuse, misconduct, or exploitation with a patient or has otherwise unethically or immorally abused the doctor-patient relationship;]

[(15) the license holder has prescribed, sold, administered, distributed, or given a drug legally classified as a controlled substance or as an addictive or dangerous drug for other than an accepted diagnostic or therapeutic purpose;]

[(16) the license holder has failed to report to the Board the relocation of the applicant's or license holder's office not later than the 30th day after the date of relocation, whether in or out of this state;]

[(17) the license holder has practiced or attempted to practice optometry while the license holder's license was suspended;]

[(18) the applicant's violation of a law of this state, other than Texas Occupations Code Chapter 351, or a rule of another licensing board in this state, or of a statute or rule of another state if the violation constitutes a violation of the laws of this state or a Board rule; or]

[(19) the applicant has violated the provisions of a disciplinary order or agreement issued by the Board.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602441

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.7

The Texas State Board of Pharmacy proposes amendments to §283.7, concerning Examination Requirements. The amendments, if adopted, allow an applicant for licensure by examination who has completed the three didactic years of pharmacy education to take the Texas Pharmacy Jurisprudence Examination a maximum of one time prior to graduation from a college/school of pharmacy and remove outdated examination requirements.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be to streamline the pharmacist licensure process, reduce testing stress and workload, and clear and correct regulatory language. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;

- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do limit an existing regulation by providing more flexibility in scheduling a licensure examination;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments do not positively or adversely affect this state's economy.

The Board is requesting public comments on the proposed amendments and information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendments.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§283.7. *Examination Requirements.*

Each applicant for licensure by examination shall pass the Texas Pharmacy Jurisprudence Examination and the NAPLEX. The examination requirements shall be as follows:

- (1) Prior to taking the required examination, the applicant shall:
 - (A) except as provided in paragraph (3) of this section, meet the educational and age requirements as set forth in §283.3 of this title (relating to Educational and Age Requirements);
 - (B) meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and being responsible for all associated costs; and
 - (C) submit an application to the board that includes the following information:
 - (i) name;
 - (ii) addresses, phone numbers, date of birth, and social security number; and
 - (iii) any other information requested on the application.
- (2) All applicants shall pass NAPLEX, which includes, at a minimum, the following subject areas:
 - (A) chemistry;
 - (B) mathematics;

- (C) pharmacy;
- (D) pharmacology; and
- (E) practice of pharmacy.

(3) An applicant who has completed the three didactic years of pharmacy education (i.e., P1 through P3 years) may take the Texas Pharmacy Jurisprudence Examination a maximum of one time prior to graduation from a college/school of pharmacy [Effective October 1, 1979, the following requirements apply].

~~[(A) To pass NAPLEX, an applicant shall make the following grades:]~~

~~[(i) a minimum grade of 60 on chemistry, mathematics, pharmacy, and pharmacology test;]~~

~~[(ii) a minimum grade of 75 on the practice of pharmacy test; and]~~

~~[(iii) a minimum average grade of 75 on the NAPLEX.]~~

~~[(B) Should the applicant fail to achieve a minimum grade of 60 in any of the tests set out in paragraph (2)(A) - (E) of this section or fail to achieve a minimum grade of 75 in the practice of pharmacy test or fail to achieve a minimum average grade of 75 in the NAPLEX, such applicant, in order to be licensed, is required to retake all tests until such time as the minimum average grades are achieved.]~~

~~(4) The [Effective June 1, 1986, the] following examination requirements apply.~~

~~(A) To pass the NAPLEX, an applicant shall make a minimum scaled score [average grade] of 75.~~

~~(B) Should the applicant fail to achieve a minimum scaled score [average grade] of 75 in the NAPLEX, such applicant, in order to be licensed, shall retake the NAPLEX, as specified in §283.11 of this title (relating to Examination Retake Requirements) until such time as a minimum scaled score [average grade] of 75 is achieved.~~

~~(5) To pass the Texas Pharmacy Jurisprudence Examination, an applicant shall make a minimum grade of 75. Should the applicant fail to achieve a minimum grade of 75 on the Texas Pharmacy Jurisprudence Examination, such applicant, in order to be licensed, shall retake the Texas Pharmacy Jurisprudence Examination as specified in §283.11 of this title until such time as a minimum average grade of 75 is achieved.~~

~~(6) A passing grade on an examination may be used for the purpose of licensure for a period of two years from the date of passing the examination.~~

~~(7) Each applicant for licensure by examination utilizing NAPLEX scores transferred from another state shall meet the following requirements for licensure in addition to the requirements set out in paragraphs (1) - (6) of this section.~~

~~(A) The applicant shall request NABP to transfer NAPLEX scores to the board. Such request shall be in accordance with NABP policy.~~

~~(B) The applicant shall pay the fee set out in §283.9 of this title.~~

~~(8) The NAPLEX and Texas Pharmacy Jurisprudence Examination shall be administered in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and in accordance with NABP policy.~~

(9) The board, in accordance with NABP policy, shall provide reasonable accommodations for an applicant diagnosed as having dyslexia, as defined in §51.970, Texas Education Code. The applicant shall provide:

(A) written documentation from a licensed physician which indicates that the applicant has been diagnosed as having dyslexia; and

(B) a written request outlining the reasonable accommodations requested.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 9, 2026.

TRD-202602340

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8084



CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACIES

22 TAC §291.3

The Texas State Board of Pharmacy proposes amendments to §291.3, concerning Required Notifications. The amendments, if adopted, clarify the meaning of a "fire, flood, or natural disaster" for purposes of required notification to the board, cross-reference an existing notification requirement, and update terminology in accordance with House Bill 1500.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulatory language that more accurately reflects the Board's requirements for the continuous operation of a pharmacy. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;

(4) The proposed amendments do not require an increase or decrease in fees paid to the agency;

(5) The proposed amendments do not create a new regulation;

(6) The proposed amendments both limit and expand an existing regulation by clarifying the circumstances and required notification for a pharmacy to discontinue operations for longer than 30 days;

(7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and

(8) The proposed amendments do not positively or adversely affect this state's economy.

The Board is requesting public comments on the proposed amendments and information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendments.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.3. Required Notifications.

(a) Change of Location.

(1) When a pharmacy changes location, the following is applicable:

(A) A new completed pharmacy application containing the information outlined in §291.1 of this title (relating to Pharmacy License Application) must be filed with the board not later than 30 days before the date of the change of location of the pharmacy;

(B) An amended license reflecting the new location of the pharmacy will be issued by the board; and

(C) A fee as specified in §291.6 of this title (relating to Pharmacy License Fees) will be charged for processing the application for change of location.

(2) At least 14 days prior to the change of location of a pharmacy that dispenses prescription drug orders, the pharmacist-in-charge shall post a sign in a conspicuous place indicating that the pharmacy is changing locations. Such sign shall be in the front of the prescription department and at all public entrance doors to the pharmacy and shall indicate the date the pharmacy is changing locations.

(3) Disasters, accidents, and emergencies which require the pharmacy to change location shall be immediately reported to the board. If a pharmacy changes location suddenly due to disasters, accidents, or other emergency circumstances and the pharmacist-in-charge cannot provide notification 14 days prior to the change of location, the pharmacist-in-charge shall comply with the provisions of paragraph

(2) of this subsection as far in advance of the change of location as allowed by the circumstances.

(4) When a Class A-S, C-S, or E-S pharmacy changes location, the pharmacy's classification will revert to a Class A, Class C, or Class E unless or until the board or its designee has inspected the new location to ensure the pharmacy meets the requirements as specified in §291.133 of this title (relating to Pharmacies Compounding Sterile Preparations).

(5) When a Class B pharmacy changes location, the board shall inspect the pharmacy at the new location to ensure the pharmacy meets the requirements as specified in subchapter C of this title (relating to Nuclear Pharmacy (Class B)) prior to the pharmacy becoming operational.

(b) Change of Name. When a pharmacy changes its name, the following is applicable:

(1) A new completed pharmacy application containing the information outlined in §291.1 of this title (relating to Pharmacy License Application) must be filed with the board within 10 days of the change of name of the pharmacy;

(2) An amended license reflecting the new name of the pharmacy will be issued by the board; and

(3) A fee as specified in §291.6 of this title (relating to Pharmacy License Fees) will be charged for processing the application for change of name.

(c) Change of Managing Officers.

(1) The owner of a pharmacy shall notify the board in writing within 10 days of a change of any managing officer of a partnership or corporation which owns a pharmacy. The written notification shall include the effective date of such change, an updated sworn disclosure statement as required by §560.052(b) of the Act and as specified in §291.4 of this title (relating to Sworn Disclosure Statement), and the following information for all managing officers:

(A) name and title;

(B) home address and telephone number;

(C) date of birth;

(D) a copy of social security card or other official document showing the social security number as approved by the board; and

(E) a copy of current driver's license, state issued photo identification card, or passport.

(2) For purposes of this subsection, managing officers are defined as the top four executive officers, including the corporate officer in charge of pharmacy operations, who are designated by the partnership or corporation to be jointly responsible for the legal operation of the pharmacy.

(d) Change of Ownership.

(1) When a pharmacy changes ownership, a new pharmacy application must be filed with the board following the procedures as specified in §291.1 of this title (relating to Pharmacy License Application), including, as required by §560.052(b) of the Act, the submission of a sworn disclosure statement as specified in §291.4 of this title (relating to Sworn Disclosure Statement). In addition, a copy of the purchase contract or mutual agreement between the buyer and seller must be submitted.

(2) A fee as specified in §291.6 of this title will be charged for issuance of a new license.

(e) Change of Pharmacist Employment.

(1) Change of pharmacist employed in a pharmacy. When a change in pharmacist employment occurs, the pharmacist shall report such change in writing to the board within 10 days.

(2) Change of pharmacist-in-charge of a pharmacy. The incoming pharmacist-in-charge shall be responsible for notifying the board within 10 days in writing on a form provided by the board that a change of pharmacist-in-charge has occurred. The notification shall include the following:

(A) the name and license number of the departing pharmacist-in-charge;

(B) the name and license number of the incoming pharmacist-in-charge;

(C) the date the incoming pharmacist-in-charge became the pharmacist-in-charge; and

(D) a statement signed by the incoming pharmacist-in-charge attesting that:

(i) an inventory, as specified in §291.17 of this title (relating to Inventory Requirements), has been conducted by the departing and incoming pharmacists-in-charge; if the inventory was not taken by both pharmacists, the statement shall provide an explanation; and

(ii) the incoming pharmacist-in-charge has read and understands the laws and rules relating to this class of pharmacy.

(f) Notification of Theft or Loss of a Controlled Substance or a Dangerous Drug.

(1) Controlled substances. For the purposes of the Act, §562.106, the theft or significant loss of any controlled substance by a pharmacy shall be reported in writing to the board immediately on discovery of such theft or loss. A pharmacy shall be in compliance with this subsection by submitting to the board a copy of the Drug Enforcement Administration (DEA) report of theft or loss of controlled substances, DEA Form 106, or by submitting a list of all controlled substances stolen or lost.

(2) Dangerous drugs. A pharmacy shall report in writing to the board immediately on discovery the theft or significant loss of any dangerous drug by submitting a list of the name and quantity of all dangerous drugs stolen or lost.

(g) Fire, Flood, or Natural [Other] Disaster. If a pharmacy experiences a fire, flood, or natural [other] disaster that may have affected the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease, the following requirements are applicable.

(1) Responsibilities of the pharmacist-in-charge.

(A) The pharmacist-in-charge shall be responsible for reporting the date of the fire, flood or natural [other] disaster to the board [which may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease; such notification shall be reported to the board,] within 10 days from the date of the fire, flood, or natural disaster.

(B) The pharmacist-in-charge or designated agent shall comply with the following procedures.

(i) If controlled substances, dangerous drugs, or Drug Enforcement Administration (DEA) order forms are lost or destroyed in the disaster, the pharmacy shall:

(I) notify the DEA and the board of the loss of the controlled substances or order forms immediately upon discovery; and

(II) notify the board in writing of the loss of the dangerous drugs by submitting a list of the dangerous drugs lost.

(ii) If the extent of the loss of controlled substances or dangerous drugs is not able to be determined, the pharmacy shall:

(I) take a new, complete inventory of all remaining drugs specified in §291.17(c) of this title (relating to Inventory Requirements);

(II) submit to the DEA a statement attesting that the loss of controlled substances is indeterminable and that a new, complete inventory of all remaining controlled substances was conducted and state the date of such inventory; and

(III) submit to the board a statement attesting that the loss of controlled substances and dangerous drugs is indeterminable and that a new, complete inventory of the drugs specified in §291.17(c) of this title was conducted and state the date of such inventory.

(C) If the pharmacy changes to a new, permanent location, the pharmacist-in-charge shall comply with subsection (a) of this section.

(D) If the pharmacy moves to a temporary location, the pharmacist shall comply with subsection (a) of this section. If the pharmacy returns to the original location, the pharmacist-in-charge shall again comply with subsection (a) of this section.

(E) If the pharmacy closes due to a fire, flood, or natural [other] disaster[;] and timely notifies the board under subparagraph (A) of this paragraph, the pharmacy may ~~not~~ be closed for not longer than 90 days [as specified in §291.14 of this title (relating to Operation of a Pharmacy)].

(F) If the pharmacy discontinues business (ceases to operate as a pharmacy), the pharmacist-in-charge shall comply with §291.5 of this title (relating to Closing a Pharmacy).

(G) The pharmacist-in-charge shall maintain copies of all inventories, reports, or notifications required by this section for a period of two years.

(2) Drug stock.

(A) Any drug which has been exposed to excessive heat, smoke, moisture, or other conditions which may have caused deterioration shall not be dispensed.

(B) Any potentially adulterated or damaged drug shall only be sold, transferred, or otherwise distributed pursuant to the provisions of the Texas Food Drug and Cosmetics Act (Chapter 431, Health and Safety Code) administered by the Bureau of Food and Drug Safety of the Texas Department of State Health Services.

(h) Notification to Consumers.

(1) Pharmacy.

(A) Every licensed pharmacy shall provide notification to consumers of the name, mailing address, Internet site address, and telephone number of the board for the purpose of directing complaints concerning the practice of pharmacy to the board. Such notification shall be provided as follows.

(i) If the pharmacy serves walk-in customers, the pharmacy shall either:

(I) post in a prominent place that is in clear public view where prescription drugs are dispensed:

(-a-) a sign which notifies the consumer that complaints concerning the practice of pharmacy may be filed with the board and list the board's name, mailing address, Internet site address, telephone number, and a toll-free telephone number for filing complaints; or

(-b-) an electronic messaging system in a type size no smaller than ten-point Times Roman which notifies the consumer that complaints concerning the practice of pharmacy may be filed with the board and list the board's name, mailing address, Internet site address, telephone number, and a toll-free number for filing complaints; or

(II) provide with each dispensed prescription a written notification in a type size no smaller than ten-point Times Roman which states the following: "Complaints concerning the practice of pharmacy may be filed with the Texas State Board of Pharmacy at: (list the mailing address, Internet site address, telephone number of the board, and a toll-free telephone number for filing complaints)."

(ii) If the prescription drug order is delivered to patients at their residence or other designated location, the pharmacy shall provide with each dispensed prescription a written notification in type size no smaller than ten-point Times Roman which states the following: "Complaints concerning the practice of pharmacy may be filed with the Texas State Board of Pharmacy at: (list the mailing address, Internet site address, telephone number, and a toll-free telephone number for filing complaints)." If multiple prescriptions are delivered to the same location, only one such notice shall be required.

(iii) The provisions of this subsection do not apply to prescriptions for patients in facilities where drugs are administered to patients by a person required to do so by the laws of the state (i.e., nursing homes).

(B) A pharmacy that maintains a generally accessible site on the Internet that is located in Texas or sells or distributes drugs through this site to residents of this state shall post the following information on the pharmacy's initial home page and on the page where a sale of prescription drugs occurs.

(i) Information on the ownership of the pharmacy, to include at a minimum, the:

(I) owner's name or if the owner is a partnership or corporation, the partnership's or corporation's name and the name of the chief operating officer;

(II) owner's address;

(III) owner's telephone number; and

(IV) year the owner began operating pharmacies in the United States.

(ii) The Internet address and toll free telephone number that a consumer may use to:

(I) report medication/device problems to the pharmacy; and

(II) report business compliance problems.

(iii) Information about each pharmacy that dispenses prescriptions for this site, to include at a minimum, the:

(I) pharmacy's name, address, and telephone number;

(II) name of the pharmacist responsible for operation of the pharmacy;

(III) Texas pharmacy license number for the pharmacy and a link to the Internet site maintained by the Texas State Board of Pharmacy; and

(IV) the names of all other states in which the pharmacy is licensed, the license number in that state, and a link to the Internet site of the entity that regulates pharmacies in that state, if available.

(C) A pharmacy whose Internet site has been verified by the National Association of Boards of Pharmacy to be in compliance with the laws of this state, as well as in all other states in which the pharmacy is licensed shall be in compliance with subparagraph (B) of this paragraph.

(2) Texas State Board of Pharmacy. ~~The [On or before January 1, 2005, the]~~ board shall establish a pharmacy profile system as specified in §2054.2606, Government Code.

(A) The board shall make the pharmacy profiles available to the public on the agency's Internet site.

(B) A pharmacy profile shall contain at least the following information:

(i) name, address, and telephone number of the pharmacy;

(ii) pharmacy license number, licensure status, and expiration date of the license;

(iii) the class and type of the pharmacy;

(iv) ownership information for the pharmacy;

(v) names and license numbers of all pharmacists working at the pharmacy;

(vi) whether the pharmacy has had prior disciplinary action by the board;

(vii) whether the pharmacy's consumer service areas are accessible to persons with disabilities [~~disabled persons~~], as defined by law;

(viii) the type of language translating services, including translating services for persons who are deaf or hard [~~with impairment~~] of hearing, that the pharmacy provides for consumers; and

(ix) insurance information including whether the pharmacy participates in the state Medicaid program.

(C) The board shall gather this information on initial licensing and update the information in conjunction with the license renewal for the pharmacy.

(i) Notification of Licensees or Registrants Obtaining Controlled Substances or Dangerous Drugs by Forged Prescriptions. If a licensee or registrant obtains controlled substances or dangerous drugs from a pharmacy by means of a forged prescription, the pharmacy shall report in writing to the board immediately on discovery of such forgery. A pharmacy shall be in compliance with this subsection by submitting to the board the following:

(1) name of licensee or registrant obtaining controlled substances or dangerous drugs by forged prescription;

(2) date(s) of forged prescription(s);

(3) name(s) and amount(s) of drug(s); and

(4) copies of forged prescriptions.

(j) Notification of Disciplinary Action. For the purpose of the Act, §562.106, a pharmacy shall report in writing to the board not later than the 10th day after the date of:

(1) a final order against the pharmacy license holder by the regulatory or licensing agency of the state in which the pharmacy is located if the pharmacy is located in another state; or

(2) a final order against a pharmacist who is designated as the pharmacist-in-charge of the pharmacy by the regulatory or licensing agency of the state in which the pharmacy is located if the pharmacy is located in another state.

(k) Temporary Closing for Loss of Pharmacist-in-Charge. A pharmacy that temporarily closes for loss of a pharmacist-in-charge as provided by §291.5(d)(2) of this title shall notify the board in writing on a form provided by the board. The pharmacy shall submit the notification not later than the next business day after the date of departure of the pharmacist-in-charge.

(l) Loss of Data. As provided by §§291.34(e), 291.55(a), 291.75(c), 291.104(a), and 291.151(e) of this title (relating to Records; Records; Records; Operational Standards; Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F)), when a Class A, Class B, Class C, Class E, or Class F pharmacy experiences a significant loss of information from its data processing system, the pharmacist-in-charge shall report the loss to the board in writing within 10 days of discovery of the loss.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

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For further information, please call: (512) 305-8084



22 TAC §291.11

The Texas State Board of Pharmacy proposes amendments to §291.11, concerning Operation of a Pharmacy. The amendments, if adopted, clarify that a pharmacy may not discontinue operating for a period of 30 days or longer unless the pharmacy has timely notified the board of a fire, flood, or natural disaster.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulatory language that more accurately reflects the Board's requirements for the continuous operation of a pharmacy. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments both limit and expand an existing regulation by clarifying the circumstances and required notification for a pharmacy to discontinue operations for longer than 30 days;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments do not positively or adversely affect this state's economy.

The Board is requesting public comments on the proposed amendments and information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendments.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.11. Operation of a Pharmacy.

(a) For the purposes of §565.002(a)(7) of the Texas Pharmacy Act, the following words and terms shall be defined as follows.

- (1) "Failure to engage in the business described in the application for a license" means the holder of a pharmacy license has not commenced operating the pharmacy within six months of the date of issuance of the license.
- (2) "Ceased to engage in the business described in the application for a license" means the holder of a pharmacy license, once it has been in operation, discontinues operating the pharmacy for a period of 30 days or longer, except as provided in paragraph (3) of this subsection [unless the pharmacy experiences a fire or disaster, in which case the pharmacy must comply with §291.3(g) of this title (relating to Required Notifications)].

(3) A pharmacy may discontinue operating for not longer than 90 days if the pharmacy experiences a fire, flood, or natural disaster that may have affected the strength, purity, or labeling of drugs,

medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease and timely notifies the board under §291.3(g) of this title (relating to Required Notifications).

(b) For the purposes of this section, the term "operating the pharmacy" means the pharmacy shall demonstrate observable pharmacy business activity on a regular, routine basis, including a sufficient number of transactions of receiving, processing, or dispensing prescription drug orders or medication drug orders.

(c) No person may operate a pharmacy in a personal residence.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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22 TAC §291.13

The Texas State Board of Pharmacy proposes new rule §291.13, concerning Telehealth Services Provided by a Pharmacist. The new rule, if adopted, establishes the documentation and retention requirements regarding a patient's consent to treatment, data collection, and data sharing for telehealth services provided by a pharmacist, in accordance with House Bill 1700.

Daniel Carroll, Pharm.D., R.Ph., Executive Director/Secretary, has determined that, for the first five-year period the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the rule will be to provide consistency between state law and Board rules regarding the recordkeeping and retention requirements for telehealth services provided by a pharmacist. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed rule will be in effect, Dr. Carroll has determined the following:

- (1) The proposed rule does not create or eliminate a government program;
- (2) Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed rule does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) The proposed rule does create a new regulation concerning telehealth services provided by a pharmacist in order to comply with state law;

(6) The proposed rule does not limit or expand an existing regulation;

(7) The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) The proposed rule does not positively or adversely affect this state's economy because the proposed rule would have a de minimis impact on the economy.

The Board is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule.

Written comments on the proposed rule may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

The new rule is proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by the proposed rule: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.13. Telehealth Services Provided by a Pharmacist.

(a) "Telehealth service" shall have the meaning defined by Texas Occupations Code §111.001(3).

(b) The requirements of subsection (c) of this section apply to a telehealth service regardless of whether the patient interaction occurs in a video or audio-only format.

(c) A pharmacist who provides a telehealth service shall ensure that the informed consent of the patient, or of another individual authorized to make health care treatment decisions for the patient, is obtained before the telehealth service is provided. The informed consent may be obtained either in writing or verbally.

(1) The informed consent shall include the patient's consent to:

(A) treatment;

(B) data collection; and

(C) data sharing.

(2) The informed consent shall be documented in:

(A) the pharmacy's data processing system;

(B) an electronic logbook; or

(C) a hard-copy log.

(3) If obtained verbally, the informed consent shall be documented by recording the initials or identification code of the pharmacist or agent who obtained the consent.

(4) Documentation of informed consent shall be:

(A) kept by the pharmacy at the pharmacy's licensed location and be available, for at least two years from the date of such record, for inspection and copying by the board or its representative

and to other authorized local, state, or federal law enforcement agencies; and

(B) supplied by the pharmacy within 72 hours, if requested by an authorized agent of the board. Failure to provide the records, either on site or within 72 hours, constitutes prima facie evidence of failure to keep and maintain records in violation of the Act.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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**SUBCHAPTER C. NUCLEAR PHARMACY
(CLASS B)**

22 TAC §291.55

The Texas State Board of Pharmacy proposes amendments to §291.55, concerning Records. The amendments, if adopted, require the pharmacist-in-charge of a Class B pharmacy to notify the board of a significant loss of information from the pharmacy's data processing system.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be improved assistance to individuals affected by data loss events and regulatory consistency across pharmacy classes. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

(1) The proposed amendments do not create or eliminate a government program;

(2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;

(3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;

(4) The proposed amendments do not require an increase or decrease in fees paid to the agency;

(5) The proposed amendments do not create a new regulation;

(6) The proposed amendments do expand an existing regulation by adding a new notification requirement;

(7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and

(8) The proposed amendments do not positively or adversely affect this state's economy.

The Board is requesting public comments on the proposed amendments and information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendments.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.55. *Records.*

(a) Maintenance of records.

(1) Every inventory or other record required to be kept under this section shall be:

(A) kept by the pharmacy and be available, for at least two years from the date of such inventory or record, for inspecting and copying by the board or its representative, and other authorized local, state, or federal law enforcement agencies; and

(B) supplied by the pharmacy within 72 hours, if requested by an authorized agent of the board. If the pharmacy maintains the records in an electronic format, the requested records must be provided in a mutually agreeable electronic format it specifically requested by the board or its representative. Failure to provide the records set out in this subsection, either on site or within 72 hours, constitutes prima facie evidence of failure to keep and maintain records in violation of the Act.

(2) Records of controlled substances listed in Schedules I and II shall be maintained separately from all other records of the pharmacy.

(3) Records of controlled substances, other than original prescription drug orders, listed in Schedules III - V shall be maintained separately or readily retrievable from all other records of the pharmacy. For purposes of this subsection, "readily retrievable" means that the controlled substances shall be asterisked, red-lined, or in some other manner readily identifiable apart from all other items appearing on the record.

(4) Records, except when specifically required to be maintained in original or hard copy form, may be maintained in an alternative data retention system, such as a data processing system or direct imaging system provided:

(A) the records maintained in the alternative system contain all of the information required on the manual record; and

(B) the data processing system is capable of producing a hard copy of the record upon request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agencies.

(5) Loss of data. The pharmacist-in-charge shall report to the board in writing any significant loss of information from the pharmacy's data processing system within 10 days of discovery of the loss.

(b) Prescriptions.

(1) Professional responsibility. Pharmacists shall exercise sound professional judgment with respect to the accuracy and authenticity of any radioactive prescription drug order they dispense. If the pharmacist questions the accuracy or authenticity of a radioactive prescription drug order, he/she shall verify the order with the practitioner prior to dispensing.

(2) Oral radioactive prescription drug orders.

(A) Only a pharmacist may receive an oral prescription drug order for a controlled substance. Only an authorized nuclear pharmacist, or a pharmacist-intern or pharmacy technician under the direct supervision of an authorized nuclear pharmacist, may receive from a practitioner or a practitioner's designated agent:

(i) an oral therapeutic prescription drug order; or

(ii) an oral diagnostic prescription drug order in instances where patient specificity is required for patient safety (e.g., radiolabeled blood products, radiolabeled antibodies).

(B) A practitioner shall designate in writing the name of each agent authorized by the practitioner to communicate prescriptions orally for the practitioner. The practitioner shall maintain at the practitioner's usual place of business a list of the designated agents. The practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a specific agent on the pharmacist's request.

(C) A pharmacist may not dispense an oral radioactive prescription drug order for a dangerous drug or a controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States unless the practitioner is also licensed in Texas.

(3) Radioactive prescription drug orders issued by practitioners in another state.

(A) Dangerous drug prescription orders. A pharmacist may dispense a radioactive prescription drug order for dangerous drugs issued by practitioners in a state other than Texas in the same manner as radioactive prescription drug orders for dangerous drugs issued by practitioners in Texas are dispensed.

(B) Controlled substance prescription drug orders. A pharmacist may dispense radioactive prescription drug orders for controlled substances in Schedule III, IV, or V issued by a practitioner in another state provided:

(i) the radioactive prescription drug order is written, oral, or telephonically or electronically communicated prescription as allowed by the DEA issued by a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, who has a current federal Drug Enforcement Administration registration number, and who may legally prescribe Schedule III, IV, or V controlled substances in such other state; and

(ii) the radioactive prescription drug order is not dispensed more than six months from the initial date of issuance.

(4) Radioactive prescription drug orders issued by practitioners in the United Mexican States or the Dominion of Canada.

(A) Controlled substance prescription drug orders. A pharmacist may not dispense a radioactive prescription drug order for a Schedule II, III, IV, or V controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States.

(B) Dangerous drug prescription drug orders. A pharmacist may dispense a radioactive prescription drug order for a dangerous drug issued by a person licensed in the Dominion of Canada or the United Mexican States as a physician, dentist, veterinarian, or podiatrist provided the radioactive prescription drug order is an original written prescription.

(C) Prescription drug orders for Schedule II controlled substances. No Schedule II controlled substance may be dispensed without a written prescription drug order of a practitioner on an official prescription form as required by the Texas Controlled Substances Act, §481.075.

(5) Electronic radioactive prescription drug orders. For the purpose of this paragraph, electronic radioactive prescription drug orders shall be considered the same as oral radioactive prescription drug orders.

(A) An electronic radioactive prescription drug order may be transmitted by a practitioner or a practitioner's designated agent:

- (i) directly to a pharmacy; or
- (ii) through the use of a data communication device

provided:

(I) the confidential prescription information is not altered during transmission; and

(II) confidential patient information is not accessed or maintained by the operator of the data communication device other than for legal purposes under federal and state law.

(B) A practitioner shall designate in writing the name of each agent authorized by the practitioner to electronically transmit prescriptions for the practitioner. The practitioner shall maintain at the practitioner's usual place of business a list of the designated agents. The practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a specific agent on the pharmacist's request.

(C) A pharmacist may not dispense an electronic radioactive prescription drug order for a:

- (i) Schedule II controlled substance except as authorized in §481.075, Health and Safety Code; or
- (ii) dangerous drug or controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States unless the practitioner is also licensed in Texas.

(6) Original prescription drug order records.

(A) Original prescriptions shall be maintained and readily retrievable by the pharmacy and remain accessible for a period of two years from the date of filling.

(B) If an original prescription drug order is changed, such prescription order shall be invalid and of no further force and effect; if additional drugs are to be dispensed, a new prescription drug order with a new and separate number is required.

(C) Original prescriptions shall be maintained in one of the following formats:

- (i) in three separate files as follows:

(I) prescriptions for controlled substances listed in Schedule II;

(II) prescriptions for controlled substances listed in Schedules III - V; and

(III) prescriptions for dangerous drugs and non-prescription drugs; or

(ii) within a patient medication record system provided that original prescriptions for controlled substances are maintained separate from original prescriptions for noncontrolled substances and prescriptions for Schedule II controlled substances are maintained separate from all other original prescriptions.

(D) Original prescription records other than prescriptions for Schedule II controlled substances may be stored on microfilm, microfiche, or other system which is capable of producing a direct image of the original prescription record, e.g., a digitalized imaging system. If original prescription records are stored in a direct imaging system, the following is applicable:

(i) The original prescription records must be maintained and readily retrievable as specified in subparagraph (C) of this paragraph.

(ii) The pharmacy must provide immediate access to equipment necessary to render the records easily readable.

(7) Prescription drug order information.

(A) All original radioactive prescription drug orders shall bear:

(i) the name of the patient, if applicable at the time of the order;

(ii) the name of the institution;

(iii) the name, and if for a controlled substance, the address and DEA registration number of the practitioner;

(iv) the name of the radiopharmaceutical;

(v) the amount of radioactive material contained in millicuries (mCi), microcuries (uCi), or bequerels (Bq) and the corresponding time that applies to this activity, if different than the requested calibration date and time;

(vi) the date and time of calibration; and

(vii) the date of issuance.

(B) At the time of dispensing, a pharmacist is responsible for the addition of the following information to the original prescription:

(i) the unique identification number of the prescription drug order;

(ii) the initials or identification code of the person who compounded the sterile radiopharmaceutical and the pharmacist who checked and released the product unless maintained in a readily retrievable format;

(iii) the name, quantity, lot number, and expiration date of each product used in compounding the sterile radiopharmaceutical; and

(iv) the date of dispensing, if different from the date of issuance.

(8) Refills. A radioactive prescription drug order must be filled from an original prescription which may not be refilled.

(c) Policy and procedure manual.

(1) All nuclear pharmacies shall maintain a policy and procedure manual. The nuclear pharmacy policy and procedure manual is a compilation of written policy and procedure statements.

(2) A technical operations manual governing all nuclear pharmacy functions shall be prepared. It shall be continually revised to reflect changes in techniques, organizations, etc. All pharmacy personnel shall be familiar with the contents of the manual.

(3) The nuclear pharmacy policies and procedures manual shall be prepared by the pharmacist-in-charge with input from the affected personnel and from other involved staff and committees to govern procurement, preparation, distribution, storage, disposal, and control of all drugs used and the need for policies and procedures relative to procurement of multisource items, inventory, investigational drugs, and new drug applications.

(d) Other records. Other records to be maintained by a pharmacy:

(1) a permanent log of the initials or identification codes which identifies each dispensing pharmacist by name (the initials or identification codes shall be unique to ensure that each pharmacist can be identified, i.e., identical initials or identification codes shall not be used);

(2) copy 3 of DEA order forms (DEA 222) which have been properly dated, initialed, and filed, and all copies of each unaccepted or defective order form and any attached statements or other documents;

(3) a hard copy of the power of attorney to sign DEA 222 order forms (if applicable);

(4) suppliers' invoices of controlled substances; a pharmacist shall verify that the controlled drugs listed on the invoices were actually received by clearly recording his/her initials and the actual date of receipt of the controlled substances;

(5) suppliers' credit memos for controlled substances and dangerous drugs;

(6) a hard copy of inventories required by §291.17 of this title (relating to Inventory Requirements);

(7) hard copy reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(8) records of distribution of controlled substances and/or dangerous drugs to other pharmacies, practitioners, or registrants; and

(9) a hard copy of any notification required by the Texas Pharmacy Act or these sections, including, but not limited to, the following:

(A) reports of theft or significant loss of controlled substances to DEA and the board;

(B) notifications of a change in pharmacist-in-charge of a pharmacy; and

(C) reports of a fire or other disaster which may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or treatment of injury, illness, and disease.

(e) Permission to maintain central records. Any pharmacy that uses a centralized recordkeeping system for invoices and financial data shall comply with the following procedures.

(1) Controlled substance records. Invoices and financial data for controlled substances may be maintained at a central location provided the following conditions are met.

(A) Prior to the initiation of central recordkeeping, the pharmacy submits written notification by registered or certified mail to the divisional director of DEA as required by the Code of Federal Regulations, Title 21, §1304.04(a), and submits a copy of this written notification to the board. Unless the registrant is informed by the divisional director of DEA that permission to keep central records is denied, the pharmacy may maintain central records commencing 14 days after receipt of notification by the divisional director.

(B) The pharmacy maintains a copy of the notification required in subparagraph (A) of this paragraph.

(C) The records to be maintained at the central record location shall not include executed DEA order forms, prescription drug orders, or controlled substance inventories, which shall be maintained at the pharmacy.

(2) Dangerous drug records. Invoices and financial data for dangerous drugs may be maintained at a central location.

(3) Access to records. If the records are kept on microfilm, computer media, or in any form requiring special equipment to render the records easily readable, the pharmacy shall provide access to such equipment with the records.

(4) Delivery of records. The pharmacy agrees to deliver all or any part of such records to the pharmacy location within two business days of written request of an authorized agent of the board or any other authorized official.

(5) Ownership of pharmacy records. For purposes of these sections, a pharmacy licensed under the Act is the only entity which may legally own and maintain prescription drug records.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 9, 2026.

TRD-202602344

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 305-8084



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 31. NUTRITION SERVICES SUBCHAPTER A. REGISTER OF TEXAS MOTHER-FRIENDLY WORKSITES [BUSINESSES]

25 TAC §31.1

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department

of State Health Services (DSHS), proposes an amendment to §31.1, concerning Register of Mother-Friendly Businesses.

BACKGROUND AND PURPOSE

The Texas Department of State Health Services (DSHS) created the "Mother-Friendly" business designation as directed by Texas Health and Safety Code Chapter 165, Breast-feeding. The Texas Mother-Friendly Worksite program provides required basic minimum criteria for the designation in Title 25 Texas Administrative Code §31.1 and maintains a listing of designated worksites.

The proposal updates the rule to reflect the program name, Texas Mother-Friendly Worksite Program; updates program contact information and application processes; introduces a redesignation process to ensure program integrity; and updates voluntary Silver and Gold standards for level designation criteria to align with worksite lactation best practices that reflect changes in business practice and technology.

SECTION-BY-SECTION SUMMARY

The proposal updates the title of Subchapter A and the title of the rule to *Register of Texas Mother-Friendly Worksites*. The proposed amendment includes non-substantive editorial and plain-language changes and revisions to improve clarity that are not specifically enumerated here.

The proposed amendment to subsection (a) updates definitions for clarity and adds the definition for "Texas Mother-Friendly Worksite."

The proposed amendment to subsection (b) updates program required basic minimum standards; adds reference to Texas Health and Safety Code §165.003; meets current worksite lactation program best practices; and adds language in support of a dispute resolution process.

The proposed amendment to subsection (c) updates voluntary program Silver and Gold standards for level designation criteria to align with worksite lactation best practices that reflect changes in business practice and technology; meets current worksite lactation program best practices; and increases worksite resource options made available to breastfeeding and breast pumping employees and their family members.

The proposed amendment to subsection (d) updates program contact information, and updates application guidance.

The proposed amendment to subsection (e) updates program contact information; clarifies standards for worksite maintenance of Texas Mother-Friendly Worksite designation; and updates compliance and monitoring of designated worksites.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of DSHS employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to DSHS;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because there is no requirement to alter current business practices. The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and the rule is necessary to implement legislation that does not specifically state that Section 2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Manda Hall, M.D., Deputy Commissioner, Community Health Improvement Division, determined that for each year of the first five years the rule is in effect, the public benefit will be that Texas Mother-Friendly Worksites will update lactation policies and introduce quality improvement initiatives to provide more support to breastfeeding and breast pumping employees.

Christy Havel Burton has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the rule does not establish a cost to meet the guidelines.

TAKINGS IMPACT ASSESSMENT

DSHS has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of

the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be post-marked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R043" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Health and Safety Code §165.003, which authorizes the department to maintain a list of mother-friendly businesses. The amendment is also authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The amendment affects Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 165 and 1001.

§31.1. Register of Texas Mother-Friendly Worksites [Businesses].

(a) Definitions. The following terms [words and terms, when used] in this subchapter[; shall] have the following meanings[;] unless the context clearly indicates otherwise.

~~(1) Mother-friendly business—A worksite that actively promotes and supports breastfeeding by its employees and that maintains a written worksite lactation support policy that is regularly communicated to employees.]~~

~~(1) [(2)] DSHS--Texas [Department--] Department of State Health Services.~~

~~(2) Texas Mother-Friendly Worksite--A DSHS designated worksite promoting and supporting the pumping of breast milk and breastfeeding by mothers. The worksite must have a written lactation support policy shared with employees.~~

(b) Basic minimum [Minimum] standards. A Texas Mother-Friendly Worksite [To be designated mother-friendly, a worksite] must provide as a best practice, a dispute resolution process for employee complaints related to worksite lactation policies and follow requirements of Texas Health and Safety Code §165.003 to:

(1) meet [adhere to] the definition of a Texas Mother-Friendly Worksite [mother-friendly business];

(2) provide time at work and a flexible schedule for a mother to pump breast milk or breastfeed after the child's birth for two years or longer as a best practice [schedule and work pattern flexibility to, at a minimum, accommodate a reasonable break time for an employee to express breast milk for her nursing child or breastfeed each time such employee has need to express the milk or breastfeed for one year or longer after the child's birth];

(3) provide mothers [employees] a private, accessible area, other than a bathroom, [that is] shielded from view and free from intrusion from coworkers and the public, including during video conferencing, for pumping [either expressing] breast milk or breastfeeding each time there is a biological [such employee has] need [to express breast milk or breastfeed];

(4) provide access to [a] clean, safe water for washing hands and rinsing breast pumping equipment [source and a sink]; and

(5) provide access to a hygienic place to store [expressed] breast milk.

(c) Silver and Gold Level Standards. DSHS [gold standards. The department] may designate Texas Mother-Friendly Worksites voluntarily exceeding [recognize mother-friendly businesses that implement additional best practice policies and program activities to promote and support breastfeeding by their employees that exceed the] minimum standards in subsection (b) of this section if: [by silver or gold designation of those worksites.]

(1) A Texas Mother-Friendly Worksite meets [To be eligible for silver designation, a worksite must meet] the minimum standards in subsection (b) of this section as well as the following best practice standards for a Silver Level:

(A) provide a private lockable space only used for pumping breast milk or breastfeeding, and if a mother is using a personal or company car to pump breast milk or breastfeed, provide window shields for privacy [break room space with a locking door that is dedicated for use only by employees who are breastfeeding or expressing breast milk];

(B) provide at least one of the following items within the private lockable space for pumping breast milk or breastfeeding unless a mother is 100 percent telework [use in the dedicated break room space]:

(i) a hospital-grade multi-user electric breast pump for which mothers [employees] provide an accessory kit for personal use [their own access kits];

(ii) a sink with hot and cold running water or a heating source to boil water, [and] a supply of soap, [and] paper towels, and hand sanitizer; [and]

(iii) a refrigerator or personal cooler [coolers] for breast milk storage; or

(iv) a full-length mirror to review and adjust clothing;

(C) adopt a written lactation support policy allowing mothers [authorizing employees] to choose [select] one or more of the following options to pump breast milk or breastfeed, or both [facilitate breastfeeding and/or expression of breast milk]:

(i) part-time work [or work for some hours at home];

(ii) flexible [individualized scheduling of] work hours [(flex time)];

(iii) job-sharing;

(iv) shortened [compressed] work week;

(v) telework [telecommuting];

(vi) payment for work time during pumping breast milk, breastfeeding, or both [time taken for breastfeeding and/or breast milk expression as work time];

(vii) on-site childcare; or

(viii) care of [her] baby by the mother at or near the workstation [her work station] for the first several months after the mother's return to work from maternity leave;

(D) provide information about the worksite's written lactation [breastfeeding] support policy to [all] employees and supervisors within six months of employment and at least annually after [thereafter]; and

(E) make three or more of the following resources available to [expectant and parenting] employees:

(i) a lending library of breastfeeding pamphlets, books, or ~~[and/or]~~ videos;

(ii) contact information for local or state breastfeeding resources such as lactation consultants, support group meetings, and ~~[and/or]~~ other community breastfeeding resources;

(iii) a forum, blog, or other electronic networking opportunity for breastfeeding peer [mother-to-mother] support [among employees];

(iv) classes on pregnancy and breastfeeding offered at the worksite;

(v) facilities for regular support group meetings at the worksite;

(vi) breast pump kits or spare parts purchased by the worksite or by the employee with partial support from the worksite;

(vii) ~~[(vii)]~~ access to an International Board Certified Lactation Consultant or other lactation expert as an employee benefit;

(viii) an information sheet on employer insurance providers and benefits related to lactation support services and lactation supplies;

(ix) a breast pumping or breastfeeding support plan for mothers entering maternity leave;

(x) information on breastfeeding and the benefits to employee and infant health in an existing employee newsletter or circular on a yearly basis;

(xi) ~~[(vii)]~~ a breast pumping or breastfeeding support program by ~~[coordination of the worksite breastfeeding support program by]~~ a skilled lactation expert ~~[hired by the worksite];~~ or

(xii) ~~[(viii)]~~ breastfeeding education or other supports for ~~[offered to employees']~~ partners not pumping breast milk or breastfeeding and for an employee's partner who is pregnant or pumping breast milk or breastfeeding ~~[who are expectant fathers].~~

(2) A Texas Mother-Friendly Worksite meets ~~[To be eligible for gold designation, a worksite must meet]~~ the minimum standards in subsection (b) of this section as well as the following best practice standards for a Gold Level:

(A) provide a private lockable space only used for pumping breast milk or breastfeeding, and if a mother is using a personal or company car to pump breast milk or breastfeed, provide window shields for privacy; the number of spaces provided must meet the following as outlined by the United States Department of Health and Human Services, Office of Women's Health: [break room space with a locking door that is dedicated for use only by employees who are breastfeeding or expressing breast milk;]

(i) fewer than 100 employees: one space;

(ii) approximately 101 to 250 employees: two spaces;

(iii) approximately 251 to 500 employees: three spaces;

(iv) approximately 501 to 750 employees: four spaces;

(v) approximately 751 to 1,000 employees: six spaces; or

(vi) for every additional 1,000 employees: six additional spaces;

(B) provide all ~~[of]~~ the following items, unless a mother is 100 percent telework [for use in the dedicated break room space]:

(i) a hospital-grade multi-user electric breast pump, or a personal portable electric breast pump ~~[for each breastfeeding employee]~~ purchased by the worksite or by the employee with partial support from the worksite;

(ii) a sink with hot and cold running water or a heating source to boil water, ~~[and]~~ a supply of soap, ~~[and]~~ paper towels, and hand sanitizer; and

(iii) a full-length mirror to review and adjust clothing ~~[a refrigerator for breast milk storage];~~

~~[(iv)]~~ a bulletin board; and

~~[(v)]~~ a telephone;]

(C) provide two or more of the following:

(i) a refrigerator for breast milk storage;

(ii) a bulletin or information exchange board;

(iii) access to a telephone or available charging station for personal mobile phone;

(iv) white noise machine or Bluetooth speaker; or

(v) lockers or hooks for belongings;

(D) ~~[(C)]~~ adopt a written lactation support policy allowing mothers ~~[authorizing employees]~~ to choose ~~[select any or all of]~~ the following options to pump breast milk or breastfeed, or both ~~[facilitate breastfeeding and/or expression of breast milk]:~~

(i) at least six weeks of paid maternity leave;

(ii) telework ~~[telecommuting];~~

(iii) on-site childcare;

(iv) care of ~~[her]~~ baby by the mother at or near the workstation ~~[her work station]~~ for the first several months after the mother's return to work from maternity leave; and

(v) payment for work time during pumping breast milk, ~~[time taken for]~~ breastfeeding, or both ~~[and/or breast milk expression as work time];~~

(E) ~~[(D)]~~ provide information about the worksite's written lactation support ~~[breastfeeding support]~~ policy to ~~[all]~~ employees and supervisors within six months of employment and at least annually after ~~[thereafter];~~

(F) participate in at least one of the following to support program quality improvement:

(i) complete an employee needs assessment at least every two years;

(ii) complete a program quality improvement assessment at least every two years to measure the impact of Texas Mother-Friendly Worksite policies and standard levels;

(iii) start a shared use agreement with another employer, sponsor a yearly community event, or participate on a community health improvement planning committee;

(iv) agree to mentor employers pursuing DSHS Texas Mother-Friendly standard levels; or

(v) provide training for leaders and managers, at least annually, that covers how to support pumping or breast-

feeding mothers, including the use of DSHS resources available at dshs.texas.gov/TexasMotherFriendly; and

(G) ~~(E)~~ make five or more of the following resources available to ~~expectant and parenting~~ employees:

(i) a lending library of breastfeeding pamphlets, books, or ~~and/or~~ videos;

(ii) contact information for local or state breastfeeding resources, such as lactation consultants, support group meetings, and ~~and/or~~ other community breastfeeding resources;

(iii) a forum, blog, or other electronic networking opportunity for breastfeeding peer ~~mother-to-mother~~ support ~~among employees~~;

(iv) classes on pregnancy and breastfeeding offered at the worksite;

(v) facilities for regular support group meetings at the worksite;

(vi) breast pump kits or spare parts purchased by the worksite or by the employee with partial support from the worksite;

(vii) ~~(vi)~~ access to an International Board Certified Lactation Consultant or other lactation expert as an employee benefit;

(viii) an information sheet on employer insurance providers and benefits related to lactation support services and lactation supplies;

(ix) a breast pumping or breastfeeding support plan for mothers entering maternity leave;

(x) information on breastfeeding and the benefits to employee and infant health in an existing employee newsletter or circular on an annual basis;

(xi) ~~(vii)~~ a breast pumping or breastfeeding ~~coordination of the worksite breastfeeding~~ support program by a skilled lactation expert ~~hired by the worksite~~; or

(xii) ~~(viii)~~ breastfeeding education or other supports for ~~offered to employees'~~ partners not pumping breast milk or breastfeeding and for an employee's partner who is pregnant or pumping breast milk or breastfeeding ~~who are expectant fathers~~.

(d) Application for consideration ~~designation~~ as a Texas Mother-Friendly Worksite ~~mother-friendly business~~. To apply for Basic, Silver, or Gold Standard Level ~~designation as a mother-friendly business~~, a worksite must:

(1) complete a Texas Mother-Friendly Worksite ~~mother-friendly~~ application. Applications are available at dshs.texas.gov/TexasMotherFriendly, or by emailing TexasMotherFriendlyWorksite@dshs.texas.gov ~~from the Mother-Friendly Worksite Program, Division of Family and Community Health Services, Department of State Health Services, Mail Code 1922, P.O. Box 149347, Austin, Texas 78714-9347 and through the department's website at <http://www.dshs.state.tx.us/wic/d/lactate/mother.shtm>~~; and

(2) submit the completed application and written ~~worksite~~ lactation support policy to DSHS ~~the department for review~~. Completed applications are ~~will be~~ reviewed by DSHS ~~department staff for compliance with designation standards~~.

(A) The review process starts ~~shall be completed~~ within 45 business ~~working~~ days following receipt of an application and written policy.

(B) Worksites that meet standard levels are notified by DSHS ~~the applicable standards for designation will receive a letter from the department~~ and sent a Basic, Silver, or Gold Standard Level Kit ~~certificate suitable for framing and display~~.

(C) Worksites not meeting standard levels are notified by DSHS ~~that do not meet the applicable standards for designation will be notified by letter~~ and ~~will be~~ offered support ~~technical assistance to achieve compliance~~.

(e) Maintaining DSHS approved standard levels ~~designated status~~. A Texas Mother-Friendly Worksite ~~worksite designated as mother-friendly~~ must:

(1) be on the ~~listed as such by the department. The~~ list of Texas Mother-Friendly Worksites ~~mother-friendly worksites will be~~ maintained by DSHS ~~the department~~ and ~~made~~ available for public inspection;

(2) inform DSHS ~~keep the department informed~~ of any changes in the written ~~worksite's~~ lactation support policies and worksite contact; if written~~:-~~ If its lactation support policies change, a worksite must email the updated policy to TexasMotherFriendlyWorksite@dshs.texas.gov ~~submit an amended application~~;

(3) comply with DSHS standard levels ~~designation standards~~ at all times; if~~:-~~ If a worksite does not comply with DSHS standard levels, DSHS ~~the program's designation standards at all times; the department~~ may suspend or~~:-~~ revoke~~:-~~ or ~~change~~ the Texas Mother-Friendly Worksite standard status level; a ~~mother-friendly designation. A~~ worksite may change ~~amend its noneonforming~~ policies and ~~may~~ reapply for a Texas Mother-Friendly Worksite standard level ~~the mother-friendly designation. Employees and clients should direct complaints to the department about the activities of a worksite designated as mother-friendly~~; and

(4) agree to ~~be subject to~~ monitoring by DSHS ~~the department~~ for compliance every two years ~~with rules and designation criteria biannually~~ and as needed ~~on an as-needed basis~~.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202602355

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 239-8263



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 370. HUMAN TRAFFICKING RESOURCE CENTER

26 TAC §370.1

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to

§370.1, concerning Human Trafficking Prevention Training Requirements.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (HB) 742, HB 754, and HB 1778, 89th Legislature, Regular Session, 2025, which requires HHSC to include medical assistants, first responders, and tattoo or body piercing studio employees, to the list of professions required to take HHSC-approved human trafficking prevention training.

HB 742 and HB 754 amended Texas Health and Safety Code (HSC) Chapter 763 to require human trafficking prevention training for first responders and medical assistants, respectively. HB 1778 added HSC §146.0075 to require each employee of a tattoo studio or body piercing studio to complete human trafficking prevention training.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §370.1(a) includes minor grammatical revisions, subsection (b) consolidation, and plain language revisions.

The proposed amendment to §370.1(c) includes plain language revisions.

Proposed new §370.1(c) adds human trafficking prevention training requirements for medical assistants.

Proposed new §370.1(d) adds human trafficking prevention training requirements for first responders.

Proposed new §370.1(e) adds human trafficking prevention training requirements for tattoo and body piercing studio employees.

The proposed amendment to renumbered §370.1(f) clarifies that the training standards and the list of approved courses are posted on the HHSC Texas Human Trafficking Resource Center website.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to HHSC;
- (5) the proposed rule will create new regulations;
- (6) the proposed rule will not expand, limit, or repeal existing regulations;
- (7) the proposed rule will increase the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules concern individuals completing the human trafficking prevention training and therefore do not apply to small businesses, micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Crystal Starkey, Deputy Executive Commissioner for Family Health Services, has determined that for each year of the first five years the rule is in effect, the public benefit will be improved public health and safety by identifying and preventing human trafficking in Texas.

Trey Wood has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because each new profession that is required to complete human trafficking training will have an option of at least one course that is available without charge.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSCRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R023" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of

services by the health and human services system, and Texas Health and Safety Code Chapters 146 and 763, which authorize the executive commissioner of HHSC to adopt rules governing the Human Trafficking Resource Center.

The amendment implements Texas Government Code §524.0151 and Texas Health and Safety Code Chapters 146 and 763.

§370.1. *Human Trafficking Prevention Training Requirements.*

(a) To be approved by the executive commissioner or designee, [För] a human trafficking prevention training course must: [to become approved by the Executive Commissioner, or designee, the course must meet the human trafficking training standards established by the Health and Human Services Commission.]

(1) [(b)] meet the [The] human trafficking prevention training standards established by the Texas Health and Human Services Commission (HHSC); and [course, at a minimum, must include:]

(2) include content on the following topics:

(A) [(1)] types of human trafficking, including definitions;

(B) [(2)] victim vulnerability factors and health impacts;

[(3)] [health impact;]

(C) [(4)] how to identify, assess, and respond to human trafficking; and [identification;]

[(5)] [assessment;]

[(6)] [response; and]

(D) [(7)] resources to support victims.

(b) [(e)] Health care practitioners who provide direct [patient] care to patients, except physicians and nurses, must complete an HHSC-approved [approved] human trafficking prevention training course as a condition for renewal of their license. [for each license renewal, within the full license term as defined by each licensing entity.]

(c) Medical assistants must complete an HHSC-approved human trafficking prevention training course, as set by each certifying organization.

(d) First responders, including fire protection workers and emergency medical services (EMS) workers, must complete an HHSC-approved human trafficking prevention training course, as set by the certifying or licensing organization.

(e) Each person working in a licensed tattoo studio or body piercing studio, including artists, tattooists, and body piercers as defined by Texas Department of State Health Services (DSHS) rule, must complete an HHSC-approved human trafficking prevention training course.

(f) [(4)] A complete description of the human trafficking prevention training standards and the list of HHSC-approved human trafficking prevention training courses are posted on the HHSC Texas Human Trafficking Resource Center website. [training approval process is posted on the HHSC website.] At least one approved course will be available without charge.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602442

Karen Ray

Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 438-3235

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 17. TEXAS STATE SOIL AND WATER CONSERVATION BOARD

CHAPTER 523. AGRICULTURAL AND SILVICULTURAL WATER QUALITY MANAGEMENT

31 TAC §523.5

The Texas State Soil and Water Conservation District Board proposes amendments to the existing rule Texas Administrative Code, Title 31, Part 17, Chapter §523.5 Agricultural and Silvicultural Water Quality Management

Fiscal Note

Kenny Zajicek, Fiscal Officer, has determined that for each year of the first five years that the rule is in effect, there are no anticipated increases or reductions in costs to the state and local governments due to enforcing or administering the rule.

Kenny Zajicek, Fiscal Officer, has also determined that for each year of the first five years that the rule is in effect, there is no anticipated impact in revenue to state government as a result of enforcing or administering the rule.

Public Benefit and Cost Note

Kenny Zajicek, Fiscal Officer, has also determined that for each year of the first five years the rule is in effect, the anticipated public benefit will be to protect the public by establishing and maintaining a high standard of integrity, skills, and practice.

Local Employment Impact Statement

Kenny Zajicek, Fiscal Officer, has determined that the rule will not impact local employment or economy. Thus, the board is not required to prepare a local employment impact statement pursuant to §2001.022, Government Code.

Economic Impact Statement and Regulatory Flexibility Analysis

Kenny Zajicek, Fiscal Officer, has determined that there are no anticipated adverse economic effects on small businesses, micro-businesses, or rural communities because of the rule. Thus, the Board is not required to prepare an economic impact statement or a regulatory flexibility analysis pursuant to §2006.002, Government Code.

Takings Impact Assessment

Kenny Zajicek, Fiscal Officer, has determined that no private real property interests are affected by the rule. Thus, the board is not required to prepare a takings impact assessment pursuant to §2007.043, Government Code.

Public Benefit/Cost Note.

Kenny Zajicek, Fiscal Officer, has determined, under Government Code §2001.024(a)(5), that for the first five-year period, the amended rules are in effect, the public benefit will be an efficient use of state resources. He further has determined there will be no probable economic cost to persons required to comply with the rule.

Government Growth Impact Statement

For the first five years that the rule would be in effect, it is estimated that; the proposed rule would not create or eliminate a government program; implementation of the proposed rule would not require the creation of new employee positions or the elimination of existing employee positions; implementation of the proposed rule would not require an increase or decrease in future legislative appropriations to the agency; the proposed rule would not require an increase in the fees paid to the agency; the proposed rule would not create a new regulation; the proposed rule would not expand, limit, or repeal an existing regulation; the proposed rule would not increase or decrease the number of individuals subject to the rule's applicability; and the proposed rule would not positively or adversely affect the state's economy.

Environmental Rule Analysis

The proposed rule is not a "major environmental rule" as defined by Government Code §2001.0225. The proposed rule is not specifically intended to protect the environment or to reduce risks to human health from environmental exposure. Therefore, a regulatory environmental analysis is not required.

Request for Public Comments

The Texas State Soil and Water Conservation Board invites comments on the proposed new rule from any interested persons, including any member of the public. A written statement should be mailed or delivered to Heather Bounds, Texas State Soil and Water Conservation Board, 1497 Country View Lane, Temple, Texas 76504, or by e-mail to hbounds@TSSWCB.Texas.Gov. Comments will be accepted for 30 days following publication in the *Texas Register*. Comments must be received within 30 days after the publication of this proposal to be considered.

Statutory Authority

The amendment is proposed under Texas Agriculture Code, Title 7, Chapter 201, Subchapter B, State Soil and Water Conservation Board, §201.020, which provides the State Board with the authority to adopt rules as necessary for the performance of its functions under Chapter 201, Texas Agriculture Code.

No other code, article or statutes are affected by this amendment.

§523.5. *Memorandum of Understanding between the Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality.*

(a) The Texas State Soil and Water Conservation Board may enter into and maintain a Memorandum of Understanding with the Texas Commission on Environmental Quality which sets forth the coordination of jurisdictional authority, program responsibility, and procedural mechanisms for point and nonpoint source pollution programs.

(b) Adoption of Memoranda of Understanding between the Texas State Soil and Water Conservation Board and Texas Commission on Environmental Quality.

(1) This rule contains the memorandum of understanding ("MOU") between the Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality, which sets forth

the coordination of jurisdictional authority, program responsibility, and procedural mechanisms for point and nonpoint source pollution programs.

(A) Whereas, the Texas State Soil and Water Conservation Board (the Board) is the lead agency in this state for planning, management, and abatement of agricultural and silvicultural nonpoint source pollution; and

(B) Whereas, the Board shall represent the State before the United States Environmental Protection Agency (EPA), or other federal agencies on all matters relating to the planning, management, and abatement of agricultural and silvicultural nonpoint source pollution abatement; and

(C) Whereas, for purposes of this MOU, the Board is responsible for nonpoint source pollution abatement and prevention activities on all agricultural and silvicultural land as required by Texas Water Code §26.1311; and

(D) Whereas, the Board has established and implemented a water quality management plan (WQMP) certification program, in accordance with Texas Agriculture Code §201.026(g) for agricultural and silvicultural lands; and

(E) Whereas, the Texas Commission on Environmental Quality (the Commission) is the state agency with primary responsibility for implementing the constitution and laws of the State related to the quality of water and air; and

(F) Whereas, the Commission shall coordinate all its activities related to this MOU with the Board; and

(G) Whereas, consistent with the intent of Federal Clean Water Act §319, the Board and the Commission are committed to coordinate, develop, and jointly administer the [development and] implementation of the Texas Nonpoint Source Management Program; and

(H) Whereas the Board and the Commission are independently and directly awarded equal halves of the annual Federal Clean Water Act §319 grant [program] for nonpoint source pollution by the EPA, both agencies independently coordinate and administer the preparation of work projects under the grant; and

(I) Whereas, for the purpose of this MOU, the Commission is responsible for the enforcement of all laws of the State related to water and air quality including point source and nonpoint source pollution regulations, including agricultural and silvicultural lands; and

(J) Whereas, consistent with Texas law and public policy, the Board and Commission mutually desire to protect our state's public health and natural resources to a high level [and maintain a high quality environment and the health of the people of the State]; therefore

(2) Now the Parties agree as follows:

(A) The Commission agrees to:

(i) Coordinate and administer the preparation of grant work projects for the Federal Clean Water Act §319 grant program that primarily target nonpoint source pollution from sources other than agriculture and silviculture.

(ii) Execute cooperative agreements, associated amendments, grant awards, and contracts related to grant work projects coordinated and administered by the Commission. For those grant work projects, the Commission is independently responsible for monitoring, implementation, and providing EPA with the required financial and programmatic reporting information.

(iii) Implement the provisions of the EPA approved Texas Nonpoint Source Management Program for non-agricultural/silvicultural surface and ground water nonpoint source pollution.

(iv) Develop and maintain state guidance for all nonpoint source pollution abatement projects other than agricultural or silvicultural nonpoint source pollution projects as described by this MOU.

(v) Coordinate with the Board those compliance and enforcement actions dealing with agricultural and silvicultural pollution.

(vi) Provide to the Board all current forms, timetables, procedural rules, and any policy documents of the Commission for addressing and processing citizen complaints related to agricultural and silvicultural pollution.

(vii) Refer to the Board complaints concerning violations of a WQMP or violations of laws or rules relating to agricultural or silvicultural nonpoint source pollution under the jurisdiction of the Board, except for any person referred to the Commission for enforcement action pursuant to clause (ix) of this subparagraph.

(viii) Retain the responsibility for pursuing any enforcement action related to a violation of state environmental laws and regulations, inclusive of rules, orders, and nonpoint source pollution regulations (including those applied to agricultural and silvicultural lands).

(ix) Pursue appropriate enforcement action in accordance with Commission rules and state statutes against any person referred in accordance with paragraphs (4) and (5) of this subsection.

(x) Ensure that any operation that was previously referred to the Commission by the Board for environmental non-compliance and subsequent decertification of a WQMP has resolved any Commission enforcement issues prior to referring the operation to the Board for WQMP development or investigation. Any such referral shall be accompanied by a letter to the Board stating the operation has resolved its Commission regulated environmental compliance issues.

(B) The Board agrees to:

(i) Coordinate and administer the preparation of grant work projects for the Federal Clean Water Act §319 grant program that primarily target nonpoint source pollution from agricultural and silvicultural sources.

(ii) Execute cooperative agreements and associated amendments; and grant awards and contracts relating to grant work projects coordinated and administered by the Board. For those grant work projects, the Board is independently responsible for monitoring, implementation, and providing EPA with the required financial and programmatic reporting information.

(iii) Implement the provisions of the EPA approved Texas Nonpoint Source Management Program for agricultural/silvicultural surface and ground water nonpoint source pollution.

(iv) Provide the EPA with required reports for all agricultural/silvicultural projects funded through the Board by the Federal Clean Water Act §319. Reports will be submitted in accordance with EPA requirements.

(v) Develop and maintain state guidance for agricultural or silvicultural nonpoint source pollution as described by this MOU and 31 TAC §523.1.

(vi) Provide to the Commission information about agricultural and silvicultural activities required for the annual evalua-

tion of the state's implementation of the Texas Nonpoint Source Management Program.

(vii) Process citizen complaints related to agricultural and silvicultural nonpoint source pollution in a manner that is consistent with the practices and standards of the Commission.

(viii) Schedule and conduct management meetings with the EPA to review the status of agricultural and silvicultural nonpoint source pollution project activities as negotiated with EPA.

(ix) Develop and maintain a current electronic database to track and document all WQMPs. Data recorded for each WQMP will include, but is not limited to, the name of the WQMP applicant(s), the facility address or location, date of the WQMP application request, the type of operation covered by each WQMP, and the approval date of each WQMP.

(x) Provide the Commission with documentation of Board rules, policies, guidance, etc. concerning the development, supervision, and monitoring of individual certified WQMPs.

(xi) Investigate complaints concerning violations of a WQMP or violations of laws or rules relating to agricultural or silvicultural nonpoint source pollution under the jurisdiction of the Board, except for any person referred to the Commission for enforcement action pursuant to paragraph (1)(I) of this subsection.

(xii) Refer to the Commission violations of a WQMP or violations of laws or rules relating to agricultural or silvicultural nonpoint source pollution under the jurisdiction of the Board, where the Board has determined that the necessary corrective action has not been taken. The Board, upon referral, shall provide the Commission documentation, including but not limited to, any original documents or Board certified copies of the original documents; and hard copies of all photographs, correspondence, records, and other documents relating to the violation.

(C) Both parties agree to:

(i) Maintain each party's existing level of effort required by the EPA for the implementation of Federal Clean Water Act §319 projects.

(ii) Communicate and coordinate directly with each other and the EPA on matters relating to project planning and implementation of nonpoint source pollution projects funded by Federal Clean Water Act §319.

(iii) Provide required reports to the EPA on nonpoint source pollution project activities. Reports will include status of project implementation, summary of information/education activities, monitoring activities, and other outputs satisfactory to EPA.

(iv) Meet annually to review and discuss the state's nonpoint source water quality program and to refine agency coordination mechanisms.

(v) Work together to develop and implement water quality management programs that satisfy State water quality standards as established by the Commission.

(vi) Comply with all relevant state and federal rules and regulations; and grant conditions, including financial audits, data quality assurance, quality control, and progress reports.

(vii) Cooperate on activities related to the implementation of the "Texas State Management Plan for Prevention of Pesticide Contamination of Groundwater."

(viii) Coordinate on inspection and enforcement activities relating to animal feeding operations (AFOs) authorized under

30 TAC §321.47 or a WQMP certified by the Board in accordance with Texas Agriculture Code §201.026(g) for the protection of water quality in the State.

(ix) Coordinate on inspection and enforcement activities for the protection of water quality in the State relating to dry litter poultry concentrated animal feeding operations (CAFOs) authorized under 30 TAC Chapter 321 and a Board certified WQMP.

(x) Cooperate to establish protocols for the coordination of activities related to complaint response, compliance inspections, and enforcement of AFOs and CAFOs operating under a Board certified WQMP.

(xi) Conduct interagency meetings annually with regional office staff of both agencies to review and update the AFO and dry litter poultry CAFO complaint/referral process and to refine agency coordination procedures.

(3) Coordination on Dry Litter Poultry CAFOs:

(A) The Board is the lead agency and has primary responsibility for complaint investigations and compliance inspections to determine if a dry litter poultry CAFO meets the requirements of a Board certified WQMP and CAFO regulations.

(B) The Board shall perform a number of dry litter poultry CAFO compliance inspections to be negotiated annually with the Commission. The Board will provide documentation of such activities to the Commission on a quarterly basis.

(C) For any dry litter poultry CAFO operating under a Board certified WQMP, the Board shall investigate in a timely manner all water quality complaints and the first odor complaint where none has been received by either the Commission or the Board within the previous twelve (12) months.

(D) The Commission shall investigate within eighteen (18) hours the second and all subsequent odor complaints for a rolling twelve (12) month period at any dry litter poultry CAFO operating under a Board certified WQMP.

(E) The Board shall refer to the Commission for possible enforcement action violations at dry litter poultry CAFOs regardless of WQMP certification status if it involves:

(i) failure to obtain authorization under an individual or general permit if evidence of a discharge is observed; or

(ii) unauthorized discharge(s) into or adjacent to surface water in the State; or

(iii) failure to notify Commission of any discharge; or

(iv) failure to maintain water quality buffers; or

(v) failure to completely implement nutrient management practices required by CAFO rules and the WQMP; or

(vi) failure to completely implement mortality management practices required by the WQMP; or

(vii) operating a commercial poultry operation without the required WQMP; or

(viii) a documented nuisance odor violation; or

(ix) chronic violations for failure to implement WQMP practices required to meet CAFO rules under 30 TAC Chapter 321, Subchapter B.

(F) The Board shall perform follow-up compliance inspections at dry litter poultry CAFOs found out of compliance with

their WQMP to verify that the operation has returned to compliance with the Board-certified WQMP and CAFO regulations.

(4) Coordination on AFOs:

(A) The Board is the lead agency and has primary responsibility for agricultural or silvicultural nonpoint source pollution abatement resulting from all AFOs, as defined under 30 TAC Chapter 321, Subchapter B (relating to concentrated animal feeding operations) that are not designated as CAFOs or otherwise required to operate under a water quality permit issued by the Commission.

(B) The Board shall investigate water quality complaints and monitor compliance of all AFOs regardless of their participation in the WQMP Program. The Board shall also investigate the first odor complaint, where none has been received by the Commission or the Board within the previous twelve (12) months, at any dry litter poultry AFO operating under a Board-certified WQMP.

(C) The Commission, upon receiving a general water quality complaint regarding an AFO, will determine if the AFO is required to obtain authorization pursuant to 30 TAC Chapter 321, Subchapter B (relating to Control of Certain Activities by Rule). If the determination by the Commission indicates the facility does not meet the definition of a CAFO or otherwise require a water quality permit, the complaint and any written documentation will be referred to the Board, except for any person referred to the Commission for enforcement action pursuant to paragraph (1)(I) of this subsection. Additionally, the Commission shall investigate within eighteen (18) hours the second and all subsequent odor complaints for a rolling twelve (12) month period at any dry litter poultry AFO.

(D) The Board, upon receiving a general complaint regarding an AFO, will investigate to determine whether such a facility will need to obtain authorization from the Commission or initiate corrective actions to avoid impacts to aquatic life or human health. Those facilities that are determined to require authorization from the Commission pursuant to 30 TAC Chapter 321, Subchapter B (relating to Control of Certain Activities by Rule) will be referred to the Commission in writing within five working days from the date of the investigation.

(E) The Board shall refer an AFO to the Commission for possible enforcement action, if the complaint investigation determines that the potential for a water quality violation exists at a facility and the facility owner or operator does not submit a request for a Board certified WQMP to resolve the complaint within 45 days of notification of the investigation outcome or does not implement appropriate corrective action.

(F) When the owner or operator of an AFO fails to sign a WQMP that was developed to resolve a complaint involving a potential water quality violation within 90 days of signing a request for planning assistance, the Board shall refer the AFO to the Commission for possible enforcement action.

(G) The Board shall refer to the Commission for possible enforcement any AFO complaint received where there is evidence of a discharge.

(H) The Board shall refer to the Commission for possible enforcement action, regardless of WQMP status, any investigation and documentation by the Board of a complaint related to an AFO where there is a documented violation that causes a discharge of pollutants to the air, water, or land that causes serious impact to the environment; or affects human health and safety.

(I) The Board shall refer to the Commission for possible enforcement action, regardless of WQMP status, any violation related to an AFO that the Board has determined that the necessary correc-

tive action has not been taken. The Board, upon referral, shall provide the Commission documentation, including but not limited to any original documents or Board certified copies of the original documents; and hard copies of all photographs, correspondence, records, and other documents relating to the complaint or violation.

(5) General conditions:

(A) Term of MOU. The term of this MOU shall be from the effective date until termination.

(B) Notice of Termination. Either party may terminate this MOU upon 90-day written notice to the other party. Only upon written concurrence of the other agency can this MOU be modified.

(C) Cooperation of Parties. It is the intention of the Board and the Commission that the details of providing the services in support of this MOU shall be worked out, in good faith, by both agencies.

(D) Nondiscrimination. Activities conducted under this MOU will be in compliance with the nondiscrimination provisions as contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and other nondiscrimination statutes, namely Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1992, which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

(E) Notices. Any notices required by this MOU shall be in writing and addressed to the respective agency as follows: Texas Commission on Environmental Quality, Attn: _____, P.O. Box 13087, Austin, TX 78711-3087 and to the Texas State Soil and Water Conservation Board, Attn: _____, P.O. Box 658, Temple, TX 76503-0658.

(F) Effective Date of MOU. This MOU is effective upon execution by both agencies. By signing this MOU, the signatories acknowledge that they are acting under proper authority from their governing bodies. Adopted [insert date] Effective [insert date]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 9, 2026.

TRD-202602338

Heather Bounds

Government Relations Specialist

Texas State Soil and Water Conservation Board

Earliest possible date of adoption: July 26, 2026

For further information, please call: (254) 773-2250



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 15. DRIVER LICENSE RULES

SUBCHAPTER A. LICENSING REQUIREMENTS

37 TAC §15.6

The Texas Department of Public Safety (the department) proposes amendments to §15.6, concerning Motorcycle License. The proposed amendment aligns operator training and safety curriculum standards with current Texas Department of Licensing and Regulation administrative rules.

Mickey Godfrey, Management Analyst, Driver License Division, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Mr. Godfrey has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Mr. Godfrey has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be enhanced accuracy and precision of the rule text through the updated reference to the applicable curriculum standards. This clarification will ensure that the rule continues to align with current TDLR-approved motorcycle operator training requirements, thereby supporting the uniform administration of licensing provisions and contributing to the ongoing delivery of consistent and effective motorcycle safety instruction statewide.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Mickey Godfrey, Driver License Division, Texas Department of Public Safety, P.O. Box 4087 (MSC 0300), Austin, Texas 78773; by fax to (512) 424-

5233; or by email to DLDrulecomments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal. Persons required to comply with the proposed rules or any other interested person may provide information to the department related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Transportation Code.

Texas Government Code, §411.004(3); and Texas Transportation Code, §§521.005, 521.148, 662.0033, and 662.0068, are affected by this proposal.

§15.6. Motorcycle License.

A driver who qualifies to operate a motorcycle will be issued a Class M license. When a driver is also qualified to operate a motor vehicle with a Class A, B, or C license, one license with any applicable restrictions will be issued. Parent or guardian authorization is required for applicants younger than 18 years of age.

(1) Class M license.

(A) The minimum age is 16 years with completion of the classroom phase of driver education and a Texas Department of Licensing and Regulation (TDLR) approved motorcycle operator training course.

(B) This authorizes operation of all motorcycles and three-wheeled motorcycles.

(2) Restricted Class M license.

(A) The minimum age is 16 years with completion of the classroom phase of driver education and a TDLR approved motorcycle operator training course specific to the operation of a three-wheeled motorcycle.

(B) The minimum age is 15 years with completion of the classroom phase of driver education and a TDLR approved motorcycle operator training course specific to 250 cubic centimeter piston displacement or less.

(3) A motorcycle operator training program certificate of completion issued by TDLR [Motorcycle Operator Training Program Certificate of Completion (Form MSB-8)] or a completion card from a state or military motorcycle safety training program showing that the applicant has completed a course in basic motorcycle safety instruction that meets or exceeds the requirements outlined in 16 TAC §98.112 (relating to Curriculum Standards--Entry Level Course) [Motorcycle Safety Foundation curriculum standards] will be used as proof of successful completion of a TDLR approved motorcycle operator training course.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 12, 2026.
TRD-202602414

D. Phillip Adkins
General Counsel
Texas Department of Public Safety
Earliest possible date of adoption: July 26, 2026
For further information, please call: (512) 424-5848



**SUBCHAPTER B. APPLICATION
REQUIREMENTS--ORIGINAL, RENEWAL,
DUPLICATE, IDENTIFICATION CERTIFICATES
37 TAC §15.21**

The Texas Department of Public Safety (the department) proposes amendments to §15.21, concerning Signature. The proposed amendment modifies the ink signature requirement to include an exception allowing for electronic signature for online or digital applications.

Mandy Edwards, Management Analyst, Driver License Division, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Edwards has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Ms. Edwards has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be convenience to the public by expanding the signature requirements to include electronic signature for applications submitted digitally or online.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the pro-

posed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Mandy Edwards, Driver License Division, Texas Department of Public Safety, P.O. Box 4087 (MSC 0300), Austin, Texas 78773; by fax to (512) 424-5233; or by email to DLRuleComments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal. Persons required to comply with the proposed rules or any other interested person may provide information to the department related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Transportation Code.

Texas Government Code, §411.004(3); and Texas Transportation Code, §521.005 and §521.142, are affected by this proposal.

§15.21. Signature.

The applicant's usual signature is required on all applications for a driver license or identification certificate.

(1) The usual signature is preferred. If a man's name is John Henry Jones and his usual signature is J.H. Jones, he should so sign it. This section also applies to women. The usual signature is asked for simply because it will not disturb the applicant so much as it would to require the full name.

(2) The signature on the application must be in ink, except when the application is completed digitally or online requiring an electronic signature. The license or certificate must include a facsimile of the license holder's signature or a space on which the holder shall write the holder's usual signature in ink immediately on receipt of the license or certificate.

(3) The primary purpose of the signature is to identify the applicant and verify the information given on the application.

(4) If an applicant cannot write his name, he may make his "mark." This is usually a cross in the place of his signature followed by the applicant's printed name. The Driver License field employee shall sign under the applicant's "mark" showing who printed the applicant's name.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602415

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 424-5848



37 TAC §15.24

The Texas Department of Public Safety (the department) proposes amendments to §15.24, concerning Identification of Appli-

cants. The proposed amendments update the acceptable documents for proof of identity to align with the REAL ID Act of 2005.

Christopher Major, Management Analyst, Driver License Division, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Mr. Major has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Mr. Major has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be secure issuance of REAL ID compliant credentials.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does limit an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Christopher Major, Driver License Division, Texas Department of Public Safety, P.O. Box 4087 (MSC 0300), Austin, Texas 78773; by fax to (512) 424-5233; or by email to DLRuleComments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal. Persons required to comply with the proposed rules or any other interested person may provide information to the department related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Transportation Code.

Texas Government Code, §411.004(3); and Texas Transportation Code, §521.005 and §521.142, are affected by this proposal.

§15.24. *Identification of Applicants.*

All original applicants for a driver license or identification certificate must present proof of identity satisfactory to the department. All documents must be verifiable. There are three categories of documents that may be presented to establish proof of identity.

(1) Primary identification. These items are complete within themselves and require no supporting instruments: These documents must contain the applicant's complete name and full date of birth:

(A) Texas driver license (DL) or identification certificate (ID) with photo within two years of expiration date;

(B) unexpired United States passport;

(C) United States citizenship (naturalization) certificate with identifiable photo;

(D) unexpired document issued by the United States Citizenship and Immigration Services or successor federal immigration agency. The document must contain verifiable data and identifiable photo; or

(E) unexpired United States military ID card for active duty, reserve or retired personnel with identifiable photo.

(F) foreign passport with a valid visa issued by the United States Department of State [~~(valid or expired)~~] with unexpired I-94 marked valid for a fixed duration. If the applicant was not required by federal law to obtain a visa to enter the United States, the visa requirement under this subparagraph may be waived.

(G) foreign passport with a valid visa issued by the United States Department of State [~~(valid or expired)~~] with an I-94 marked valid for the duration of stay accompanied by appropriate documentation. If the applicant was not required by federal law to obtain a visa to enter the United States, the visa requirement under this subparagraph may be waived.

(2) Secondary identification. These items are recorded governmental documents (United States, 1 of the 50 states, a United States territory, or District of Columbia [~~or Canadian province~~]):

(A) original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency;

(B) original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad); or

(C) original or certified copy of court order with name and date of birth (DOB) indicating an official change of name [~~and/or gender~~].

(3) Supporting identification. These items consist of other records or documents that aid examining personnel in establishing the identity of the applicant. The following items are not all inclusive. The examining or supervisory personnel may determine that an unlisted document meets the department's needs in establishing identity.

(A) school records;

(B) insurance policy (at least two years old);

(C) vehicle title;

(D) military records;

(E) unexpired military dependent [~~dependant~~] identification card;

(F) original or certified copy of marriage license or divorce decree;

(G) voter registration card;

(H) Social Security card;

(I) pilot's license;

(J) concealed handgun license;

(K) Texas driver's license temporary receipt;

(L) unexpired photo DL or photo ID issued by another (United States) state, U.S. [US] territory, the District of Columbia or Canadian province;

(M) expired photo DL or photo ID issued by another (United States) state, U.S. [US] territory, the District of Columbia or Canadian province that is within two years of the expiration date;

(N) a consular document issued by a state or national government; or

(O) an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice.

(4) Every original applicant must present:

(A) one piece of primary identification, or

(B) one piece of secondary identification plus two pieces of support identification; or,

(C) two pieces of secondary identification.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 217. VEHICLE TITLES AND REGISTRATION

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Chapter 217, Vehicle Titles and Registration, Subchapter A, Motor Vehicle Titles, §§217.3 - 217.7 and §217.12, and repeal of §217.1; amendments to Subchapter B, Motor Vehicle Registration, §§217.26 - 217.28, 217.40, 217.41, 217.43, 217.45, 217.47, 217.52, 217.54, 217.56, and 217.57, and repeal of §§217.21, 217.32, and 217.37; amendments to Subchapter C, Registration and Titling Systems, §§217.71, 217.72 and 217.74, and repeal of §217.73; amendments to Subchapter D, Nonrepairable and Salvage Motor Vehicles, §217.83 and §217.84, and repeal of §217.81; amendments to

Subchapter F, Motor Vehicle Records, §§217.122, 217.124 - 217.127, and repeal of §217.121; amendments to Subchapter G, Inspections, §217.143, and repeal of §217.141; amendments to Subchapter H, Deputies, repeal of §217.161; amendments to Subchapter I, Processing and Handling Fees, repeal of §217.181; amendments to Subchapter J, Performance Quality Recognition Program, §217.204, and repeal of §217.201; repeal of Subchapter K, Electronic Signatures, §217.301; and amendments to Subchapter L, Assembled Vehicles, §217.402 and §217.404, and repeal of §217.401.

The department is conducting a review of its rules in Chapter 217 in compliance with Government Code, §2001.039. Notice of the department's plan to review Chapter 217 is published in this issue of the *Texas Register*. As a part of the rule review, the department is proposing necessary amendments and repeals to update and streamline the rule text, bringing it into compliance with statute and with current department procedure; to update the language to remove unnecessary or obsolete requirements; to modernize language and improve readability through the use of consistent terminology; and to more specifically describe the department's methods and procedures.

Redundant or unnecessary rules identified in the course of the department's work with the Texas Regulatory Efficiency Office are also proposed for repeal, including §§217.1, 217.21, 217.32, 217.37, 217.73, 217.81, 217.121, 217.141, 217.161, 217.181, 217.201, 217.301, and 217.401.

Amendments are also proposed to align the rules with Transportation Code, §502.0024, which requires the department to develop a system of registration allowing owners of trailers, semi-trailers or pole trailers with a gross weight of 7,500 pounds or less to register such trailers for an extended registration period not to exceed five years.

EXPLANATION.

Subchapter A. Motor Vehicle Titles

§217.1

This section describing the purpose and scope of the subchapter is proposed for repeal because it is unnecessary as it contains no enforceable or substantive language.

§217.3

Proposed amendments to §217.3 would delete §217.3(2) because it is a confusing and inconsistent description of the registration requirements for tractors under Transportation Code, Chapter 502. Registration of a tractor under Transportation Code, Chapter 502 is dependent on how the tractor is used on public roads, regardless of whether it is owned by any particular entity or meets the specific definition of a "road tractor" in Transportation Code, §502.001. The remaining subparagraphs of §217.3 are proposed to be renumbered to accommodate the deletion of §217.3(2).

§217.4

A proposed amendment to §217.4(d)(2) would delete "if applicable" and replace it with the phrase "unless exempt under Transportation Code, §502.072(c)." The proposed amendment would provide clarity and ease of reference by citing the statute that details the limited circumstances when an odometer disclosure statement is not necessary in the application for a title for a motor vehicle.

§217.5

Proposed amendments to §217.5(a)(4)(C) would delete "original" and replace that term with "copy of" where pertinent to eliminate the requirement to provide the original version of the bond release letter to align with Texas Transportation Code, §501.030, that does not require an applicant to produce the original version of the bond release letter. This proposed change would also align with the department's current practice of accepting a copy of the bond release letter.

A proposed amendment to §217.5(b) would add language limiting the department's ability to reject a transaction because the supporting documents that provide evidence of ownership have been altered. Under the proposed language, the department would only be able to reject documents with altered text when the altered text was printed by the department, person, or governmental entity issuing the document. The current rule language could be read to imply that any alteration to any portion of a registration receipt, title, or other evidence of ownership set out in subsection (a)(2) is a valid reason for a rejection, which does not reflect current department practices. Alterations to text printed by the document's issuer indicate fraud. If corrections are necessary, the document's issuer can reissue a new document. To prevent fraud and forgery, a proposed amendment to §217.5(b) would add a sentence stating that if a digit printed on a document by the document's issuer has been altered, the department will reject the transaction. However, the information provided by transferors may require correction due to mistakes that do not indicate fraud, so the proposed amendments to §217.5(b) would allow correction to text in the document if the corrected text was not originally printed by the issuer. The proposed amended language aligns with the department's policy of allowing statements of fact to correct alterations of portions of documents filled out by a title applicant or seller. An additional proposed amendment to §217.5(b) would delete the word "other" before "evidence of ownership" to align with §217.5(a)(2), which uses "evidence of ownership" rather than "other evidence of ownership." A proposed amendment to §217.5 would add a new subsection (c) titled "Corrected documentation," move current (b)(1), (b)(3), and (b)(4) under proposed subsection (c), and renumber them accordingly. Subsection (b)(2) is redundant with language regarding altered issuer-printed digits that is proposed to be added to §217.5(b), so subsection (b)(2) is proposed for deletion. Current §217.5 (c) and (d) would be re-lettered to accommodate new subsection §217.5(c). These amendments are proposed to improve organization within §217.5 because current §217.5(b)(1), (b)(3), and (b)(4) all describe different forms of acceptable document correction.

§217.6

A proposed amendment to §217.6 would delete §217.6(a) and re-letter the remaining subsections accordingly. The proposed change would eliminate text that is duplicative of Transportation Code, §501.024, regarding the issuance of a title receipt; Government Code, §437.217, regarding exemption from fees for deployed military personnel; and Transportation Code, §501.138, regarding persons exempt from the title application fee.

§217.7

Under §217.104(d) of this title, regarding Electronic Lien Title Program, when a lien that is recorded electronically instead of on a paper title is satisfied, the lienholder notifies the department and specifies the address to which the department should send the paper title. In accordance with §217.104(d), the address the lienholder gives the department may be for a recipient other than the owner of record when a party other than the

owner of record has satisfied the lien. The department then removes the lien from the vehicle record, generates a paper title in the name of the owner of record, and mails it to the address specified by the lienholder. A proposed amendment to §217.7 would create a new subsection, §217.7(b), to address instances in which an owner or their agent requests a certified copy of the vehicle title, but the department's records indicate the title was issued to a third party at the direction of a lienholder following the release of an electronic lien. Proposed new §217.7(b) would require the owner or their agent to provide a written statement from either the third party to whom the department sent the title, disclaiming any interest in the vehicle, or a from the lienholder, stating that the title was incorrectly released to the third party. Proposed new §217.7(b) would align with current department procedures and allow the department to confirm that the third party that received the title has no interest in the vehicle before the department would issue a certified copy of title to the owner of record. The remaining subsections under this section would be re-lettered to accommodate new §217.7(b).

Proposed amendments to current §217.7(b)(3), which is proposed to be re-lettered as §217.7(c)(3), would provide an additional option for submitting an application for a certified copy of title under a power of attorney by allowing the use of an expired photo identification of an owner or lienholder if the power of attorney is notarized by a Texas notary public. A notary public is a commissioned public officer who is required to confirm a person's identity for signature on the documents they notarize. Under the proposed amendments that create a new re-lettered §217.7(c)(3)(A), the notarized power of attorney submitted with an expired photo identification would become an alternative option that guards against potential fraud while providing flexibility in situations where the owner or lienholder is incapacitated to some extent and unable to secure a current photo identification. The proposed amendments would remove a reference to current §217.7(b)(1) and (2) from current §217.7(b)(3) and would delete current §217.7(b)(3)(C), because they would be redundant with the reference to the same rule provisions in proposed new re-lettered §217.7(c)(3)(A). The proposed amendments would re-letter the remaining subparagraphs of re-lettered §217.7(c)(3) to accommodate proposed new §217.7(c)(3)(A). Proposed amendments to re-lettered §217.7(c)(3)(B) and (C) would add language clarifying which requirements apply when the power of attorney names an individual and which apply when it names an entity, without changing the underlying identification requirements.

§217.12

A proposed amendment to §217.12 would delete §217.12(a) and re-letter the remaining subsections accordingly. This proposed amendment would eliminate text that is unnecessary because it is just a general statement that summarizes the mandate provided in the statutes administered by the department and county to collect required fees for services.

Subchapter B. Motor Vehicle Registration

§217.21

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary and contains no enforceable of substantive language.

§217.26

A proposed amendment to §217.26(c)(2)(B)(i) would clarify the photo identification requirements to register a motor vehicle for a lessee where the lessee is not an individual but a legal entity.

The proposed amendments would require the person signing the application for the lessee to produce a current photo identification along with a letter of authorization on the lessee's letterhead or a printed business card of the lessee. Under the proposed amendments, either the letter of authorization or the business card must contain the name of the person signing the application that matches their photo identification. This requirement would reduce the opportunity for fraud by lessees impersonating corporate entities.

§217.27

Proposed amendments to §217.27(c)(2) would align the rule with statute in Transportation Code §502.0026 and with proposed amended §217.54 of this title (relating to Extended Registration). The proposed amendments would capture forms of extended registration that are not currently mentioned in the rule, for clarity and ease of reference for readers.

§217.28

A proposed amendment to §217.28(f) would replace "one week" with "five consecutive business days" to more specifically define "a protracted period of time" for closure of a county assessor-collector's office under Transportation Code, §502.407.

§217.32

This section, describing the replacement of license plates, symbols, tabs and other devices, is proposed for repeal because it is duplicative of the requirements specified in Transportation Code, §502.060 and §504.007.

§217.37

This section, describing the charging of required fees provided in statute by the department and county, is proposed for repeal because it is unnecessary as it is just a general statement that summarizes the mandate provided in the statutes administered by the department and county to collect required fees for services.

§217.40

Proposed amendments to §217.40 would delete §217.40(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language that is unnecessary as it is unenforceable and contains no substantive provisions. A proposed amendment to proposed re-lettered §217.40(a)(3) would add a provision requiring an applicant applying for a 72- or 144-hour permit for a commercial motor vehicle, motor bus, trailer, or semi-trailer to provide a United States Department of Transportation (USDOT) number. This proposed amendment aligns with current department procedures that were put in place as a fraud deterrent to prevent applications using false or stolen information. The proposed amendment would help to ensure the applications are from legitimate applicants seeking such permits for use consistent with Transportation Code, §502.094. A proposed amendment to proposed re-lettered §217.40(b)(2)(A) would delete the vehicle categories listed in subsections (i) through (v) because subsections (i) - (iii) and (v) are duplicative of Texas Transportation Code, §502.095(d), and subsection (iv) describes a vehicle class that is not eligible for a thirty-day license plate under the statute.

§217.41

Proposed amendments to §217.41 would delete §217.41(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language that is unen-

essary as it is unenforceable and does not contain substantive provisions. A proposed amendment to proposed re-lettered §217.41(a)(2)(A)(ii) would delete the reference to "Subsection (b-1)" and replace it with the reference to Transportation Code, §504.202(b-1). The proposed amendment corrects a citation error that did not properly reference the provision in the Transportation Code.

§217.43

Proposed amendments to §217.43 would delete §217.43(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language that is unnecessary as it is unenforceable and does not contain substantive provisions. A proposed amendment to proposed re-lettered §217.43(c) would remove a cross-reference to §217.32, which is proposed for repeal, and replace it with a reference to Transportation Code, §502.060 and §504.007.

§217.45

Proposed amendments to §217.45 would delete §217.45(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language that is unnecessary as it is unenforceable and contains no substantive provisions.

§217.47

Proposed amendments to §217.47 would delete §217.47(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language that is unnecessary, as it simply summarizes and restates what is required under specific statutory provision. The deleted language is not substantive and is unenforceable. A proposed amendment to proposed re-lettered §217.47(b) would delete §217.47(b)(7) and (8) since those provisions pertain to notifications and costs between the department and the Department of Public Safety and the Texas Commission on Environmental Quality that are governed by written agreements as authorized under Transportation Code, §502.047, and not by the department's rules.

§217.52

Proposed amendments to §217.52 would delete §217.52(a) and re-letter the remaining subsections accordingly. The proposed amendments would remove language because it is unnecessary as it is unenforceable and contains no substantive provisions. Proposed amendments to proposed re-lettered §217.52(g) would delete three license plate categories (T-Plates license plates; luxury license plates; and freedom license plates); rename the "custom license plates" category to "custom personalized specialty license plates"; and provide new descriptions for the "custom personalized specialty license plates," "background-only license plates," and "embossed, personalized specialty license plates" categories. These proposed amendments would eliminate outdated license plate categories that are no longer in use and update outdated descriptions of license plate categories to ensure program accuracy and to align the rule with current department practices. A proposed amendment to proposed re-lettered §217.52(g)(9) would delete §217.52(g)(6)(A) as it is duplicative of Transportation Code, §504.853(c), and would re-letter the remaining paragraphs. Additional proposed amendments to §217.52 would change cross-references throughout the section to account for the re-lettering and re-numbering of subsections and paragraphs based on proposed amendments to §217.52.

§217.54

Proposed amendments to §217.54 would rename the section title and create two subsections to address extended registration of commercial fleet vehicles and certain trailers. The proposed amendments would align the department's rules with Transportation Code, §502.0023 and §502.0024. Transportation Code, §502.0023 creates extended registration of commercial fleet vehicles registration for a period of not less than one year or more than eight years. Transportation Code, §502.0024 requires the department to develop an extended registration process to allow owners of trailers, semitrailers or pole trailers with a gross weight of 7,500 pounds or less to register such trailers for a period not to exceed five years. A proposed amendment to §217.54 would retitle the section from "Registration of Fleet Vehicles" to "Extended Registration" to more accurately describe the scope of the rule as amended to include the extended registration of both commercial fleet vehicles and certain trailers as provided under Transportation Code, §502.0023 and §502.0024. A proposed amendment would create a new subsection, §217.54(a), with the subsection titled "Extended Registration of Commercial Fleet Vehicles," and would renumber the existing subsections as paragraphs under the proposed new subsection (a).

A proposed amendment to current §217.54(e)(2), proposed to be renumbered as §217.54(a)(5)(B), would add an exception to the requirement that the registration receipt for a token trailer be carried in the vehicle and available to law enforcement. This amendment would align the rule with Transportation Code, §502.0023(d-1) and Transportation Code, §502.255(i), which do not require that the registration receipt be maintained in the token trailer so long as the trailer displays a license plate issued for the registration.

Proposed amendments would create new §217.54(b), titled "Extended Registration of Certain Trailers," to align the rule with Transportation Code §502.0024. Proposed new §217.54(b)(1) would clarify for ease of the reader's reference that trailers, semitrailers, or pole trailers that have an actual gross weight or registered gross weight of 7,500 pounds or less are eligible for extended registration, in alignment with Transportation Code §502.0024. Proposed new §217.54(b)(2) would detail where to submit an application for extended trailer registration, the contents of the application, the required supporting documents to show evidence of financial responsibility as required by Transportation Code, §502.046, and the required fees associated with the application. Proposed new §217.54(b)(3) would detail an owner's options for selecting the extended registration period, including requirements that the registration period be between one and five years, begin on the first day of a calendar month, and end on the last day of a calendar month, to align with Transportation Code §502.0024 and to make data processing of the registration period simpler for the department's registration and titling system. Proposed new §217.54(b)(4) would detail the issuance of the registration insignia, registration receipt and license plate for each extended registration trailer, while prohibiting transfer of the registration receipt or insignia between vehicles, owners or registrants to prevent fraud and to make license plate tracking easier for law enforcement. Proposed new §217.54(b)(5) would provide that an extended registration expires if it is not renewed prior to the end of the expiration period, but allows for the owner, after expiration, to either register the trailer with single-year registration, or to request extended registration to create flexibility for owners.

§217.56

Proposed amendments to §217.56 would delete §217.56(a) and re-letter the remaining subsections accordingly. The proposed deletion would remove language that is unnecessary and repetitive of statute. Proposed amendments to proposed re-lettered §217.56(a), would delete the definition of "Regional Service Center" because the term was only utilized in reference to an outdated physical approval process and would update the definition of "temporary cab card" to more accurately describe the timing for expiration of the cards. A proposed amendment to proposed re-lettered §217.56(b)(2)(B), would update the reference to the current version of the International Registration Plan to align with the department's adoption of International Registration Plan under Transportation Code, §502.091. Additional proposed amendments to proposed re-lettered §217.56(b) would account for the department's streamlined temporary cab card process. Proposed amendments to proposed re-lettered §217.56(b)(2)(C) would modernize the rule to reflect electronic form submission for apportioned registration and would clarify that applicants must provide the department with documents and information required by the International Registration Plan. Proposed amendments to proposed re-lettered §217.56(b)(2)(C) would modernize the rule by striking language that describes the calculation of IRP fees as a separate step, since the electronic system calculates the fees automatically. The amendments would also remove the numbering designation from the remaining subparagraph (i) to accommodate the deletion. Proposed amendments to proposed re-lettered §217.56(b)(2)(D) would broaden the scope of the paragraph to incorporate all application requirements necessary for review and issuance of registration, would consolidate language regarding computation of fees, would eliminate unnecessary language related to an outdated paper payment process since IRP applications are now submitted electronically, would include a modernizing reference to the department's issuance of cab cards at the time the application is approved. The amendments would also clarify that the issuance of license plates, temporary cab cards, and cab cards is subject to the vehicle being eligible for apportioned registration.

Proposed amendments to proposed §217.56(b)(2)(F) would allow a registrant, during an audit by the department, to submit operational records in any format, removing the requirement that the records be submitted in number order and sequence by date. The proposed amendments to proposed re-lettered §217.56(b)(2)(F) would provide more efficient and flexible document submission options for the registrant. Similarly, proposed amendments to proposed re-lettered §217.56(b)(2)(J)(ii) would expand the options for conducting a conference between the department and a registrant to discuss a proposed fee assessment, registration cancellation, or revocation of registration. The proposed amendments to proposed re-lettered §217.56(b)(2)(J)(ii) would include telephonic and videoconferencing as options to allow more flexibility to the registrant and to align with current department processes. The proposed amendments to proposed re-lettered §217.56(b)(2)(H) would substitute "registrant" for "carrier" for consistency with the terminology used in the remainder of proposed re-lettered §217.56(b)(2)(J).

Proposed amendments would delete proposed re-lettered §217.56(b)(2)(M) in its entirety because it describes an outdated process that the department has eliminated. The department currently issues a temporary cab card upon approval of an application for apportioned registration and no longer requires paper submission of original documents. A proposed amendment to proposed re-lettered §217.56(b)(2)(L) would remove

a cross-reference to §217.56(c)(2)(M) since it is proposed for deletion.

§217.57.

The proposed amendments to §217.57 would remove language describing the department's obligation to submit an annual report to the legislature, because it is duplicative of the requirements specified in Transportation Code, §502.004(c).

Subchapter C. Registration and Title Systems

§217.71

Proposed amendments to §217.71 would delete the current title of the section, "Automated and Web-Based Vehicle Registration and Title Systems," and rename it "Definitions;" delete §217.71(a), describing the purpose of the section; and delete the heading to §217.71(b), "Definitions." The proposed amendments would remove the text describing the purpose of the section because it is unnecessary and redundant with the definitions provided elsewhere in the rule. The remaining language is only definitions of terms used elsewhere in Chapter 217, Subchapter C, so the section would be more appropriately titled "Definitions."

§217.72

A proposed amendment would create new §217.72(a) by transferring text from current §217.73 regarding the agreement that the counties enter into with the department as a precondition to receiving automated equipment from the department, to consolidate and streamline all requirements pertaining to automated equipment for the registration and title system into one rule for ease of reference. The proposed amendments would title the new subsection "Automated Equipment Agreement." Additional proposed amendments would re-letter the remaining subsections and references to subsections within this section as necessary to accommodate proposed new §217.72(a).

§217.73

This section, which describes the requirement for and contents of a written agreement between the department and a county for the county to receive automated equipment, is proposed to be repealed, with its text consolidated into §217.72 to put into one rule all requirements and conditions for counties to obtain automated equipment for the registration and title system.

§217.74

A proposed amendment to §217.74(c) would delete the outdated requirement for active motor vehicle dealers to secure webDealer access in advance of July 1, 2025, and the department's option to secure access on behalf of a motor vehicle dealer in the county in which the motor vehicle dealer is located if the motor vehicle dealer is unable to obtain access to the system by April 30, 2025. This provision was adopted as part of the department's implementation of HB 718, 88th Legislature, Regular Session (2023), which enacted Transportation Code, §520.0055 mandating motor vehicle dealers to submit title and registration applications through the department's electronic system, also known as webDealer. The provision was a temporary measure to ensure motor vehicle dealers came into compliance with the statutory mandate. The deadlines have since passed and the provision is no longer necessary.

Similarly, proposed amendments to §217.74(g) would delete the outdated deadline for existing motor vehicle dealers to complete webDealer training and the outdated date to define newly licensed motor vehicle dealers for purposes of webDealer

training, both of which passed on April 30, 2025. Another proposed amendment would delete §217.74(g)(2) and renumber the paragraphs under §217.74(g) accordingly, because it reflects an outdated requirement that is no longer relevant. The dates and webDealer training exemption were adopted as part of the department's implementation of HB 718, 88th Legislature, Regular Session (2023), which enacted Transportation Code, §520.0055, that mandated motor vehicle dealers to submit title and registration applications through webDealer. The dates and exemption were temporary measures to ensure motor vehicle dealers came into compliance with the training requirements. The dates have since passed, so the rule provision is no longer necessary.

Subchapter D. Nonrepairable and Salvage Motor Vehicles

§217.81

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary, as relevant statutory references may be incorporated into each rule.

§217.83

A proposed amendment to §217.83(b)(3) would substitute a reference to Transportation Code, §501.095(b), in place of the description of the person required to apply for a nonrepairable or salvage vehicle title, to streamline the language of the rule. A proposed amendment to §217.83(c)(1) would substitute a reference to Transportation Code, §501.1002 in place of the requirements imposed on an insurance company concerning owner retained vehicles, since those requirements are duplicative of Transportation Code, §501.1002. A proposed amendment to §217.83(c)(2) would fix a cross-reference to §217.83(c)(1) to correct an error.

§217.84

Proposed amendments to §217.84(d) would amend §217.84(d)(2) and delete §217.84(d)(3) to substitute a reference to Transportation Code, §501.0925 in place of the text describing the documentation requirements an insurance company must follow to obtain a nonrepairable or salvage vehicle title since those requirements are duplicative of Transportation Code, §501.0925. A proposed amendment to proposed renumbered §217.84(d)(4) would reference Transportation Code, §501.0935 to clarify the statutory source of the required notices. Proposed amendments would renumber the remaining paragraphs of this subsection.

Subchapter F. Motor Vehicle Records

§217.121

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary as it contains no enforceable substantive provisions.

§217.122

A proposed amendment to §217.122(b)(13) would modernize the rule by replacing the term and definition of "eTAG file" with the term and definition of "ePLATE file." HB 718, 88th Legislature, Regular Session (2023), amended Transportation Code, Chapter 503 by replacing the use of temporary tags in motor vehicle dealer operations with categories of license plates and requiring the department to develop a new license plate system to regulate the distribution and use of license plates. Since the implementation of HB 718, the department has transitioned to creating and maintaining records in the new license plate system of motor ve-

hicle dealers. The proposed definition of "ePLATE file" would describe the contents of the license plate records maintained by the department that can be accessed through procedures outlined in the rules described in Subchapter F, comprised of three bulk files containing records of license plates from a motor vehicle dealer and vehicle transfer notifications.

§217.124

A proposed amendment to §217.124(d) would replace "eTAG" with "ePLATE" to be consistent with the proposed amendment to §217.122(b)(13) that would replace the term and definition of "eTAG" with "ePLATE."

§217.125

A proposed amendment to §217.125 would create new §217.125(b)(1) to require that a requestor of personal information from motor vehicles records under the permitted disclosures of certain personal information in Transportation Code §730.007(a)(2)(B)(ii) submit proof of a complaint of motor vehicle theft filed with a law enforcement agency or a report created by a law enforcement agency describing a complaint of a motor vehicle theft. The proposed amendment would prevent inappropriate release of motor vehicle record information by requiring the requestor to provide documentation to show the genuineness of the request. The proposed amendments would also align the rule with current department procedures. Additional proposed amendments to §217.125 would renumber the remaining paragraphs in subsection (b) to accommodate proposed new §217.125(b)(1).

§217.126

A proposed amendment to §217.126(a) would substitute a reference to Transportation Code, §730.013 in place of text that duplicates that statute. Similarly, a proposed amendment would delete §217.126(c) as it is duplicative of Transportation Code, §730.013. A proposed amendment to §217.126(d) would re-letter the subsection to (c) based on the proposed deletion of current §217.126(c).

§217.127

Proposed amendments to §217.127 would delete §217.127(b) and consolidate the text of current §217.127(b) into §217.127(a) to streamline the rule. A proposed amendment to §217.127(c) would re-letter it to §217.127(b) based on the proposed deletion of current §217.127(b).

Subchapter G. Inspections

§217.141

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary as it contains no enforceable substantive provisions.

§217.143

Proposed amendments to §217.143 would delete §217.143(b) and re-letter the remaining subsections accordingly. The requirement for a custom vehicle or street rod to pass a safety inspection performed by a master technician under §217.143(b) is unnecessary since a custom vehicle and street rod fall within the definition of "assembled vehicle" under Transportation Code, §731.001(a)(4) and would already require a passing safety inspection from a master technician under §217.143(a) prior to titling of the vehicle.

Subchapter H. Deputies

§217.161

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary as it contains no enforceable substantive provisions.

Subchapter I. Processing and Handling Fees

§217.181

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary, as it contains no enforceable substantive provisions.

Subchapter J. Performance Quality Recognition Program

§217.201

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary, as it contains no enforceable substantive provisions.

§217.204

Proposed amendments to §217.204(a) would streamline the existing text of the subsection for easier readability without changing the meaning.

Subchapter K. Electronic Signatures

§217.301

This section, which describes the purpose and scope of the subchapter, is proposed for repeal because it is unnecessary, as it contains no enforceable substantive provisions.

Subchapter L. Assembled Vehicles

§217.401

This section, which describes the purpose and scope of the subchapter under §217.401(a), is proposed for repeal because it is unnecessary, as it contains no enforceable substantive provisions. The text in the remaining subsection, §217.401(b), is repealed because it is proposed to be incorporated into §217.402.

§217.402

A proposed amendment to §217.402 would create new §217.402(c) by incorporating the text from current §217.401(b), which is proposed for repeal, to consolidate it with the other definitions to definitions for Subchapter L, because it defines "a glider kit issued a title with a 'RECONSTRUCTED' remark" as a "replica."

§217.404

A proposed amendment to §217.404(a)(7) would add "if applicable" to the requirement for submission of a weight certificate with an application for initial titling of an assembled vehicle, since the department does not record and maintain the weights of motorcycles and mopeds in the department's system. The proposed amendment to §217.404(a)(7) would thus clarify that a weight certificate is an optional supporting document to the title application.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chris Hayden, Chief Financial Officer, has determined that for each year of the first five years the amendments will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Annette Quintero, Director of the Vehicle Titles and Registration Division, has determined that there will be no measurable

effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Ms. Quintero has also determined that, for each year of the first five years the proposed amended sections are in effect, the anticipated public benefit as a result of administering or enforcing the amendments will be the simplification, clarification, and streamlining of agency rules; providing an alternative means to apply for a certified copy of a title under a power of attorney; providing a procedure for owners of certain trailers the option to select an extended registration versus an annual registration of such trailers; and reducing the opportunity for misuse of the confidential personal information captured in motor vehicle records.

Anticipated Costs to Comply with the Proposal. Ms. Quintero anticipates that there will be no costs to comply with the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by the Government Code, §2006.002, the department has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because there are no anticipated costs for persons required to comply with the proposed amendments. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code, §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that each year of the first five years the proposed amendments are in effect, no government program would be created or eliminated; no employee positions would be created or eliminated; there would be no change in the amount of fees paid to the agency; the number of individuals subject to the rule's applicability would not change; and the rule would have no significant impact to the state's economy. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease in fees paid to the department. The proposed amendments to §217.54 create a new regulation governing the process in applying for an extended registration for certain trailers. With the exception of the proposed amendments to §217.26 requiring additional identification documents for a representative of a lessee business entity, §217.40 requiring a USDOT number for a 72- or 144-hour permit, and §217.125 requiring additional documentation from a requestor seeking personal information contained in motor vehicle records, the proposed revisions do not otherwise expand a regulation. The amendments would repeal 13 existing regulations to remove unnecessary rule text.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on July 27, 2026. The department requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. A request for a public hearing must be sent separately from your written comments. Send writ-

ten comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

SUBCHAPTER A. MOTOR VEHICLE TITLES

43 TAC §217.1

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §501.0041, which gives the department authority to adopt rules to administer Transportation Code Chapter 501, Certificate of Title Act; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§501.0041 and 1002.001.

§217.1. *Purpose and Scope.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 11, 2026.

TRD-202602393

Laura Moriaty

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: July 26, 2026

For further information, please call: (512) 465-4160



43 TAC §§217.3 - 217.7, 217.12

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §501.0041, which gives the department authority to adopt rules to administer Transportation Code Chapter 501, Certificate of Title Act; Transportation Code §501.023, which authorizes the department to prescribe the process and procedures for applying for a motor vehicle title; Transportation Code §501.0315, which authorizes the department to adopt rules governing the designation of a beneficiary by a motor vehicle owner; Transportation Code §501.134, which authorizes the department to establish by rule a process for obtaining a lost or destroyed certificate of title; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§501.0041, 501.023, 501.0315, 501.134, and 1002.001.

§217.3. *Motor Vehicle Titles.*

Unless otherwise exempted by law or this chapter, the owner of any motor vehicle that is required to be titled, including any motor vehicle required to be registered in accordance with Transportation Code Chapter 502, shall apply for a Texas title in accordance with Transportation Code Chapter 501 or 731, or this subchapter.

(1) Motorcycles, autocycles, and mopeds. The title requirements for a motorcycle, autocycle, and moped are the same requirements prescribed for any motor vehicle.

~~[(2) Farm vehicles.]~~

~~[(A) Farm tractors owned by agencies exempt from registration fees in accordance with Transportation Code §502.453, are required to be titled and registered with "Exempt" license plates issued in accordance with Transportation Code §502.451.]~~

~~[(B) Tractors used as road tractors to mow rights of way or used to move commodities over the highway for hire are required to be registered and titled.]~~

(2) ~~[(3)]~~ Neighborhood electric vehicles. The title requirements of a neighborhood electric vehicle (NEV) are the same requirements prescribed for any motor vehicle.

(3) ~~[(4)]~~ Trailers, semitrailers, and house trailers. If a trailer or semitrailer with a gross weight of 4,000 pounds or less has been titled previously, any subsequent owner shall apply for a Texas title for the trailer or semitrailer. Travel trailer-type vehicles must meet the criteria outlined in subparagraph (C) of this paragraph to be titled:

(A) The rated carrying capacity will not be less than one-third of its empty weight.

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

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

(i) A house trailer-type vehicle that is less than eight feet six inches in width or less than 45 feet in length is classified as a travel trailer and shall be registered and titled.

(ii) A camper trailer shall be titled as a house trailer and shall be registered with travel trailer license plates.

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

(4) ~~[(5)]~~ Assembled vehicles. The title requirements for assembled vehicles are prescribed in Subchapter L of this title (relating to Assembled Vehicles).

(5) ~~[(6)]~~ Not Eligible for Title. The following are not eligible for a Texas title regardless of the vehicle's previous title or registration in this or any other jurisdiction:

(A) vehicles that are missing or are stripped of their motor, frame, or body, to the extent that the vehicle loses its original identity or makes the vehicle unsafe for on-road operation as determined by the department;

(B) vehicles designed by the manufacturer for on-track racing only;

(C) vehicles designed or determined by the department to be for off-highway use only, unless specifically defined as a "motor vehicle" in Transportation Code Chapter 501; or

(D) vehicles assembled, built, constructed, rebuilt, or reconstructed in any manner with:

(i) a body or frame from a vehicle which is a "nonrepairable motor vehicle" as that term is defined in Transportation Code §501.091(9); or

(ii) a motor or engine from a vehicle which is flood damaged, water damaged, or any other term which may reasonably establish the vehicle from which the motor or engine was obtained is a loss due to a water related event.

§217.4. *Initial Application for Title.*

(a) Time for application. A person must apply for the title not later than the 30th day after the date of assignment, except:

(1) in a seller-financed sale, the title must be applied for not later than the 45th day after the date the motor vehicle is delivered to the purchaser;

(2) a member of the armed forces or a member of a reserve component of the United States, a member of the Texas National Guard or of the National Guard of another state serving on active duty, must apply not later than the 60th day after the date of assignment of ownership; or

(3) as otherwise provided by Transportation Code, Chapter 501.

(b) Place of application. Except as otherwise provided by Transportation Code, Chapters 501 and 502, and by §217.84(a) of this title (relating to Application for Nonrepairable or Salvage Vehicle Title), when motor vehicle ownership is transferred, a title application must be filed with:

(1) the county tax assessor-collector in the county in which the applicant resides or in the county in which the motor vehicle was purchased or encumbered; or

(2) a county tax assessor-collector of a county who is willing to accept the application.

(c) Information to be included on application. An applicant for an initial title must file an application on a form prescribed by the department. The form will at a minimum require the:

(1) motor vehicle description including, but not limited to, the motor vehicle:

- (A) year;
- (B) make;
- (C) identification number;
- (D) body style; and
- (E) empty weight;

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

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

(4) previous owner's legal name and municipality and state, if available;

(5) legal name as stated on the identification presented and complete address of the applicant;

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

(7) signature of the seller of the motor vehicle or the seller's authorized agent and the date the title application was signed; and

(8) signature of the applicant or the applicant's authorized agent and the date the title application was signed.

(d) Accompanying documentation. The title application must be supported by, at a minimum, the following documents:

(1) evidence of vehicle ownership, as described in §217.5 of this title (relating to Evidence of Motor Vehicle Ownership);

(2) an odometer disclosure statement properly executed by the seller of the motor vehicle and acknowledged by the purchaser, unless exempt under Transportation Code, §501.072(c) [if applicable];

(3) proof of financial responsibility in the applicant's name, as required by Transportation Code, §502.046, unless otherwise exempted by law;

(4) for a vehicle last registered or titled in another state, verification of the vehicle identification number by a process prescribed on a form by the department for the applicant to self-certify the vehicle identification number if the vehicle is not subject to Transportation Code, Chapter 548;

(5) a release of any liens, provided that if any liens are not released, they will be carried forward on the new title application; and

(6) any documents required by §217.9 of this title (relating to Bonded Titles).

§217.5. *Evidence of Motor Vehicle Ownership.*

(a) Evidence of motor vehicle ownership properly assigned to the applicant must accompany the title application. Evidence must include, but is not limited to, the following documents.

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

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

(i) manufacturer's name on the face of the manufacturer's certificate of origin;

(ii) motor vehicle description including, but not limited to, the motor vehicle year, make, model, identification number, and body style;

(iii) the empty or shipping weight;

(iv) the gross vehicle weight when the manufacturer's certificate of origin is invoiced to a licensed Texas motor vehicle dealer and is issued for commercial motor vehicles as that term is defined in Transportation Code, Chapter 502;

(v) a statement identifying a motor vehicle designed by the manufacturer for off-highway use only;

(vi) if the vehicle is a motor bus, the manufacturer must show the seating capacity (number of passengers) of the motor bus on the manufacturer's certificate; and

(vii) if the vehicle is a "neighborhood electric vehicle," a statement that the vehicle meets Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500) for low-speed vehicles.

(B) When a motor vehicle manufactured in another country is sold directly to a person other than a manufacturer's representative or distributor, the manufacturer's certificate of origin must be assigned to the purchaser by the seller.

(2) Used motor vehicles. Applicants applying for title to a used motor vehicle must relinquish as evidence of ownership one of the following documents:

(A) a title issued by the department;

(B) a title issued by another state if the motor vehicle was last titled in another state;

(C) documents evidencing a transfer of motor vehicle ownership by operation of law as listed in Transportation Code §501.074;

(D) a registration receipt if the applicant is coming from a state that no longer titles vehicles after a certain period of time; or

(E) a bill of sale when the applicant presents:

(i) an out-of-state or out-of-country registration receipt that does not provide a transfer of ownership section;

(ii) an out of state title when all dealer reassignment sections have been completed and the issuing state does not utilize supplemental dealer reassignment forms; or

(iii) a non-titled vehicle.

(3) Evidence of Ownership for Purpose of Identification Number Assignment or Reassignment. An applicant for assignment or reassignment of an identification number under Transportation Code §501.033 who is unable to produce evidence of ownership under this section, may file a bond with the department in accordance with Transportation Code §501.053 and §217.9 of this title (relating to Bonded Titles). The bond will serve as evidence of ownership for purposes of §501.033(b).

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

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

(B) the identification number inspection required under Transportation Code §501.032(a)(2), except as provided in §501.032(b); and

(C) for motor vehicles that are less than 25 years old, proof of compliance with United States Department of Transportation (USDOT) regulations including, but not limited to, the following documents:

(i) copy of the [original] bond release letter with all attachments advising that the motor vehicle meets federal motor vehicle safety requirements or a letter issued by the USDOT, National Highway Traffic Safety Administration, verifying the issuance of the [original] bond release letter;

(ii) a legible copy of the motor vehicle importation form validated with a signature as filed with the USDOT confirming the exemption from the bond release letter required in clause (i) of this subparagraph, or a copy thereof certified by United States Customs;

(iii) a verification of motor vehicle inspection by United States Customs certified on its letterhead and signed by its agent verifying that the motor vehicle complies with USDOT regulations;

(iv) a written confirmation that a physical inspection of the safety certification label has been made by the department and

that the motor vehicle meets United States motor vehicle safety standards;

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

(vi) verification from the vehicle manufacturer on its letterhead stationery.

(b) Alterations to documentation. An alteration to text in a registration receipt, title, manufacturer's certificate, or [other] evidence of ownership set out in subsection (a) of this section, that was printed by the department, person, or governmental entity issuing the document, constitutes a valid reason for the rejection of any transaction to which altered evidence is attached. If any digit printed by the department, person or governmental entity issuing the document has been altered on any of the document types described above, the transaction shall be rejected.

(c) Corrected documentation.

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

~~[(2) A strikeover that leaves any doubt about the legibility of any digit in any document will not be accepted.]~~

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

(A) incomplete or altered vehicle identification number;

(B) alteration or strikeover of the vehicle's model year;

(C) alteration or strikeover to the body style, or omitted body style on the manufacturer's certificate of origin; or

(D) alteration or strikeover to the weight.

(3) ~~[(4)]~~ A statement of fact may be requested to explain errors, corrections, or conditions from which doubt does or could arise concerning the legality of any instrument. A statement of fact will be required in all cases:

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

(B) of alteration or erasure on a Dealer's Reassignment of Title.

(d) ~~[(e)]~~ Rights of survivorship. A signed "rights of survivorship" agreement may be executed by a natural person acting in an individual capacity in accordance with Transportation Code, §501.031.

(e) ~~[(4)]~~ Identification required.

(1) An application for title is not acceptable unless the applicant presents a current photo identification of the owner containing a unique identification number. The current photo identification must be a:

(A) driver's license or state identification certificate issued by a state or territory of the United States;

(B) United States or foreign passport;

(C) United States military identification card;

(D) North Atlantic Treaty Organization identification or identification issued under a Status of Forces Agreement;

(E) United States Department of Homeland Security, United States Citizenship and Immigration Services, or United States Department of State identification document; or

(F) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

(2) If the motor vehicle is titled in:

(A) more than one name, then the identification of one owner must be presented;

(B) the name of a leasing company, then:

(i) proof of the Federal Employer Identification Number/Employee Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the application, and can be entered into the department's titling system. The number must correspond to the name of the leasing company in which the vehicle is being titled; and

(ii) the leasing company may submit:

(I) a government issued photo identification, required under paragraph (1) of this subsection, of the lessee listed as the registrant; or

(II) a government issued photo identification, required under paragraph (1) of this subsection, of the employee or authorized agent who signed the application for the leasing company, and the employee's or authorized agent's employee identification, letter of authorization written on the lessor's letterhead, or a printed business card. The printed business card, employee identification, or letter of authorization written on the lessor's letterhead must contain the name of the lessor, and the employee's or authorized agent's name must match the name on the government issued photo identification;

(C) the name of a trust, then a government issued photo identification, required under paragraph (1) of this subsection, of a trustee must be presented; or

(D) the name of a business, government entity, or organization, then:

(i) proof of the Federal Employer Identification Number/Employee Identification Number (FEIN/EIN) of the business, government entity, or organization must be submitted, written on the application, and can be entered into the department's titling system. The number must correspond to the name of the business, government entity, or organization in which the vehicle is being titled;

(ii) the employee or authorized agent must present a government issued photo identification, required under paragraph (1) of this subsection; and

(iii) the employee's or authorized agent's employee identification; letter of authorization written on the business', government entity's, or organization's letterhead; or a printed business card. The printed business card, employee identification, or letter of authorization written on the business', government entity's, or organization's letterhead must contain the name of the business, governmental entity, or organization, and the employee's or authorized agent's name must match the name on the government issued photo identification.

(3) In addition to the requirements of paragraphs (1) and (2) of this subsection, if a power of attorney is being used to apply for a title, then the applicant must show:

(A) identification, required under paragraph (1) of this subsection, matching the person named as power of attorney; or

(B) identification, required under paragraph (1) of this subsection, and employee identification or a printed business card or authorization written on the letterhead of the entity named as power of attorney that matches the identification of the employee if the power of attorney names an entity.

(4) Within this subsection, an identification document such as a printed business card, letter of authorization, or power of attorney, may be an original or a photocopy.

(5) A person who holds a general distinguishing number issued under Transportation Code, Chapter 503 is exempt from submitting to the county tax assessor-collector, but must retain:

(A) the owner's identification, as required under paragraph (1) of this subsection; and

(B) authorization to sign, as required under paragraph (2) of this subsection.

(6) A person who holds a general distinguishing number issued under Transportation Code, Chapter 503 is not required to submit photo identification or authorization for an employee or agent signing a title assignment with a secure power of attorney.

§217.6. Title Issuance.

~~{(a) Issuance. The department or its designated agent will issue a receipt and process the application for title on receipt of:}~~

~~{(1) a completed application for title;}~~

~~{(2) required accompanying documentation;}~~

~~{(3) the statutory fee for a title application, unless exempt under:}~~

~~{(A) Transportation Code, §501.138; or}~~

~~{(B) Government Code, §437.217 and copies of official military orders are presented as evidence of the applicant's active duty status and deployment orders to a hostile fire zone; and}~~

~~{(4) any other applicable fees.}~~

~~(a) [(b)] Titles. The department will issue and mail or deliver a title to the applicant or, in the event that there is a lien disclosed in the application, to the first lienholder unless the title is an electronic record of title.~~

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

~~(c) [(d)] Temporary hold. The department shall place a hold on processing a title application for a motor vehicle if the department receives a request for a hold accompanied by evidence of a legal action regarding ownership of or a lien interest in the motor vehicle. The hold shall continue until a final, nonappealable judgment is entered in the action or the party requesting the hold requests that the hold be removed.~~

~~(1) Evidence of a legal action regarding ownership of or a lien interest in a motor vehicle means evidence showing a legal action regarding ownership of or a lien interest in a motor vehicle filed in a district, county, statutory probate court, or bankruptcy court.~~

~~(2) Legal actions filed in justice of the peace or municipal courts do not qualify as evidence for purposes of this section unless the~~

case is related to Chapter 47, Code of Criminal Procedure, or Section 27.031, Government Code.

(3) Legal actions regarding ownership of or a lien interest in a motor vehicle must be active on a court's docket. If the evidence presented in support of a request for a hold is a legal action that has been resolved through a final nonappealable judgment, additional evidence of post-judgment legal actions must be presented to place a hold on processing a title.

(4) The department shall place a ten-day temporary hold on processing a title if a party seeking to obtain a 10-day temporary hold presents the VIN of the vehicle for which the hold is sought, and attests that the hold is being requested in order to commence a legal action disputing a title or lien interest in a motor vehicle and not for purposes of delay.

(5) For the purposes of this subsection, a final nonappealable judgment is a judgment for which 30 days have passed from the day the judgment was entered without a notice of appeal being filed.

§217.7. *Replacement of Title.*

(a) Lost or destroyed title. If a title is lost or destroyed, the department will issue a certified copy of the title to the owner, the lienholder, or a verified agent of the owner or lienholder in accordance with Transportation Code, Chapter 501, on proper application and payment of the appropriate fee to the department.

(b) Titles sent to Third Parties from Release of E-Liens. If the owner of a vehicle or their agent requests a certified copy of their title, which department records show was mailed to a third party by the department at the request of the lienholder following release of an e-lien, the department will not process the request absent submission of:

(1) a written statement from the third party, to whom the department mailed the certified copy of title, disclaiming any interest in the vehicle; or

(2) a written statement from the lienholder, stating that the title was incorrectly released to the third party, to whom the department mailed the certified copy of title.

(c) ~~[(b)]~~ Identification required.

(1) An owner or lienholder may not apply for a certified copy of title unless the applicant presents a current photo identification of the owner or lienholder containing a unique identification number and expiration date. The current photo identification must be a:

(A) driver's license or state identification certificate issued by a state or territory of the United States;

(B) United States or foreign passport;

(C) United States military identification card;

(D) North Atlantic Treaty Organization identification or identification issued under a Status of Forces Agreement;

(E) United States Department of Homeland Security, United States Citizenship and Immigration Services, or United States Department of State identification document; or

(F) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

(2) If the motor vehicle is titled in:

(A) more than one name, then the identification for each owner must be presented;

(B) the name of a leasing company, then the lessor's employee or authorized agent who signed the application for the leasing company must present:

(i) a government issued photo identification, required under paragraph (1) of this subsection; and

(ii) employee identification, letter of authorization written on the lessor's letterhead, or a printed business card. The printed business card, employee identification, or letter of authorization written on the lessor's letterhead must contain the name of the lessor, and the employee's or authorized agent's name must match the name on the government issued photo identification;

(C) the name of a trust, then a government issued photo identification, required under paragraph (1) of this subsection, of a trustee must be presented; or

(D) the name of a business, government entity, or organization, then:

(i) the employee or authorized agent must present a government issued photo identification, required under paragraph (1) of this subsection; and

(ii) the employee's or authorized agent's employee identification; letter of authorization written on the business', government entity's, or organization's letterhead; or a printed business card. The printed business card, employee identification, or letter of authorization written on the business', government entity's, or organization's letterhead must contain the name of the business, governmental entity, or organization, and the employee's or authorized agent's name must match the name on the government issued photo identification.

(3) ~~If [In addition to the requirements of paragraphs (1) and (2) of this subsection, if]~~ a power of attorney is being used to apply for a certified copy of title, then the applicant must show:

(A) identification of the owner or lienholder that meets the requirements of paragraphs (1) and (2) of this subsection, except that if the power of attorney is notarized by a commissioned Texas notary public, the photo identification of the owner or lienholder can be expired more than 12 months, and

(B) [(A)] if the power of attorney names an individual, a current photo identification, required under paragraph (1) of this subsection, matching the person named as power of attorney; or

(C) [(B)] if the power of attorney names an entity, a current photo identification, required under paragraph (1) of this subsection, and employee identification or a printed business card or authorization written on the letterhead of the entity named as power of attorney that matches the identification of the employee. [if the power of attorney names an entity; or]

~~[(C) current photo identification, required under paragraph (1) of this subsection, of the owner or lienholder.]~~

(4) Within this subsection, an identification document, such as a printed business card, letter of authorization, or power of attorney, may be an original or a photocopy.

(d) ~~[(e)]~~ Issuance. An application for a certified copy must be properly executed and supported by appropriate verifiable proof of the vehicle owner, lienholder, or agent regardless of whether the application is submitted in person or by mail. A certified copy will not be issued until after the 14th day that the original title was issued.

(e) ~~[(4)]~~ Denial. If issuance of a certified copy is denied, the applicant may resubmit the request with the required verifiable proof or

may pursue the privileges available in accordance with Transportation Code, §501.052 and §501.053.

(f) [(e)] Additional copies. An additional certified copy will not be issued until 30 days after issuance of the previous certified copy.

(g) [(f)] Fees. The fee for obtaining a certified copy of a title is \$2 if the application is submitted to the department by mail and \$5.45 if the application is submitted in person for expedited processing at one of the department's regional offices.

§217.12. Fees.

[(a)] The department and the county will charge required fees, and only those fees provided by statute or by rule.]

(a) [(b)] The \$25 mechanic lien fee provided by Property Code, §70.006 may be charged once per vehicle.

(b) [(c)] There is no charge for issuance of title receipt or the duplicate title receipt at the time of application.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Texas Department of Motor Vehicles

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For further information, please call: (512) 465-4160



SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §§217.21, 217.32, 217.37

STATUTORY AUTHORITY. The department proposes repeals in Chapter 217 under Transportation Code §502.0021, which authorizes the department to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; Transportation Code, §502.060, which governs the replacement of registration insignia; Transportation Code, §502.191, which governs the collection of fees by the department or county; Transportation Code §502.1911, which authorizes the board to adopt rules to set registration processing and handling fees; Transportation Code, §504.007, which governs the replacement of license plates; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§502.0021, 502.060, §502.191, 502.1911, 504.007, and 1002.001.

§217.21. Purpose and Scope.

§217.32. Replacement of License Plates, Symbols, Tabs, and Other Devices.

§217.37. Fees.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §§217.26 - 217.28, 217.40, 217.41, 217.43, 217.45, 217.47, 217.52, 217.54, 217.56, 217.57

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §502.0021, which authorizes the department to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; Transportation Code, §502.0024, which authorizes the department to develop and implement an extended registration process for a trailer, semitrailer, or pole trailer with a gross weight of 7,500 pounds or less; Transportation Code, §502.004, which requires the board to adopt rules establishing a program to collect information concerning the number of alternatively fueled vehicles registered in Texas; Transportation Code §502.040, which authorizes the department to prescribe the process and procedures for applying for a motor vehicle registration; Transportation Code, §502.047, which authorizes the department to develop a vehicle registration based enforcement for motor vehicle inspections; Transportation Code, §502.060, which governs the replacement of registration insignia; Transportation Code, §502.091, which authorizes the department to enter into agreements with other jurisdictions of the United States and foreign countries to allow for reciprocal registration of vehicles to residents and nonresidents under the International Registration Plan and to adopt rules to carry out the International Registration Plan; Transportation Code, §502.094, which authorizes the department to issue 72- or 144-hour permits; Transportation Code §502.095, which authorizes the department to issue one-trip and 30-day license plates; Transportation Code, §502.191, which governs the collection of fees by the department or county; Transportation Code §502.1911, which authorizes the board to adopt rules to set registration processing and handling fees; Transportation Code, §502.407, which authorizes the department to define protracted period of time for an office closure of a county assessor-collector by rule; Transportation Code §502.434, which authorizes the department to issue excess weight permits; Transportation Code §504.0011, which authorizes the department to implement and administer Transportation Code, Chapter 504, License Plates; Transportation Code, §504.007, which governs the replacement of license plates; Transportation Code, §504.201, which authorizes the department to issue disabled person license plates; Transportation Code, §504.202, which authorizes the department to issue disabled veteran license plates; Transportation Code, §504.2025, which authorizes the department to issue disabled peace officer license plates; Transportation Code, §504.801, which governs the creation of new specialty license plates by the department; Transportation Code, §504.851, which authorizes the department to contract with private vendors to propose and market department approved specialty license plates and adopt rules setting the fees for the issuance and renewal of the specialty license plates; Transportation Code §681.002, which authorizes the department to issue disabled parking placards; and Transportation Code §1002.001, which authorizes the

board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§502.0021, 502.0024, 502.040, 502.047, 502.060, 502.091, 502.094, 502.095, 502.191, 502.1911, 502.407, 502.434, 504.0011, 504.007, 504.201, 504.202, 504.2025, 504.801, 504.851, 681.002, and 1002.001.

§217.26. *Identification Required.*

(a) Except as stated in subsections (b), (c), (g) and (h) of this section, an application for initial registration - including registration under Transportation Code, Chapter 502, Subchapters C or I; §502.146; a registration under §217.66 of this title (relating to Specialized License Plate for Registration of Rental Trailers); or a commercial vehicle registration under §217.46(b) of this title (relating to Commercial Vehicle Registration) - is not acceptable unless the applicant presents a current photo identification of the owner containing a unique identification number and expiration date. The current photo identification must be a:

- (1) driver's license or state identification certificate issued by a state or territory of the United States;
- (2) United States or foreign passport;
- (3) United States military identification card;
- (4) North Atlantic Treaty Organization identification or identification issued under a Status of Forces Agreement;
- (5) United States Department of Homeland Security, United States Citizenship and Immigration Services, or United States Department of State identification document; or
- (6) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

(b) Except as stated in subsections (c), (g) and (h) of this section, - an application for initial registration under Transportation Code, Chapter 502- other than registration under Subchapters C or I of Chapter 502; §502.146; a registration under §217.66 of this title (relating to Specialized License Plate for Registration of Rental Trailers); or a commercial vehicle registration under §217.46(b) of this title (relating to Commercial Vehicle Registration) - is not acceptable unless the applicant presents one of the following for the owner of the vehicle:

- (1) a valid, unexpired driver's license or state identification certificate that complies with REAL ID and is not marked "limited term" or "temporary," issued by a state or territory of the United States;
- (2) a valid, unexpired driver's license or state identification certificate issued by a state that issues driver's licenses and state identification certificates only to individuals who are legally present in the United States;
- (3) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States, accompanied by a United States birth certificate, United States Certificate of Naturalization (N-550 or N-570), or a United States Certificate of Citizenship (N-560 or N-561);
- (4) a valid passport; or
- (5) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H.

(c) If the motor vehicle is titled in:

(1) more than one name, then the identification of one owner under subsections (a), (b), or (c)(2) - (4) of this section, as applicable, must be presented;

(2) the name of a leasing company, then:

(A) proof of the Federal Employer Identification Number/Employee Identification Number (FEIN/EIN) of the leasing company must be submitted, written on the application, and can be entered into the department's titling system. The number must correspond to the name of the leasing company in which the vehicle is being titled; and

(B) the leasing company may submit:

(i) a current photo identification, required under subsection (a) of this section, of the lessee listed as the registrant if the lessee is an individual; otherwise, if the lessee is a legal entity, a current photo identification, required under this section, of the individual who signed the application for the lessee and either a letter of authorization written on the lessee's letterhead or a printed business card. The printed business card or letter of authorization written on the lessee's letterhead must contain the name of the individual who signed for the lessee, and the individual's name must match the name on the current photo identification; or

(ii) a current photo identification, required under subsection (a) of this section, of the employee or authorized agent who signed the application for the leasing company, and the employee's or authorized agent's employee identification, letter of authorization written on the lessor's letterhead, or a printed business card. The printed business card, employee identification, or letter of authorization written on the lessor's letterhead must contain the name of the lessor, and the employee's or authorized agent's name must match the name on the current photo identification;

(3) the name of a trust, then a current photo identification, required under subsection (a) of this section, of a trustee, or authorized trustee representative if the trustee is a legal entity, must be presented; or

(4) the name of a business, government entity, or organization, then:

(A) proof of the Federal Employer Identification Number/Employee Identification Number (FEIN/EIN) of the business, government entity, or organization must be submitted, written on the application, and can be entered into the department's titling system. The number must correspond to the name of the business, government entity, or organization in which the vehicle is being titled;

(B) the employee or authorized agent must present a current photo identification, required under subsection (a) this section; and

(C) the employee's or authorized agent's employee identification; letter of authorization written on the business', government entity's, or organization's letterhead; or a printed business card. The printed business card, employee identification, or letter of authorization written on the business', government entity's, or organization's letterhead must contain the name of the business, governmental entity, or organization, and the employee's or authorized agent's name must match the name on the current photo identification.

(d) Within this section, an identification document such as a printed business card, letter of authorization, or power of attorney, may be an original or photocopy.

(e) A person who holds a general distinguishing number issued under Transportation Code, Chapter 503 is exempt from submitting to the county tax assessor-collector, but must retain:

- (1) the owner's identification, as required under this section; and
- (2) authorization to sign, as required under this section.

(f) A person who holds a general distinguishing number issued under Transportation Code, Chapter 503 is not required to submit photo identification or authorization for an employee or agent signing a title assignment with a secure power of attorney.

(g) This section does not apply to non-titled vehicles.

(h) This section does not apply to:

(1) apportioned registration under the International Registration Plan;

(2) exempt vehicle registration under Transportation Code, Chapter 502, Subchapter J, or Transportation Code, §502.0025; or

(3) registration of off-highway vehicles owned by the state, a county, or a municipality under Transportation Code §502.140(c).

§217.27. Vehicle Registration Insignia.

(a) On receipt of a complete initial application for registration with the accompanying documents and fees, the department will issue vehicle registration insignia to be displayed on or kept in the vehicle for which the registration was issued for the current registration period.

(1) If the vehicle has a windshield, the vehicle registration insignia shall be attached to the inside lower left corner of the vehicle's front windshield in a manner that will not obstruct the vision of the driver, unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1.

(2) If the vehicle has no windshield, the vehicle registration insignia shall be attached to the rear license plate unless the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1, except that registration receipts, retained inside the vehicle, may provide the record of registration for vehicles with permanent trailer plates.

(3) If the vehicle is registered under Transportation Code, Chapter 504, Subchapter B-1, the registration receipt, symbol, tab, or other device prescribed by and issued by the department must be retained with the vehicle and may provide the record of registration for vehicles with a digital license plate. The expiration month and year must appear digitally on the electronic visual display of the rear digital license plate.

(4) If the vehicle is registered as a former military vehicle as prescribed by Transportation Code, §504.502, the vehicle's registration number shall be displayed instead of displaying a symbol, tab, or license plate.

(A) Former military vehicle registration numbers shall be displayed on a prominent location on the vehicle in numbers and letters of at least two inches in height.

(B) To the extent possible, the location and design of the former military vehicle registration number must conform to the vehicle's original military registration number.

(b) Unless otherwise prescribed by law, each vehicle registered under this subchapter:

(1) must display two license plates that are clearly visible, readable, and legible, one at the exterior front and one at the exterior rear of the vehicle that are securely fastened at the exterior front and

rear of the vehicle in an upright horizontal position of not less than 12 inches from the ground, measuring from the bottom; or

(2) must display one plate that is securely fastened at or as close as practical to the exterior rear of the vehicle in a position not less than 12 inches from the ground, measuring from the bottom if the vehicle is a road tractor, motorcycle, trailer or semitrailer, except that a vehicle described by Transportation Code, §621.2061 may place the rear plate so that it is clearly visible, readable, and legible.

(c) Each vehicle registered under this subchapter must display license plates:

(1) assigned by the department for the period; or

(2) validated by a registration insignia issued by the department for a registration period consisting of 12 consecutive months at the time of application for registration, except that:

(A) vehicles registered under [described by] Transportation Code, §502.0024 and §217.54(b) of this chapter (relating to Extended Registration) may obtain a registration insignia for a period consisting of 12, 24, 36, 48 or 60 consecutive months on payment of all fees for each full year of registration; [and]

(B) vehicles registered under Transportation Code §502.0026 may obtain registration insignia for a period consisting of 36 consecutive months on payment of all fees for each full year of registration; and

(C) [~~(B)~~] vehicles may be registered for 24 consecutive months in accordance with Transportation Code, §502.044(a-1) on payment of all fees for each year of registration.

(d) The department may cancel any license plate issued with a personalized license plate number if the department subsequently determines or discovers that the personalized license plate number did not comply with this section when the license plate was issued, or if due to changing language usage, meaning, or interpretation, the personalized license plate number no longer complies with this section. When reviewing a personalized license plate number, the department need not consider the applicant's subjective intent or declared meaning. The department will not issue any license plate containing a personalized license plate number that meets one or more of the following criteria:

(1) The license plate number conflicts with the department's current or proposed general issue license plate numbering system.

(2) The director or the director's designee finds that the personalized license plate number may be considered objectionable. An objectionable license plate number may include words, phrases, or slang in any language; phonetic, numeric, or reverse spelling; acronyms; patterns viewed in mirror image; or code that only a small segment of the community may be able to readily decipher. An objectionable pattern may be viewed as:

(A) indecent (defined as including a direct reference or connotation to a sexual act, sexual body parts, excreta, or sexual bodily fluids or functions. Additionally, the license plate number "69" is prohibited unless used with the full year (1969) or in combination with a reference to a vehicle;

(B) vulgar, directly or indirectly (defined as profane, swear, or curse words);

(C) derogatory, directly or indirectly (defined as an expression that is demeaning to, belittles, or disparages any person, group, race, ethnicity, nationality, gender, or sexual orientation. "Derogatory" may also include a reference to an organization that advocates the expressions described in this subparagraph);

(D) a direct or indirect negative instruction or command directed at another individual related to the operation of a motor vehicle;

(E) a direct or indirect reference to gangs, illegal activities, implied threats of harm, or expressions that describe, advertise, advocate, promote, encourage, glorify, or condone violence, crime, or unlawful conduct;

(F) a direct or indirect reference to controlled substances or the physiological state produced by such substances, intoxicated states, or a direct or indirect reference that may express, describe, advertise, advocate, promote, encourage, or glorify such substances or states;

(G) a direct representation of law enforcement or other governmental entities, including any reference to a public office or position exclusive to government; or

(H) a pattern that could be misread by law enforcement.

(3) The license plate number is currently on a license plate issued to another owner.

(e) Notwithstanding the provisions of this section, the department may issue license plates with personalized license plate numbers that refer to:

(1) military branches, military rank, military units, military equipment, or status; or

(2) institutions of higher education, including military academies, whether funded privately, by the state, or by the federal government.

(f) A decision to cancel or not to issue a license plate with a personalized license plate number under subsection (d) of this section may be appealed to the executive director of the department or the executive director's designee within 20 days of notification of the cancellation or non-issuance. All appeals must be in writing, and the requesting party may include any written arguments, but shall not be entitled to a contested case hearing. The executive director or the executive director's designee will issue a decision no later than 30 days after the department receives the appeal, unless additional information is sought from the requestor, in which case the time for decision is tolled until the additional information is provided. The decision of the executive director or the executive director's designee is final and may not be appealed to the board. An appeal to the executive director or the executive director's designee is denied by operation of law 31 days from the receipt of the appeal, or if the requestor does not provide additional requested information within ten days of the request.

(g) The provisions of subsection (a) of this section do not apply to vehicles registered with annual license plates issued by the department.

(h) A person whose initial application has been denied will receive a refund if the denial is not appealed in accordance with subsection (f) of this section. If an existing license plate with a personalized license plate number has been canceled, the person may choose a new personalized license plate number that will be valid for the remainder of the term, or the remaining term of the canceled license plate will be forfeited.

§217.28. *Vehicle Registration Renewal.*

(a) To renew vehicle registration, a vehicle owner must apply to the tax assessor-collector of the county in which the owner resides or a county tax assessor-collector who is willing to accept the application.

(b) The department will send a registration renewal notice, indicating the proper registration fee and the month and year the reg-

istration expires, to each vehicle owner prior to the expiration of the vehicle's registration.

(c) The registration renewal notice should be returned by the vehicle owner to the county tax assessor-collector in the county in which the owner resides or a county tax assessor-collector who is willing to accept the application, or to that tax assessor-collector's deputy, either in person or by mail, unless the vehicle owner renews via the Internet. The renewal notice must be accompanied by the following documents and fees:

(1) registration renewal fees prescribed by law;

(2) any local fees or other fees prescribed by law and collected in conjunction with registration renewal; and

(3) evidence of financial responsibility required by Transportation Code, §502.046, unless otherwise exempted by law.

(d) If a registration renewal notice is lost, destroyed, or not received by the vehicle owner, the vehicle may be registered if the owner presents personal identification acceptable to the county tax assessor-collector or via the Internet. Failure to receive the notice does not relieve the owner of the responsibility to renew the vehicle's registration.

(e) Renewal of expired vehicle registrations.

(1) If the owner has been arrested or cited for operating the vehicle without valid registration then a 20% delinquency penalty is due when registration is renewed, the full annual fee will be collected, and the vehicle registration expiration month will remain the same.

(2) If the county tax assessor-collector or the department determines that a registrant has a valid reason for being delinquent in registration, the vehicle owner will be required to pay for 12 months' registration. Renewal will establish a new registration expiration month that will end on the last day of the eleventh month following the month of registration renewal.

(3) If the county tax assessor-collector or the department determines that a registrant does not have a valid reason for being delinquent in registration, the full annual fee will be collected and the vehicle registration expiration month will remain the same.

(4) Specialty license plates, symbols, tabs, or other devices may be prorated as provided in §217.45(d)(2) of this title (relating to Specialty License Plates, Symbols, Tabs, and Other Devices).

(5) Evidence of a valid reason may include receipts, passport dates, and military orders. Valid reasons may include:

(A) extensive repairs on the vehicle;

(B) the person was out of the country;

(C) the vehicle is used only for seasonal use;

(D) military orders;

(E) storage of the vehicle;

(F) a medical condition such as an extended hospital stay; and

(G) any other reason submitted with evidence that the county tax assessor-collector or the department determines is valid.

(6) The operation of a vehicle with an expired registration that has been stored or otherwise not in operation that is driven only to an inspection station for the purpose of obtaining an inspection, if applicable, required for registration, will not affect the determination of whether the registrant has a valid or invalid reason for being delinquent.

(f) For purposes of Transportation Code §502.407(c), the county tax assessor-collector's office of the county in which the owner resides is closed for a protracted period of time if the county tax assessor-collector's office has notified the department that it is closed or will be closed for more than five consecutive business days [one week].

§217.40. *Special Registrations.*

~~[(a) Purpose and scope. Transportation Code, Chapter 502, Subchapters C and I, charge the department with the responsibility of issuing special registration permits and special registration license plates, which shall be recognized as legal registration for the movement of motor vehicles not authorized to travel on Texas public highways for lack of registration or for lack of reciprocity with the state or country in which the vehicles are registered. For the department to efficiently and effectively perform these duties, this section prescribes the policies and procedures for the application and the issuance of special registration permits and special registration license plates.]~~

~~(a) [(b)] Permit categories. The department will issue the following categories of special registration permits.~~

~~(1) Additional weight permits in accordance with Transportation Code, §502.434.~~

~~(A) A permit will not be issued unless the registration fee for hauling the additional weight has been paid prior to the actual hauling.~~

~~(B) An applicant must provide proof of the applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas Comptroller of Public Accounts. Proof of the registration number must be:~~

- ~~(i) legible;~~
- ~~(ii) current;~~
- ~~(iii) in the name of the person or dba in which the vehicle is or will be registered; and~~
- ~~(iv) verifiable through the online system established by the Comptroller.~~

~~(2) Annual permits in accordance with Transportation Code, §502.093.~~

~~(A) The department will issue annual permits:~~

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

~~(ii) to each vehicle or combination of vehicles for the registration fee prescribed by weight classification in Transportation Code, §502.253 and §502.255.~~

~~(B) The following exemptions apply to vehicles displaying annual permits. Currently registered foreign semitrailers having a gross weight in excess of 6,000 pounds used or to be used in combination with commercial motor vehicles or truck tractors having a gross vehicle weight in excess of 10,000 pounds are exempted from the requirements to pay the token fee and display the associated distinguishing license plate provided for in Transportation Code, §502.255. An annual permit is required for the power unit only. For vehicles registered in combination, the combined gross weight may not be less than 18,000 pounds.~~

~~(C) Upon approval of an application, the department will issue one license plate for a trailer, semitrailer, or foreign commercial motor vehicle as defined in Transportation Code, §648.001(4).~~

The license plate issued to a truck-tractor shall be installed on the front of the truck-tractor. For other types of vehicles, the license plate issued shall be displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).

(3) 72-hour permits and 144-hour permits in accordance with Transportation Code, §502.094. An applicant must provide a United States Department of Transportation (USDOT) number.

~~(b) [(e)] License plate categories. The department will issue the following categories of special registration license plates.~~

~~(1) One-trip license plates in accordance with Transportation Code, §502.095.~~

~~(A) A one-trip license plate may not be issued for a trip which both originates and terminates outside Texas.~~

~~(B) A laden motor vehicle or a laden commercial vehicle cannot display a one-trip license plate. If the vehicle is unregistered, it must operate with a 72-hour or 144-hour permit.~~

~~(C) A one-trip license plate must be displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).~~

~~(2) 30-day license plates in accordance with Transportation Code, §502.095.~~

~~(A) A vehicle operated on a 30-day license plate is not restricted to a specific route. [The 30-day license plate is available for:]~~

- ~~[(i) passenger vehicles;]~~
- ~~[(ii) private buses;]~~
- ~~[(iii) trailers and semitrailers with a gross weight not exceeding 10,000 pounds;]~~
- ~~[(iv) light commercial vehicles not exceeding a gross weight of 10,000 pounds; and]~~
- ~~[(v) a commercial vehicle exceeding 10,000 pounds, provided the vehicle is operated unladen].~~

~~(B) A 30-day license plate must be displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).~~

~~(c) [(d)] Application process.~~

~~(1) Procedure. An owner who wishes to apply for a special registration permit or special registration license plate for a vehicle which is otherwise required to be registered in accordance with this subchapter, must do so on a form prescribed by the department.~~

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

- ~~(A) the signature of the owner;~~
- ~~(B) the name and complete address of the applicant; and~~
- ~~(C) the vehicle description.~~

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

- ~~(A) statutorily prescribed fees.~~
- ~~(B) evidence of financial responsibility:~~

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

(ii) if the applicant is a motor carrier as defined by §218.2 of this title (relating to Definitions), indicating that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to Motor Carrier Registration); and

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

(4) Place of application.

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

(B) Additional weight permits may be obtained by making application with the department through the county tax assessor-collectors' offices.

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

(d) [(e)] Receipt for special registration permit or special registration license plate in lieu of registration. A receipt will be issued for each special registration permit or special registration license plate in lieu of registration to be carried in the vehicle during the time the special registration permit or special registration license plate is valid. If the receipt is lost or destroyed, the owner must obtain a duplicate from the department or from the county office. The fee for the duplicate receipt is the same as the fee required by Transportation Code, §502.058.

(e) [(f)] Transfer of special registration permits or special registration license plates.

(1) Special registration permits and special registration license plates are non-transferable between vehicles and/or owners.

(2) If the owner of a vehicle displaying a special registration permit or a special registration license plate disposes of the vehicle during the time the permit or license plate is valid, the permit or license plate must be returned to the county tax assessor-collector office or department immediately.

(f) [(g)] Replacement permits. Vehicle owners displaying annual permits may obtain replacement permits if an annual permit is lost, stolen, or mutilated.

(1) The fee for a replacement annual permit is the same as for a replacement number plate, symbol, tab, or other device as provided by Transportation Code, §502.060.

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

(g) [(h)] Agreements with other jurisdictions. In accordance with Transportation Code, §502.091, and Chapter 648, the executive director of the department may enter into a written agreement with an authorized officer of a state, province, territory, or possession of a foreign country to provide for the exemption from payment of registration fees by nonresidents, if residents of this state are granted reciprocal exemptions. The executive director may enter into such agreement only upon:

(1) the approval of the governor; and

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

(h) [(i)] Border commercial zones.

(1) Texas registration required. A vehicle located in a border commercial zone must display a valid Texas registration if the vehicle is owned by a person who:

(A) owns a leasing facility or a leasing terminal located in Texas; and

(B) leases the vehicle to a foreign motor carrier.

(2) Exemption for trips of short duration. Except as provided by paragraph (1) of this subsection, a foreign commercial vehicle operating in accordance with Transportation Code, Chapter 648 is exempt from the display of a temporary registration permit if:

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

(B) for each load of cargo transported the vehicle remains in this state for:

(i) not more than 24 hours; or

(ii) not more than 48 hours, if:

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

(II) all financial responsibility requirements applying to this vehicle are satisfied;

(C) the vehicle is registered and licensed as required by the country in which the person that owns the vehicle is domiciled or is a citizen as evidenced by a valid metal license plate attached to the front or rear exterior of the vehicle; and

(D) the country in which the person who owns the vehicle is domiciled or is a citizen provides a reciprocal exemption for commercial motor vehicles owned by residents of Texas.

(3) Exemption due to reciprocity agreement. Except as provided by paragraph (1) of this subsection, a foreign commercial motor vehicle in a border commercial zone in this state is exempt from the requirement of obtaining a Texas registration if the vehicle is currently registered in another state of the United States or a province of Canada with which this state has a reciprocity agreement that exempts a vehicle that is owned by a resident of this state and that is currently registered in this state from registration in the other state or province.

§217.41. *Disabled Person License Plates and Disabled Parking Placards.*

[(a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with the responsibility for issuing specially designed license plates and disabled parking placards for disabled persons. For the department to perform these duties efficiently and effectively, this section prescribes the policies and procedures for the application, issuance, and renewal of disabled person license plates and disabled parking placards.]

(a) [(b)] Issuance.

(1) For purposes of this section, "disabled person" means a person eligible for issuance of a license plate bearing the International Symbol of Access under Transportation Code, §504.201, including a qualifying disabled veteran under Transportation Code, §504.202(b-1) and a qualifying disabled peace officer under Transportation Code, §504.2025.

(2) Disabled person license plates.

(A) Eligibility. In accordance with Transportation Code, §504.201; §504.202(b-1) and (b-2); and §504.2025, the department will issue specially designed license plates displaying the International Symbol of Access to permanently disabled persons or their transporters instead of general issue license plates. As satisfactory proof of eligibility, an organization that transports disabled

veterans who would qualify for license plates issued under Transportation Code, §504.202(b-1) must provide a written statement from the veteran's county service officer of the county in which a vehicle described by Transportation Code, §504.202(c) is registered or by the Department of Veterans Affairs that:

(i) the vehicle is used exclusively to transport veterans of the United States armed forces who have suffered, as a result of military service, a service-connected disability;

(ii) the vehicle regularly transports veterans who are eligible to receive license plates under Transportation Code, §504.202(b-1) [Subsection (b-1)]; and

(iii) the veterans are not charged for the transportation.

(B) Specialty license plates. The department will issue disabled person specialty license plates displaying the International Symbol of Access that can accommodate the identifying insignia and that are issued in accordance with §217.43 of this title (relating to Military Specialty License Plates) or §217.45 of this title (relating to Specialty License Plates, Symbols, Tabs, and Other Devices).

(C) License plate number. Disabled person license plates will bear a license plate number assigned by the department or will bear a personalized license plate number issued in accordance with §217.43 or §217.45 of this title.

(D) General issue license plate option for qualifying disabled veterans and disabled peace officers. In accordance with Transportation Code, §504.202(h) and §504.2025(h), qualifying disabled veterans and disabled peace officers may elect to receive general issue license plates without paying license plate fees.

(3) Windshield disabled parking placards.

(A) Issuance. The department will issue removable windshield disabled parking placards to temporarily or permanently disabled persons and to the transporters of permanently disabled persons, as provided under Transportation Code, §§504.201, 504.202(b-1) and (b-2), 504.2025, and 681.004.

(B) Display. A person who has been issued a windshield disabled parking placard shall hang the placard from a vehicle's rearview mirror when the vehicle is parked in a disabled person parking space or shall display the placard on the center portion of the dashboard if the vehicle does not have a rearview mirror.

(b) [(e)] Renewal of disabled person license plates. Disabled person license plates are valid for a period of 12 months from the date of issuance and are renewable as specified in §§217.28 of this title (relating to Vehicle Registration Renewal), 217.43, and 217.45 of this title.

(c) [(d)] Replacement.

(1) License plates. If a disabled person metal license plate is lost, stolen, or mutilated, the owner may obtain a replacement metal license plate by applying with a county tax assessor-collector.

(A) Accompanying documentation. To replace disabled person metal license plates, the owner must present the current year's registration receipt and personal identification acceptable to the county tax assessor-collector.

(B) Absence of accompanying documentation. If the current year's registration receipt is not available and the county tax assessor-collector cannot verify that the disabled person metal license plates were issued to the owner, the owner must reapply in accordance with this section.

(2) Disabled parking placards. If a disabled parking placard becomes lost, stolen, or mutilated, the owner may obtain a new disabled parking placard in accordance with this section.

(d) [(e)] Transfer of disabled person license plates and disabled parking placards.

(1) License plates.

(A) Transfer between persons. Disabled person license plates may not be transferred between persons. An owner who sells or trades a vehicle to which disabled person license plates have been issued shall remove the disabled person license plates from the vehicle. The owner shall return the license plates to the department and shall obtain appropriate replacement license plates to place on the vehicle prior to any transfer of ownership.

(B) Transfer between vehicles. Disabled person license plates may be transferred between vehicles if the county tax assessor-collector or the department can verify the plate ownership and the owner of the vehicle is a disabled person or the vehicle is used to transport a disabled person.

(i) Plate ownership verification may include:

(I) a Registration and Title System (RTS) inquiry;

(II) a copy of the department application for disabled person license plates; or

(III) the owner's current registration receipt.

(ii) An owner who sells or trades a vehicle with disabled person license plates must remove the plates from the vehicle.

(iii) The department will provide a form that persons may use to facilitate a transfer of disabled person license plates between vehicles.

(2) Disabled parking placards.

(A) Transfer between vehicles. Disabled parking placards may be displayed in any vehicle driven by the disabled person or in which the disabled person is a passenger.

(B) Transfer between persons. Disabled parking placards may not be transferred between persons.

(e) [(f)] Seizure and revocation of disabled parking placard.

(1) If a law enforcement officer seizes and destroys a disabled parking placard under Transportation Code, §681.012, the officer shall notify the department by email.

(2) The person to whom the seized disabled parking placard was issued may apply for a new disabled parking placard by submitting an application to the county tax assessor-collector of the county in which the person with the disability resides or in which the applicant is seeking medical treatment.

§217.43. *Military Specialty License Plates.*

[(a) Purpose and Scope. Transportation Code, Chapter 504 authorizes the department to issue military specialty license plates. This section prescribes the policies and procedures for the application, issuance, and renewal of military specialty license plates.]

(a) [(b)] Classification and fees. The department will issue specialty license plates for the military and charge fees as authorized by Transportation Code, §504.202 and Chapter 504, Subchapter D.

(b) [(e)] Application. Applications for military specialty license plates must be made to the department and include evidence of

eligibility. The evidence of eligibility may include, but is not limited to:

- (1) an official document issued by a governmental entity;
- (2) a letter issued by a governmental entity on that agency's letterhead;
- (3) discharge papers;
- (4) a death certificate; or
- (5) an identification card issued by any branch of the military under the jurisdiction of the United States Department of Defense or the United States Department of Homeland Security indicating that the member is retired.

(c) ~~[(d)]~~ Period. Military specialty license plates shall be valid for 12 months from the month of issuance or for a prorated period of at least 12 months coinciding with the expiration of registration and may be replaced in accordance with Transportation Code, §502.060 and §504.007 [~~§217.32 of this title (relating to Replacement of License Plates, Symbols, Tabs, and Other Devices)~~].

(d) ~~[(e)]~~ Assignment and Transfer. Military license plates may not be assigned and may only be transferred to another vehicle owned by the same vehicle owner.

(e) ~~[(f)]~~ Applicability. Section 217.45 of this title (relating to Specialty License Plates, Symbols, Tabs, and Other Devices) applies to military license plates, symbols, tabs, or other devices as to:

- (1) what is considered one set of license plates per vehicle as determined by vehicle type;
- (2) issuance of validation tabs and insignia;
- (3) stolen or replaced license plates;
- (4) payment of other applicable fees;
- (5) personalization, except that Congressional Medal of Honor license plates may not be personalized;
- (6) renewal, except that the owner of a vehicle with Congressional Medal of Honor license plates must return the documentation and specialty license plate fee, if any, directly to the department;
- (7) refunds; and
- (8) expiration.

§217.45. *Specialty License Plates, Symbols, Tabs, and Other Devices.*

~~[(a) Purpose and Scope. Transportation Code, Chapters 504, 551, and 551A charge the department with providing specialty license plates, symbols, tabs, and other devices. For the department to perform these duties efficiently and effectively, this section prescribes the policies and procedures for the application, issuance, and renewal of specialty license plates, symbols, tabs, and other devices; through the county tax assessor-collectors, and establishes application fees, expiration dates, and registration periods for certain specialty license plates. This section does not apply to military license plates except as provided by §217.43 of this title (relating to Military Specialty License Plates).]~~

(a) ~~[(b)]~~ Initial application for specialty license plates, symbols, tabs, or other devices.

- (1) Application Process.

(A) Procedure. An owner of a vehicle registered as specified in this subchapter who wishes to apply for a specialty license plate, symbol, tab, or other device must do so on a form prescribed by the director.

(B) Form requirements. The application form shall at a minimum require the name and complete address of the applicant.

- (2) Fees and Documentation.

(A) The application must be accompanied by the prescribed registration fee, unless exempted by statute.

(B) The application must be accompanied by the statutorily prescribed specialty license plate fee.

(C) Specialty license plate fees will not be refunded after an application is submitted and the department has approved issuance of the license plate.

(D) The application must be accompanied by prescribed local fees or other fees that are collected in conjunction with registering a vehicle, with the exception of vehicles bearing license plates that are exempt by statute from these fees.

(E) The application must include evidence of eligibility for any specialty license plates. The evidence of eligibility may include, but is not limited to:

(i) an official document issued by a governmental entity; or

(ii) a letter issued by a governmental entity on that agency's letterhead.

(F) Initial applications for license plates for display on Exhibition Vehicles must include a photograph of the completed vehicle.

(3) Place of application. Applications for specialty license plates may be made directly to the county tax assessor-collector of the county in which the owner resides or a county tax assessor-collector who is willing to accept the application, except that applications for the following license plates must be made directly to the department:

- (A) County Judge;
- (B) Federal Administrative Law Judge;
- (C) State Judge;
- (D) State Official;
- (E) U.S. Congress--House;
- (F) U.S. Congress--Senate; and
- (G) U.S. Judge.

- (4) Gift plates.

(A) A person may purchase general distribution specialty license plates as a gift for another person if the purchaser submits an application for the specialty license plates that provides:

(i) the name and address of the person who will receive the license plates; and

(ii) the vehicle identification number of the vehicle on which the license plates will be displayed.

(B) To be valid for use on a motor vehicle, the recipient of the license plates must file an application with the county tax assessor-collector and pay the statutorily required registration fees in the amount as provided by Transportation Code, Chapter 502 and this subchapter.

(b) ~~[(e)]~~ Initial issuance of specialty license plates, symbols, tabs, or other devices.

(1) Issuance. On receipt of a completed initial application for registration, accompanied by the prescribed documentation and fees, the department will issue specialty license plates, symbols, tabs, or other devices to be displayed on the vehicle for which the license plates, symbols, tabs, or other devices were issued for the current registration period. If the vehicle for which the specialty license plates, symbols, tabs, or other devices are issued is currently registered, the owner must surrender the license plates currently displayed on the vehicle, along with the corresponding license receipt, before the specialty license plates may be issued.

(2) Classic Motor Vehicles, Classic Travel Trailers, Custom Vehicles, Street Rods, and Exhibition Vehicles.

(A) License plates. Texas license plates that were issued the same year as the model year of a Classic Motor Vehicle, Travel Trailer, Street Rod, or Exhibition Vehicle may be displayed on that vehicle under Transportation Code, §504.501 and §504.502, unless:

(i) the license plate's original use was restricted by statute to another vehicle type;

(ii) the license plate is a qualifying plate type that originally required the owner to meet one or more eligibility requirements, except for a plate issued under Transportation Code, §504.202; or

(iii) the license plate number is already in use on another vehicle.

(B) Validation stickers and tabs. The department will issue validation stickers and tabs for display on license plates that are displayed as provided by subparagraph (A) of this paragraph.

(3) Number of license plates issued.

(A) Two license plates. Unless otherwise listed in subparagraph (B) of this paragraph, two specialty license plates, each bearing the same license plate number, will be issued per vehicle.

(B) One license plate. One license plate will be issued per vehicle for all motorcycles and for the following specialty license plates:

(i) Antique Vehicle (includes Antique Auto, Antique Truck, Antique Motorcycle, and Antique Bus);

(ii) Classic Travel Trailer;

(iii) Rental Trailer;

(iv) Travel Trailer;

(v) Cotton Vehicle;

(vi) Disaster Relief;

(vii) Forestry Vehicle;

(viii) Golf Cart;

(ix) Log Loader;

(x) Military Vehicle;

(xi) Package Delivery Vehicle;

(xii) Fertilizer; and

(xiii) Off-highway Vehicle.

(C) Registration number. The identification number assigned by the military may be approved as the registration number instead of displaying Military Vehicle license plates on a former military vehicle.

(4) Assignment of license plates.

(A) Title holder. Unless otherwise exempted by law or this section, the vehicle on which specialty license plates, symbols, tabs, or other devices is to be displayed shall be titled in the name of the person to whom the specialty license plates, symbols, tabs, or other devices is assigned, or a title application shall be filed in that person's name at the time the specialty license plates, symbols, tabs, or other devices are issued.

(B) Non-owner vehicle. If the vehicle is titled in a name other than that of the applicant, the applicant must provide evidence of having the legal right of possession and control of the vehicle.

(C) Leased vehicle. In the case of a leased vehicle, the applicant must provide a copy of the lease agreement verifying that the applicant currently leases the vehicle.

(5) Classification of neighborhood electric vehicles. The registration classification of a neighborhood electric vehicle, as defined by §217.3(3) of this title (relating to Motor Vehicle Titles) will be determined by whether it is designed as a 4-wheeled truck or a 4-wheeled passenger vehicle.

(6) Number of vehicles. An owner may obtain specialty license plates, symbols, tabs, or other devices for an unlimited number of vehicles, unless the statute limits the number of vehicles for which the specialty license plate may be issued.

(7) Personalized license plate numbers.

(A) Issuance. The department will issue a personalized license plate number subject to the exceptions set forth in this paragraph.

(B) Character limit. A personalized license plate number may contain no more than six alpha or numeric characters or a combination of characters. Depending upon the specialty license plate design and vehicle class, the number of characters may vary. Spaces, hyphens, periods, hearts, stars, the International Symbol of Access, or silhouettes of the state of Texas may be used in conjunction with the license plate number.

(C) Personalized license plates not approved. A personalized license plate number will not be approved by the executive director if the license plate number:

(i) conflicts with the department's current or proposed general issue license plate numbering system;

(ii) would violate §217.27 of this title (relating to Vehicle Registration Insignia), as determined by the executive director; or

(iii) is currently issued to another owner.

(D) Classifications of vehicles eligible for personalized license plates. Unless otherwise listed in subparagraph (E) of this paragraph, personalized license plates are available for all classifications of vehicles.

(E) Categories of license plates for which personalized license plates are not available. Personalized license plate numbers are not available for display on the following specialty license plates:

(i) Amateur Radio (other than the official call letters of the vehicle owner);

(ii) Antique Motorcycle;

(iii) Antique Vehicle (includes Antique Auto, Antique Truck, and Antique Bus);

- (iv) Apportioned;
- (v) Cotton Vehicle;
- (vi) Disaster Relief;
- (vii) Farm Trailer (except Go Texan II);
- (viii) Farm Truck (except Go Texan II);
- (ix) Farm Truck Tractor (except Go Texan II);
- (x) Fertilizer;
- (xi) Forestry Vehicle;
- (xii) Log Loader;
- (xiii) Machinery;
- (xiv) Permit;
- (xv) Rental Trailer;
- (xvi) Soil Conservation;
- (xvii) Texas Guard;
- (xviii) Golf Cart;
- (xix) Package Delivery Vehicle; and
- (xx) Off-highway Vehicle.

(F) Fee. Unless specified by statute, a personalized license plate fee of \$40 will be charged in addition to any prescribed specialty license plate fee.

(G) Priority. Once a personalized license plate number has been assigned to an applicant, the owner shall have priority to that number for succeeding years if a timely renewal application is submitted to the county tax assessor-collector each year in accordance with subsection (d) of this section.

(c) ~~[(4)]~~ Specialty license plate renewal.

(1) Renewal deadline. If a personalized license plate is not renewed within 60 days after its expiration date, a subsequent renewal application will be treated as an application for new personalized license plates.

(2) Length of validation. Except as provided by Transportation Code, §§504.401, 504.4061, or 504.502, all specialty license plates, symbols, tabs, or other devices shall be valid for 12 months from the month of issuance or for a prorated period of at least 12 months coinciding with the expiration of registration.

(3) Renewal.

(A) Renewal notice. Approximately 60 days before the expiration date of a specialty license plate, symbol, tab, or other device, the department will send each owner a renewal notice that includes the amount of the specialty license plate fee and the registration fee.

(B) Return of notice. The owner must return the fee and any prescribed documentation to the tax assessor-collector of the county in which the owner resides or a county tax assessor-collector who is willing to accept the application, except that the owner of a vehicle with one of the following license plates must return the documentation, and specialty license plate fee, if applicable, directly to the department and submit the registration fee to a county tax assessor-collector:

- (i) County Judge;
- (ii) Federal Administrative Law Judge;
- (iii) State Judge;

- (iv) State Official;
- (v) U.S. Congress--House;
- (vi) U.S. Congress--Senate; and
- (vii) U.S. Judge.

(C) Expired license plate numbers. The department will retain a specialty license plate number for 60 days after the expiration date of the license plates if the license plates are not renewed on or before their expiration date. After 60 days the number may be reissued to a new applicant. All specialty license plate renewals received after the expiration of the 60 days will be treated as new applications.

(D) Issuance of validation insignia. On receipt of a completed license plate renewal application and prescribed documentation, the department will issue registration validation insignia as specified in §217.27 unless this section or other law requires the issuance of new license plates to the owner.

(E) Lost or destroyed renewal notices. If a renewal notice is lost, destroyed, or not received by the vehicle owner, the specialty license plates, symbol, tab, or other device may be renewed if the owner provides acceptable personal identification along with the appropriate fees and documentation to the tax assessor-collector of the county in which the owner resides or a county tax assessor-collector who is willing to accept the application. Failure to receive the notice does not relieve the owner of the responsibility to renew the vehicle's registration.

(d) ~~[(e)]~~ Transfer of specialty license plates.

(1) Transfer between vehicles.

(A) Transferable between vehicles. The owner of a vehicle with specialty license plates, symbols, tabs, or other devices may transfer the specialty license plates between vehicles by filing an application through the county tax assessor-collector in which the owner resides or a county tax assessor-collector who is willing to accept the application, if the vehicle to which the license plates are transferred:

- (i) is titled or leased in the owner's name; and
- (ii) meets the vehicle classification requirements for that particular specialty license plate, symbol, tab, or other device.

(B) Non-transferable between vehicles. The following specialty license plates, symbols, tabs, or other devices are non-transferable between vehicles:

- (i) Antique Vehicle license plates (includes Antique Auto, Antique Truck, and Antique Bus), Antique Motorcycle license plates, and Antique tabs;
- (ii) Classic Auto, Classic Truck, Classic Motorcycle, Classic Travel Trailer, Street Rod, and Custom Vehicle license plates;
- (iii) Forestry Vehicle license plates;
- (iv) Log Loader license plates;
- (v) Golf Cart license plates;
- (vi) Package Delivery Vehicle license plates; and
- (vii) Off-highway Vehicle license plates.

(C) New specialty license plates. If the department creates a new specialty license plate under Transportation Code, §504.801, the department will specify at the time of creation whether the license plate may be transferred between vehicles.

(2) Transfer between owners.

(A) Non-transferable between owners. Specialty license plates, symbols, tabs, or other devices issued under Transportation Code, Chapter 504, Subchapters C, E, and F are not transferable from one person to another except as specifically permitted by statute.

(B) New specialty license plates. If the department creates a new specialty license plate under Transportation Code, §504.801, the department will specify at the time of creation whether the license plate may be transferred between owners.

(3) Simultaneous transfer between owners and vehicles. Specialty license plates, symbols, tabs, or other devices are transferable between owners and vehicles simultaneously only if the owners and vehicles meet all the requirements in both paragraphs (1) and (2) of this subsection.

(c) [~~(f)~~] Replacement.

(1) Application. When specialty license plates, symbols, tabs, or other devices are lost, stolen, or mutilated, the owner shall apply directly to a county tax assessor-collector for the issuance of replacements.

(2) Temporary registration insignia. If the specialty license plate, symbol, tab, or other device is lost, destroyed, or mutilated to such an extent that it is unusable, and if issuance of a replacement license plate would require that it be remanufactured, the owner must pay the statutory replacement fee, and the department will issue a temporary tag for interim use. The owner's new specialty license plate number will be shown on the temporary tag unless it is a personalized license plate, in which case the same personalized license plate number will be shown.

(3) Stolen specialty license plates.

(A) The department or county tax assessor-collector will not approve the issuance of replacement license plates with the same personalized license plate number if the department's records indicate either the vehicle displaying the personalized license plates or the license plates are reported as stolen to law enforcement. The owner will be directed to contact the department for another personalized license plate choice.

(B) The owner may select a different personalized number to be issued at no charge with the same expiration as the stolen specialty license plate. On recovery of the stolen vehicle or license plates, the department will issue, at the owner's or applicant's request, replacement license plates, bearing the same personalized number as those that were stolen.

(f) [~~(g)~~] License plates created after January 1, 1999. In accordance with Transportation Code, §504.702, the department will begin to issue specialty license plates authorized by a law enacted after January 1, 1999, only if the sponsoring entity for that license plate submits the following items before the fifth anniversary of the effective date of the law.

(1) The sponsoring entity must submit a written application. The application must be on a form approved by the director and include, at a minimum:

- (A) the name of the license plate;
- (B) the name and address of the sponsoring entity;
- (C) the name and telephone number of a person authorized to act for the sponsoring entity; and
- (D) the deposit.

(2) A sponsoring entity is not an agent of the department and does not act for the department in any matter, and the department

does not assume any responsibility for fees or applications collected by a sponsoring entity.

(g) [~~(h)~~] Assignment procedures for state, federal, and county officials.

(1) State Officials. State Official license plates contain the distinguishing prefix "SO." Members of the state legislature may be issued up to three sets of State Official specialty license plates with the distinguishing prefix "SO," or up to three sets of State Official specialty license plates that depict the state capitol, and do not display the distinguishing prefix "SO." An application by a member of the state legislature, for a State Official specialty license plate, must specify the same specialty license plate design for each applicable vehicle. State Official license plates are assigned in the following order:

- (A) Governor;
- (B) Lieutenant Governor;
- (C) Speaker of the House;
- (D) Attorney General;
- (E) Comptroller;
- (F) Land Commissioner;
- (G) Agriculture Commissioner;
- (H) Secretary of State;
- (I) Railroad Commission;
- (J) Supreme Court Chief Justice followed by the remaining justices based on their seniority;

(K) Criminal Court of Appeals Presiding Judge followed by the remaining judges based on their seniority;

(L) Members of the State Legislature, with Senators assigned in order of district number followed by Representatives assigned in order of district number, except that in the event of redistricting, license plates will be reassigned; and

(M) Board of Education Presiding Officer followed by the remaining members assigned in district number order, except that in the event of redistricting, license plates will be reassigned.

(2) Members of the U.S. Congress.

(A) U.S. Senate license plates contain the prefix "Senate" and are assigned by seniority; and

(B) U.S. House license plates contain the prefix "House" and are assigned in order of district number, except that in the event of redistricting, license plates will be reassigned.

(3) Federal Judge.

(A) Federal Judge license plates contain the prefix "USA" and are assigned on a seniority basis within each court in the following order:

- (i) Judges of the Fifth Circuit Court of Appeals;
- (ii) Judges of the United States District Courts;
- (iii) United States Bankruptcy Judges; and
- (iv) United States Magistrates.

(B) Federal Administrative Law Judge license plates contain the prefix "US" and are assigned in the order in which applications are received.

(C) A federal judge who retired on or before August 31, 2003, and who held license plates expiring in March 2004 may continue to receive federal judge license plates. A federal judge who retired after August 31, 2003, is not eligible for U.S. Judge license plates.

(4) State Judge.

(A) State Judge license plates contain the prefix "TX" and are assigned sequentially in the following order:

- (i) Appellate District Courts;
- (ii) Presiding Judges of Administrative Regions;
- (iii) Judicial District Courts;
- (iv) Criminal District Courts; and
- (v) Family District Courts and County Statutory Courts.

(B) A particular alpha-numeric combination will always be assigned to a judge of the same court to which it was originally assigned.

(C) A state judge who retired on or before August 31, 2003, and who held license plates expiring in March 2004 may continue to receive state judge plates. A state judge who retired after August 31, 2003, is not eligible for State Judge license plates.

(5) County Judge license plates contain the prefix "CJ" and are assigned by county number.

(6) In the event of redistricting or other license plate reallocation, the department may allow a state official to retain that official's plate number if the official has had the number for five or more consecutive years.

(h) [(+)] Development of new specialty license plates.

(1) Procedure. The following procedure governs the process of authorizing new specialty license plates under Transportation Code, §504.801, whether the new license plate originated as a result of an application or as a department initiative.

(2) Applications for the creation of new specialty license plates. An applicant for the creation of a new specialty license plate, other than a vendor specialty plate under §217.52 of this title (relating to Marketing of Specialty License Plates through a Private Vendor), must submit a written application on a form approved by the executive director. The application must include:

- (A) the applicant's name, address, telephone number, and other identifying information as directed on the form;
- (B) certification on Internal Revenue Service letterhead stating that the applicant is a not-for-profit entity;
- (C) a draft design of the specialty license plate;
- (D) projected sales of the license plate, including an explanation of how the projected figure was established;
- (E) a marketing plan for the license plate, including a description of the target market;
- (F) a licensing agreement from the appropriate third party for any intellectual property design or design element;
- (G) a letter from the executive director of the sponsoring state agency stating that the agency agrees to receive and distribute revenue from the sale of the specialty license plate and that the use of the funds will not violate a statute or constitutional provision; and

(H) other information necessary for the board to reach a decision regarding approval of the requested specialty license plate.

(3) Review process. The board:

- (A) will not consider incomplete applications;
 - (B) may request additional information from an applicant if necessary for a decision; and
 - (C) will consider specialty license plate applications that are restricted by law to certain individuals or groups of individuals (qualifying license plates) using the same procedures as applications submitted for license plates that are available to everyone (non-qualifying license plates).
- (4) Request for additional information. If the board determines that additional information is needed, the applicant must return the requested information not later than the requested due date. If the additional information is not received by that date, the board will return the application as incomplete unless the board:

(A) determines that the additional requested information is not critical for consideration and approval of the application; and

(B) approves the application, pending receipt of the additional information by a specified due date.

(5) Board decision. The board's decision will be based on:

- (A) compliance with Transportation Code, §504.801;
- (B) the proposed license plate design, including:
 - (i) whether the design appears to meet the legibility and reflectivity standards established by the department;
 - (ii) whether the design meets the standards established by the department for uniqueness;
 - (iii) other information provided during the application process;
 - (iv) the criteria designated in §217.27 as applied to the design; and
 - (v) whether a design is similar enough to an existing plate design that it may compete with the existing license plate sales; and
- (C) the applicant's ability to comply with Transportation Code, §504.702 relating to the required deposit or application that must be provided before the manufacture of a new specialty license plate.

(6) Public comment on proposed design. All proposed license plate designs will be considered by the board as an agenda item at a regularly or specially called open meeting. Notice of consideration of proposed license plate designs will be posted in accordance with Office of the Secretary of State meeting notice requirements. Notice of each license plate design will be posted on the department's Internet website to receive public comment at least 25 days in advance of the meeting at which it will be considered. The department will notify all other specialty license plate organizations and the sponsoring agencies who administer specialty license plates issued in accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on the proposed design can be submitted in writing through the mechanism provided on the department's Internet website for submission of comments. Written comments are welcome and must be received by the department at least 10 days in advance of the meeting. Public comment will be received at the board's meeting.

(7) Final approval.

(A) Approval. The board will approve or disapprove the specialty license plate application based on all of the information provided pursuant to this subchapter at an open meeting.

(B) Application not approved. If the application is not approved under subparagraph (A) of this paragraph, the applicant may submit a new application and supporting documentation for the design to be considered again by the board if:

(i) the applicant has additional, required documentation; or

(ii) the design has been altered to an acceptable degree.

(8) Issuance of specialty license plates.

(A) If the specialty license plate is approved, the applicant must comply with Transportation Code, §504.702 before any further processing of the license plate.

(B) Approval of the license plate does not guarantee that the submitted draft license plate design will be used. The board has final approval authority of all specialty license plate designs and may adjust or reconfigure the submitted draft design to comply with the format or license plate specifications.

(C) If the board, in consultation with the applicant, adjusts or reconfigures the design, the adjusted or reconfigured design will not be posted on the department's website for additional comments.

(9) Redesign of specialty license plate.

(A) Upon receipt of a written request from the applicant, the department will allow redesign of a specialty license plate.

(B) A request for a redesign must meet all application requirements and proceed through the approval process of a new specialty license plate as required by this subsection.

(C) An approved license plate redesign does not require the deposit required by Transportation Code, §504.702, but the applicant must pay a redesign cost to cover administrative expenses.

(i) ~~[(+)]~~ Golf carts.

(1) A county tax assessor-collector may issue golf cart license plates as long as the requirements under Transportation Code, §551.403 or §551.404 are met.

(2) A county tax assessor-collector may only issue golf cart license plates to residents or property owners of the issuing county.

(3) A golf cart license plate may not be used as a registration insignia, and a golf cart may not be registered for operation on a public highway.

(4) The license plate fee for a golf cart license plate is \$10.

(j) ~~[(k)]~~ Off-highway vehicle.

(1) A county tax assessor-collector may issue off-highway vehicle license plates as long as the requirements under Transportation Code, §551A.053 or §551A.055 are met.

(2) An off-highway vehicle license plate may not be used as a registration insignia, and an off-highway vehicle may not be registered for operation on a public highway.

(3) The license plate fee for an off-highway vehicle license plate is \$10.

(k) ~~[(+)]~~ Package delivery vehicle.

(1) A county tax assessor-collector may issue package delivery license plates as long as the requirements under Transportation Code, §§551.453, 551.454, and 551.455 are met.

(2) The license plate fee for a package delivery license plate is \$25 to be paid on an annual basis.

§217.47. *Vehicle Emissions Enforcement System.*

~~[(a) Purpose. Transportation Code, §502.047 requires the department to implement a system requiring verification that a vehicle complies with vehicle emissions inspection and maintenance programs as required by the Health and Safety Code, §382.202 and §382.203; and Transportation Code, Chapter 548, Subchapter F. Transportation Code, §501.0276 and §502.047 requires a vehicle subject to Transportation Code, §548.3011 to pass an emissions test on resale in an affected or early action compact county before it is titled or registered. This section prescribes the department's policies and procedures if a vehicle does not comply with the emissions standards set by federal and state laws and the provisions of the Texas air quality State Implementation Plan.]~~

~~(a) [(b)] Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.~~

~~(1) Affected County--A county with a motor vehicle emissions inspection and maintenance program established under Transportation Code, §548.301.~~

~~(2) Department--The Texas Department of Motor Vehicles.~~

~~(3) DPS--The Texas Department of Public Safety.~~

~~(4) Early action compact county--A participating county under Health and Safety Code, Chapter 382, Subchapter H.~~

~~(5) TCEQ--The Texas Commission on Environmental Quality.~~

~~(6) Vehicle--A self-propelled vehicle required to be registered in the state, except those vehicles exempted by TCEQ.~~

~~(7) Vehicle inspection report--A vehicle inspection form prescribed by DPS that is printed by the vehicle exhaust gas analyzer immediately following an emissions test.~~

~~(8) Vehicle emissions I/M program--A vehicle emissions inspection and maintenance program meeting all the requirements of the Environmental Protection Agency.~~

~~(9) Waiver--A form and certificate that allows a vehicle to be considered in compliance with the vehicle emissions I/M program for a specified period of time after a vehicle fails an emissions test.~~

~~(b) [(c)] Notice from DPS or TCEQ.~~

~~(1) DPS, after notice to the vehicle owner, will notify the department if a motor vehicle owner fails to comply with the requirements of Transportation Code, Chapter 548, Subchapter F.~~

~~(2) TCEQ, after notice to the vehicle owner, will notify the department if a motor vehicle fails to comply with the requirements of Health and Safety Code, §382.202 and §382.203, and Transportation Code, Chapter 548, Subchapter F.~~

~~(3) The notice will include the vehicle identification number and the license plate number of the affected vehicle.~~

~~(4) If the department receives a notice of emissions non-compliance from DPS or TCEQ, the department will place a notation on the motor vehicle record that the motor vehicle has failed to comply with the vehicle emissions I/M program.~~

(5) If the department receives a notice of emissions compliance from DPS or TCEQ, the department will remove the non-compliance notation from the motor vehicle record.

(6) If a vehicle record contains a notation of failure to comply with the vehicle emissions I/M program, the tax assessor-collector will deny registration unless provided with:

(A) proof of compliance with the vehicle emissions I/M program with a "passing" vehicle inspection report; or

(B) proof of a waiver issued by DPS that includes the vehicle identification number and the license plate number.

~~[(7) DPS and TCEQ will provide the department with the notifications in a format approved by the department.]~~

~~[(8) DPS and TCEQ will enter into an agreement with the department regarding the remittance to the department for costs associated with implementation of the emissions program.]~~

(c) ~~[(d)]~~ Vehicles moved into affected or early action compact counties. If a vehicle was last titled in an unaffected county and is to be titled or registered in an affected or early action compact county, it is not eligible for a title receipt, a title, or registration after a retail sale unless proof is presented to the county tax assessor-collector that the vehicle has passed the emissions test. This subsection does not apply to a vehicle that will be used in the affected or early action compact county for fewer than 60 days during the registration period for which registration is sought or to a vehicle that is a 1996 or newer model and has less than 50,000 miles.

§217.52. Marketing of Specialty License Plates through a Private Vendor.

~~[(a) Purpose and scope. The department will enter into a contract with a private vendor to market department-approved specialty license plates in accordance with Transportation Code, Chapter 504, Subchapter J. This section sets out the procedure for approval of the design, purchase, and replacement of vendor specialty license plates. In this section, the license plates marketed by the vendor are referred to as vendor specialty license plates.]~~

(a) ~~[(b)]~~ Application for approval of vendor specialty license plate designs.

(1) Approval required. The vendor shall obtain the approval of the board for each license plate design the vendor proposes to market in accordance with this section and the contract entered into between the vendor and the department.

(2) Application. The vendor must submit a written application on a form approved by the executive director to the department for approval of each license plate design the vendor proposes to market. The application must include:

(A) a draft design of the specialty license plate;

(B) projected sales of the license plate, including an explanation of how the projected figure was determined;

(C) a marketing plan for the license plate including a description of the target market;

(D) a licensing agreement from the appropriate third party for any design or design element that is intellectual property; and

(E) other information necessary for the board to reach a decision regarding approval of the requested vendor specialty license plate.

(b) ~~[(e)]~~ Review and approval process. The board will review vendor specialty license plate applications. The board:

(1) will not consider incomplete applications; and

(2) may request additional information from the vendor to reach a decision.

(c) ~~[(d)]~~ Board decision.

(1) Decision. The decision of the board will be based on:

(A) compliance with Transportation Code, Chapter 504, Subchapter J;

(B) the proposed license plate design, including:

(i) whether the design meets the legibility and reflectivity standards established by the department;

(ii) whether the design meets the standards established by the department for uniqueness to ensure that the proposed license plate complies with Transportation Code, §504.852(c);

(iii) whether the license plate design can accommodate the International Symbol of Access (ISA) as required by Transportation Code, §504.201(f);

(iv) the criteria designated in §217.27 of this title (relating to Vehicle Registration Insignia) as applied to the design;

(v) whether a design is similar enough to an existing license plate design that it may compete with the existing license plate sales; and

(vi) other information provided during the application process.

(2) Public comment on proposed design. All proposed license plate designs will be considered by the board as an agenda item at a regularly or specially called open meeting. Notice of consideration of proposed license plate designs will be posted in accordance with Office of the Secretary of State meeting notice requirements. Notice of each license plate design will be posted on the department's Internet web site to receive public comment at least 25 days in advance of the meeting at which it will be considered. The department will notify all specialty license plate organizations and the sponsoring agencies who administer specialty license plates issued in accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on the proposed design can be submitted in writing through the mechanism provided on the department's Internet web site for submission of comments. Written comments are welcome and must be received by the department at least 10 days in advance of the meeting. Public comment will be received at the board's meeting.

(d) ~~[(e)]~~ Final approval and specialty license plate issuance.

(1) Approval. The board will approve or disapprove the specialty license plate application based on all of the information provided pursuant to this subchapter in an open meeting.

(2) Application not approved. If the application is not approved, the applicant may submit a new application and supporting documentation for the design to be considered again by the board if:

(A) the applicant has additional, required documentation; or

(B) the design has been altered to an acceptable degree.

(3) Issuance of approved specialty license plates.

(A) If the vendor's specialty license plate is approved, the vendor must submit the non-refundable start-up fee before any further design and processing of the specialty license plate.

(B) Approval of the specialty license plate does not guarantee that the submitted draft specialty license plate design will be used. The board has final approval of all specialty license plate designs and will provide guidance on the submitted draft design to ensure compliance with the format and specialty license plate specifications.

(e) [(f)] Redesign of vendor specialty license plates.

(1) On receipt of a written request from the vendor, the department will allow a redesign of a vendor specialty license plate.

(2) The vendor must pay the redesign administrative costs as provided in the contract between the vendor and the department.

(f) [(g)] Multi-year vendor specialty license plates. Purchasers will have the option of purchasing vendor specialty license plates for a one-year, a three-year, or a five-year period.

(g) [(h)] License plate categories and associated fees. The categories and the associated fees for vendor specialty license plates are set out in this subsection.

(1) Custom personalized specialty license plates~~[-]~~ are non-embossed license plates personalized with up to seven alphanumeric characters on department-approved vendor designs. [Custom license plates include license plates with a variety of pre-approved background and character color combinations that may be personalized with either three alpha and two or three numeric characters or two or three numeric and three alpha characters. Generic license plates on standard white sheeting with the word "Texas" that may be personalized with up to six alphanumeric characters are considered custom license plates before December 2, 2010.] The fees for issuance of these [Custom and Generic] license plates are \$150 for one year, \$400 for three years, and \$450 for five years.

[(2) T-Plates (Premium) license plates. T-Plates (Premium) license plates may be personalized with up to seven alphanumeric characters, including the "T," on colored backgrounds or designs approved by the department. The fees for issuance of T-Plates (Premium) license plates are \$150 for one year, \$400 for three years, and \$450 for five years.]

[(3) Luxury license plates. Luxury license plates may be personalized with up to six alphanumeric characters on colored backgrounds or designs approved by the department. The fees for issuance of luxury license plates are \$150 for one year, \$400 for three years, and \$450 for five years.]

[(4) Freedom license plates. Freedom license plates include license plates with a variety of pre-approved background and character color combinations that may be personalized with up to seven alphanumeric characters. The fees for issuance of freedom license plates are \$195 for one year, \$445 for three years, and \$495 for five years.]

(2) [(5)] Background-only license plates~~[-]~~ are non-personalized embossed or non-embossed license plates on department-approved vendor designs. [Background-only license plates include non-personalized license plates with a variety of pre-approved background and character color combinations and may be embossed or non-embossed.]

(A) The fees for issuance of non-embossed, background-only license plates are \$50 for one year, \$130 for three years, and \$175 for five years.

(B) Except as stated in subsection (g)(6)(B) of this section [(h)(9)(C)], the fees for embossed, background-only license plates are \$125 for one year, \$205 for three years, and \$250 for five years.

(3) [(6)] Vendor souvenir license plates. Vendor souvenir license plates are replicas of vendor specialty license plate designs that may be personalized with up to 24 alphanumeric characters. Vendor souvenir license plates are not street legal or legitimate insignias of vehicle registration. The fee for issuance of souvenir license plates is \$40.

(4) [(7)] Auction. The vendor may auction department-approved license plate numbers for one, three, or five year terms with options to renew indefinitely at the current price established for a one, three, or five year custom personalized specialty [luxury] category license plate. The purchaser of the auction license plate number may select from the vendor background designs, including any embossed license plate designs, at no additional charge at the time of initial issuance. The auction license plate number may be moved from one vendor design plate to another vendor design license plate as provided in subsection (m)(1) [(n)(1)] of this section. The auction license plate number may be transferred from owner to owner as provided in subsection (k)(2) [(4)(2)] of this section.

(5) [(8)] Embossed, personalized specialty license plates~~[-]~~ are license plates personalized with up to seven alphanumeric characters on department-approved vendor designs. [The vendor may sell embossed, personalized specialty license plates with a variety of pre-approved background and character color combinations that may be personalized with up to seven alphanumeric characters.] Except as stated in subsection (g)(4) [(h)(7)] of this section, the fees for issuance of embossed, personalized specialty license plates are \$270 for one year, \$520 for three years, and \$570 for five years. Except as stated in subsection (g)(6)(B) [(h)(9)(C)] of this section, the fees under subsection (g)(6) [(h)(9)] of this section do not apply to an embossed, personalized specialty license plate.

(6) [(9)] Personalization and specialty license plate fees.

[(A) The fee for the personalization of license plates applied for prior to November 19, 2009 is \$40 if the license plates are renewed annually.]

(A) [(B)] The personalization fee for license plates applied for after November 19, 2009 is \$40 if the license plates are issued pursuant to Transportation Code, Chapter 504, Subchapters G and I.

(B) [(C)] If the license plates are renewed annually, the personalization and specialty license plate fees remain the same fee as at the time of issuance if a sponsor of a specialty license plate authorized under Transportation Code, Chapter 504, Subchapters G and I signs a contract with the vendor in accordance with Transportation Code, Chapter 504, Subchapter J, even if the board approves the specialty license plate to be an embossed specialty license plate design.

(h) [(i)] Payment of fees.

(1) Payment of specialty license plate fees. The fees for issuance of vendor specialty license plates will be paid directly to the state through vendor and state systems for the license plate category and period selected by the purchaser. A person who purchases a multi-year vendor specialty license plate must pay upon purchase the full fee which includes the renewal fees.

(2) Payment of statutory registration fees. To be valid for use on a motor vehicle, the license plate owner is required to pay, in addition to the vendor specialty license plate fees, any statutorily required registration fees in the amount as provided by Transportation Code, Chapter 502, and this subchapter.

(i) [(j)] Refunds. Fees for vendor specialty license plate fees will not be refunded after an application is submitted to the vendor and the department has approved issuance of the license plate.

(j) ~~[(k)]~~ Replacement.

(1) Application. An owner must apply directly to the county tax assessor-collector for the issuance of replacement vendor specialty license plates and must pay the fee described in paragraphs (2) or (3) of this subsection, whichever applies.

(2) Lost or mutilated vendor specialty license plates. To replace vendor specialty license plates that are lost or mutilated, the owner must pay the statutory replacement fee provided in Transportation Code, §504.007.

(3) Optional replacements. An owner of a vendor specialty license plate may replace vendor specialty license plates by submitting a request to the county tax assessor-collector accompanied by the payment of a \$6 fee.

(4) Interim replacement tags. If the vendor specialty license plates are lost or mutilated to such an extent that they are unusable, replacement specialty license plates may be remanufactured. The county tax assessor-collector will issue interim replacement tags for use until the replacements are available. The owner's vendor specialty license plate number will be shown on the interim replacement tags.

(5) Stolen vendor specialty license plates. The county tax assessor-collector will not approve the issuance of replacement vendor specialty license plates with the same license plate number if the department's records indicate that the vehicle displaying that license plate number was reported stolen or the license plates themselves were reported stolen to law enforcement.

(k) ~~[(h)]~~ Transfer of vendor specialty license plates.

(1) Transfer between vehicles. The owner of a vehicle with vendor specialty license plates may transfer the specialty license plates between vehicles by filing an application through the county tax assessor-collector if the vehicle to which the specialty license plates are transferred:

(A) is titled or leased in the owner's name; and

(B) meets the vehicle classification requirements for that specialty license plate.

(2) Transfer between owners. Vendor specialty license plates may not be transferred between persons unless the specialty license plate number was initially purchased through auction as provided in subsection (g)(4) ~~[(h)(7)]~~ of this section. An auctioned license plate number may be transferred as a specialty license plate or as a virtual pattern to be manufactured on a new background as provided under the restyle option in subsection (m)(1) ~~[(n)(4)]~~ of this section. In addition to the fee paid at auction, the new owner of an auctioned license plate number or plate will pay the department a fee of \$25 to cover the cost of the transfer, and complete the department's prescribed application at the time of transfer.

(l) ~~[(m)]~~ Gift license plates.

(1) A person may purchase license plates as a gift for another person if the purchaser submits a statement that provides:

(A) the purchaser's name and address;

(B) the name and address of the person who will receive the license plates; and

(C) the vehicle identification number of the vehicle on which the license plates will be displayed or a statement that the license plates will not be displayed on a vehicle.

(2) To be valid for use on a motor vehicle, the recipient of the license plates must file an application with the county tax assessor-collector and pay the statutorily required registration fees in the amount as provided by Transportation Code, Chapter 502, and this subchapter.

(m) ~~[(n)]~~ Restyled vendor specialty license plates. A person who has purchased a multi-year vendor specialty license plate may request a restyled license plate at any time during the term of the plate.

(1) For the purposes of this subsection, "restyled license plate" is a vendor specialty license plate that has a different style from the originally purchased vendor specialty license plate but:

(A) is within the same price category, except if the license plate number was purchased through auction and has the same alpha-numeric characters and expiration date as the previously issued multi-year license plates; or

(B) is restyling to an embossed specialty license plate style and has the same alpha-numeric characters and expiration date as the previously issued multi-year license plates.

(2) The fee for each restyled license plate is:

(A) \$50 for restyling under subsection (m)(1)(A) ~~[(n)(1)(A)]~~ of this section; or

(B) \$75 for restyling under subsection (m)(1)(B) ~~[(n)(1)(B)]~~ of this section.

§217.54. *Extended Registration [Registration of Fleet Vehicles].*

(a) *Extended Registration of Commercial Fleet Vehicles.*

(1) ~~[(a)]~~ Scope. A registrant may consolidate the registration of multiple motor vehicles in a fleet instead of registering each vehicle separately. A fleet may include trailers and semitrailers. Except as provided by §217.55 of this title (relating to Exempt and Alias Vehicle Registration), to consolidate registration, a registration must meet the requirements of this section.

(2) ~~[(b)]~~ Eligibility. A fleet must meet the following requirements to be eligible for fleet registration.

(A) ~~[(4)]~~ No fewer than 12 vehicles will be registered as a fleet;

(B) ~~[(2)]~~ Vehicles may be registered in annual increments for up to eight years;

(C) ~~[(3)]~~ All vehicles in a fleet must be owned by or leased to the same business entity;

(D) ~~[(4)]~~ All vehicles must be vehicles that are not registered under the International Registration Plan; and

(E) ~~[(5)]~~ Each vehicle must currently be titled in Texas or be issued a registration receipt, or the registrant must submit an application for a title or registration for each vehicle.

(3) ~~[(e)]~~ Application.

(A) ~~[(4)]~~ Application for fleet registration must be in a form prescribed by the department. At a minimum the form will require:

(i) ~~[(A)]~~ the full name and complete address of the registrant;

(ii) ~~[(B)]~~ a description of each vehicle in the fleet, which may include the vehicle's model year, make, model, vehicle identification number, document number, body style, gross weight, empty weight, and for a commercial vehicle, manufacturer's rated carrying capacity in tons;

(iii) [(C)] the existing license plate number, if any, assigned to each vehicle; and

(iv) [(D)] any other information that the department may require.

(B) [(2)] The application must be accompanied by the following items:

(i) [(A)] in the case of a leased vehicle, a certification that the vehicle is currently leased to the person to whom the fleet registration will be issued;

(ii) [(B)] registration fees prescribed by law for the entire registration period selected by the registrant;

(iii) [(C)] local fees or other fees prescribed by law and collected in conjunction with registering a vehicle for the entire registration period selected by the registrant;

(iv) [(D)] evidence of financial responsibility for each vehicle as required by Transportation Code, §502.046, unless otherwise exempted by law;

(v) [(E)] annual proof of payment of Heavy Vehicle Use Tax;

(vi) [(F)] any fees that are required to be collected at the time of registration under Transportation Code, §548.509 for the first year of registration under Transportation Code, §502.0023; and

(vii) [(G)] any other documents or fees required by law.

(4) [(4)] Registration period.

(A) [(1)] The fleet owner will designate a single registration period for a fleet so the registration period for each vehicle will expire on the same date.

(B) [(2)] The fleet registration period will begin on the first day of a calendar month and end on the last day of a calendar month.

(5) [(e)] Registration receipt and fleet license plates.

(A) [(1)] As evidence of registration, the department will issue a registration receipt and one or two metal fleet license plates for each vehicle in a fleet.

(B) [(2)] The registration receipt for each vehicle shall at all times be carried in that vehicle and be available to law enforcement personnel upon request unless such vehicle is a token trailer with a valid, non-expiring token trailer plate pursuant to Transportation Code, §502.0023(d-1).

(C) [(3)] A registration receipt or fleet license plate may not be transferred between vehicles, owners, or registrants.

(6) [(f)] Fleet composition.

(A) [(1)] A registrant may add a vehicle to a fleet at any time during the registration period. An added vehicle will be given the same registration period as the fleet and will be issued one or two metal fleet license plates and a registration receipt.

(B) [(2)] A registrant may remove a vehicle from a fleet at any time during the registration period. After a vehicle is removed from the fleet, the fleet registrant shall either return the metal fleet license plates for that vehicle to the department or provide the department with acceptable proof that the metal fleet license plates for that vehicle have been destroyed. Credit for any vehicle removed from the fleet for the remaining full year increments can be applied to any ve-

hicle added to the fleet or at the time of renewal. No refunds will be given if credit is not used or the account is closed.

(C) [(3)] If the number of vehicles in an account falls below 12 during the registration period, fleet registration will remain in effect. If the number of vehicles in an account is below 12 at the end of the registration period, fleet registration will be canceled. In the event of cancellation, each vehicle shall be registered separately. The registrant shall immediately either return all metal fleet license plates to the department or provide the department with acceptable proof that the metal fleet license plates have been destroyed.

(7) [(g)] Fees.

(A) [(1)] When a fleet is first established, the department will charge a registration fee for each vehicle for the entire registration period selected. A currently registered vehicle, however, will be given credit for any remaining time on its separate registration.

(B) [(2)] When a vehicle is added to an existing fleet, the department will charge a registration fee that is prorated based on the number of months of fleet registration remaining. If the vehicle is currently registered, this fee will be adjusted to provide credit for the number of months of separate registration remaining.

(C) [(3)] When a vehicle is removed from fleet registration, it will be considered to be registered separately. The vehicle's separate registration will expire on the date that the fleet registration would have expired. The registrant must pay the statutory replacement fee to obtain regular registration insignia before the vehicle may be operated on a public highway.

(D) [(4)] In addition to the registration fees prescribed by Transportation Code, Chapter 502, an owner registering a fleet under this section must pay a one-time fee of \$10 per motor vehicle, semi-trailer, or trailer in the fleet. This fee is also due as follows:

(i) [(A)] for each vehicle added to the owner's existing fleet; and

(ii) [(B)] for each vehicle that a buyer registers as a fleet, even though the seller previously registered some or all of the vehicles as a fleet under this section.

(8) [(h)] Payment. Payment will be made in the manner prescribed by the department.

(9) [(i)] Cancellation.

(A) [(1)] The department will cancel registration for non-payment and lack of proof of annual payment of the Heavy Vehicle Use Tax.

(B) [(2)] The department may cancel registration on any fleet vehicle on the anniversary date of the registration if the fleet vehicle is not in compliance with the inspection requirements under Transportation Code, Chapter 548 or the inspection requirements in the rules of the Texas Department of Public Safety.

(C) [(3)] A vehicle with a canceled registration may not be operated on a public highway.

(D) [(4)] If the department cancels the registration of a vehicle under this subsection, the registrant can request the department to reinstate the registration by doing the following:

(i) [(A)] complying with the requirements for which the department canceled the registration;

(ii) [(B)] providing the department with notice of compliance on a form prescribed by the department; and

(iii) [(C)] for a registration canceled under paragraph (2) of this subsection, paying an administrative fee in the amount of \$10.

(E) [(S)] A registrant is eligible for reinstatement of the registration only within 90 calendar days of the department's notice of cancellation.

(F) [(6)] If a registrant fails to timely reinstate the registration of a canceled vehicle registration under this section, the registrant:

(i) [(A)] is not entitled to a credit or refund of any registration fees for the vehicle; and

(ii) [(B)] must immediately either return the metal fleet license plates to the department or provide the department with acceptable proof that the metal fleet license plates have been destroyed.

(10) [(j)] Inspection fee. The registrant must pay the department by the deadline listed in the department's invoice for any fees that are required to be collected at the time of registration under Transportation Code, §548.509 on an annual basis under Transportation Code, §502.0023.

(b) Extended Registration of Certain Trailers.

(1) Eligibility. An owner of a trailer, semitrailer, or pole trailer having an actual gross weight or registered gross weight of 7,500 pounds or less may register the vehicle for an extended registration period of not more than five years.

(2) Application.

(A) Application for extended registration must be on a form prescribed by the department and include:

(i) the full name and complete address of the owner;

(ii) a description of the trailer, semitrailer or pole trailer, including the vehicle's model year, make, model, vehicle identification number, document number, body style, gross weight, and empty weight; and

(iii) the existing license plate number, if any, assigned to the trailer, semitrailer or pole trailer.

(B) The application must be accompanied by the following items:

(i) registration fees prescribed by law for the entire registration period selected by the owner;

(ii) local fees prescribed by law in conjunction with registering the trailer, semitrailer or pole trailer for the entire registration period selected by the owner;

(iii) any fees that are required to be collected at the time of registration under Transportation Code, §548.509 for the registration period selected by the owner under Transportation Code, §502.0024;

(iv) the processing and handling fee under Subchapter I of this chapter (relating to Processing and Handling Fees); and

(v) evidence of financial responsibility as required by Transportation Code, §502.046, unless otherwise exempted by law.

(3) Extended Registration Period.

(A) The owner shall designate a registration period between one and five years.

(B) The registration period will begin on the first day of a calendar month and end on the last day of a calendar month.

(4) Registration receipt and license plates.

(A) As evidence of registration, the department will issue a registration insignia, registration receipt and one license plate for the trailer, semitrailer or pole trailer.

(B) A registration receipt or registration insignia may not be transferred between vehicles, owners, or registrants.

(5) Expiration of registration period.

(A) The owner must renew the extended registration prior to the end of the extended registration period.

(B) If it is not timely renewed, the extended registration shall expire.

(C) After expiration, the owner may renew the registration of the trailer, semitrailer or pole trailer as a standard annual registration, or may request to renew the registration as extended registration.

§217.56. Registration Reciprocity Agreements.

[(a) Purpose. To promote and encourage the fullest possible use of the highway system and contribute to the economic development and growth of the State of Texas and its residents, the department is authorized by Transportation Code, §502.091 to enter into agreements with duly authorized officials of other jurisdictions, including any state of the United States, the District of Columbia, a foreign country, a state or province of a foreign country, or a territory or possession of either the United States or of a foreign country, and to provide for the registration of vehicles by Texas residents and nonresidents on an allocation or distance apportionment basis, and to grant exemptions from the payment of registration fees by nonresidents if the grants are reciprocal to Texas residents.]

[(a) [(b)] Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Cab card--The apportioned vehicle registration receipt that contains, but is not limited to, the vehicle description and the registered weight at which the vehicle may operate in each jurisdiction.

(2) Department--The Texas Department of Motor Vehicles.

(3) Director--The director of the Motor Carrier Division, Texas Department of Motor Vehicles.

(4) Executive director--The chief executive officer of the department.

[(5) Regional Service Center--A department office which provides specific services to the public, including replacement titles, bonded title notices of determination, and apportioned registration under the International Registration Plan (IRP).]

(5) [(6)] Temporary cab card--A temporary registration authorized by the department that allows the operation of a vehicle for up to 30 days subject to all rights and privileges afforded to a vehicle displaying apportioned registration. A temporary cab card expires on the earliest of the following:

(A) 30 days after issuance; or

(B) when the registrant affixes the license plate(s) to the vehicle.

(b) [(e)] Multilateral agreements.

(1) Authority. The executive director may on behalf of the department enter into a multilateral agreement with the duly authorized

officials of two or more other jurisdictions to carry out the purpose of this section.

(2) International Registration Plan (IRP).

(A) Applicability. The IRP is a registration reciprocity agreement among states of the United States and other jurisdictions providing for payment of registration fees on the basis of fleet distance operated in various jurisdictions. Its purpose is to promote and encourage the fullest possible use of the highway system by authorizing apportioned registration for commercial motor vehicles and payment of appropriate vehicle registration fees and thus contributing to the economic development and growth of the member jurisdictions.

(B) Adoption. The department adopts by reference the October 1, 2025, [January 1, 2024,] version of the IRP. The department also adopts by reference the January 1, 2016, version of the IRP Audit Procedures Manual. In the event of a conflict between this section and the IRP or the IRP Audit Procedures Manual, the IRP and the IRP Audit Procedures Manual control. Copies of the documents are available online at www.irponline.org or on request to the department.

(C) Application.

~~[(#)]~~ An applicant must electronically submit an application in the department's designated system for apportioned registration. ~~[to the department on a form prescribed by the director, along with additional documentation as required by the director.]~~ In addition to providing the department with the information and documents required under IRP, an [An] applicant shall provide the department with a copy of the applicant's receipt under the Unified Carrier Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) to prove the applicant is currently registered under UCR if the applicant is required to register under UCR.

~~[(ii)]~~ Upon approval of the application, the department will compute the appropriate registration fees and notify the registrant.

(D) Issuance of Registration. ~~[Fees.]~~ Upon receipt of the applicable fees, information, and documents, [in the form as provided by §209.23 of this title (relating to Methods of Payment),] the department will review the application and, to the extent the vehicle is eligible for apportioned registration, issue one or two license plates, a temporary cab card, and a cab card for each vehicle registered.

(E) Display of License Plates and Cab Cards.

(i) The department will issue one license plate for a tractor, truck-tractor, trailer, and semitrailer. The license plate issued to a tractor or a truck-tractor shall be installed on the front of the tractor or truck-tractor, and the license plate issued for a trailer or semitrailer shall be installed on the rear of the trailer or semitrailer.

(ii) The department will issue two license plates for all other vehicles that are eligible to receive license plates under the IRP. Once the department issues two license plates for a vehicle listed in this clause, one plate shall be installed on the front of the vehicle, and one plate shall be installed on the rear of the vehicle.

(iii) The cab card shall be carried at all times in the vehicle in accordance with the IRP. If the registrant chooses to display an electronic image of the cab card on a wireless communication device or other electronic device, such display does not constitute consent for a peace officer, or any other person, to access the contents of the device other than the electronic image of the cab card.

(iv) The authority to display an electronic image of the cab card on a wireless communication device or other electronic device does not prevent the Texas State Office of Administrative Hear-

ings or a court of competent jurisdiction from requiring the registrant to provide a paper copy of the cab card in connection with a hearing, trial, or discovery proceeding.

(F) Audit. An audit of the registrant's vehicle operational records may be conducted by the department according to the IRP provisions and the IRP Audit Procedures Manual. Upon request, the registrant shall provide the department with operational records of each vehicle for audit in any format or medium available to the registrant and accessible to the department, [unit number order, in sequence by date, and] including, but not limited to, a summary of distance traveled by each individual vehicle on a monthly, quarterly, and annual basis with distance totaled separately for each jurisdiction in which the vehicle traveled.

(G) Assessment. The department may assess additional registration fees of up to 100% of the apportionable fees paid by the registrant for the registration of its fleet in the registration year to which the records pertain, as authorized by the IRP, if an audit conducted under subparagraph (F) of this paragraph reveals that:

(i) the operational records indicate that the vehicle did not generate interstate distance in two or more member jurisdictions for the distance reporting period supporting the application being audited, plus the six-month period immediately following that distance reporting period;

(ii) the registrant failed to provide complete operational records; or

(iii) the distance must be adjusted, and the adjustment results in a shortage of registration fees due Texas or any other IRP jurisdiction.

(H) Refunds. If an audit conducted under subparagraph (F) of this paragraph reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund the overpayment of registration fees in accordance with Transportation Code, §502.195 and the IRP. Any registration fees refunded to a registrant [earrifer] for another jurisdiction will be deducted from registration fees collected and transmitted to that jurisdiction.

(I) Cancellation or revocation. The director or the director's designee may cancel or revoke a registrant's apportioned registration and all privileges provided by the IRP as authorized by the following:

(i) the IRP; or

(ii) Transportation Code, Chapter 502.

(J) Procedures for assessment, cancellation, or revocation.

(i) Notice. If a registrant is assessed additional registration fees, as provided in subparagraph (G) of this paragraph, and the additional fees are not paid by the due date provided in the notice or it is determined that a registrant's apportioned license plates and privileges should be canceled or revoked, as provided in subparagraph (I) of this paragraph, the director or the director's designee will mail a notice by certified mail to the last known address of the registrant. The notice will state the facts underlying the assessment, cancellation, or revocation; the effective date of the assessment, cancellation, or revocation; and the right of the registrant to request a conference as provided in clause (ii) of this subparagraph.

(ii) Conference. A registrant may request a conference upon receipt of a notice issued as provided by clause (i) of this subparagraph. The request must be made in writing to the director or the director's designee within 30 days of the date of the notice. If timely

requested, the conference will be scheduled and conducted by the director or the director's designee in person at the department's [division] headquarters in Austin or remotely using telephonic or videoconferencing technology and will serve to abate the assessment, cancellation, or revocation unless and until that assessment, cancellation, or revocation is affirmed or disaffirmed by the director or the director's designee. In the event matters are resolved in the registrant's favor, the director or the director's designee will mail the registrant a notice of withdrawal, notifying the registrant that the assessment, cancellation, or revocation is withdrawn, and stating the basis for that action. In the event matters are not resolved in the registrant's favor, the director or the director's designee will issue a decision reaffirming the department's assessment of additional registration fees or cancellation or revocation of apportioned license plates and privileges. The registrant has the right to appeal in accordance with clause (iii) of this subparagraph.

(iii) Appeal. If a conference held in accordance with clause (ii) of this subparagraph fails to resolve matters in the registrant's favor, the registrant may submit an appeal under §224.122 of this title (relating to Appeal of Decision Regarding Assessment, Cancellation, or Revocation Under §217.56). An appeal will be governed by Chapter 224 of this title (relating to Adjudicative Practice and Procedure) and Transportation Code, Chapter 502.

(K) Reinstatement.

(i) The director or the director's designee will reinstate apportioned registration to a previously canceled or revoked registrant if all applicable fees and assessments due on the previously canceled or revoked apportioned account have been paid and the applicant provides proof of an acceptable recordkeeping system for a period of no less than 60 days.

(ii) The application for the following registration year will be processed in accordance with the provisions of the IRP.

(L) Denial of apportioned registration for safety reasons. The department will comply with the requirements of the Performance and Registration Information Systems Management program (PRISM) administered by the Federal Motor Carrier Safety Administration (FMCSA).

(i) Denial or suspension of apportioned registration. Upon notification from the FMCSA that a carrier has been placed out of service for safety violations, the department will:

(I) deny initial issuance of apportioned registration;

(II) deny authorization for a temporary cab card [; as provided for in subparagraph (M) of this paragraph];

(III) deny renewal of apportioned registration; or

(IV) suspend current apportioned registration.

(ii) Issuance after denial of registration or reinstatement of suspended registration. The director or the director's designee will reinstate or accept an initial or renewal application for apportioned registration from a registrant who was suspended or denied registration under clause (i) of this subparagraph upon presentation of a Certificate of Compliance from FMCSA, in addition to all other required documentation and payment of fees.

~~[(M) Temporary cab card.]~~

~~[(i) Application. The department may authorize issuance of a temporary cab card to a motor carrier with an established Texas apportioned account for a vehicle upon proper submission of all required documentation, a completed application, and all fees for either:]~~

~~[(I) Texas title as prescribed by Transportation Code, Chapter 501 and Subchapter A of this chapter (relating to Motor Vehicle Titles); or]~~

~~[(II) registration receipt to evidence title for registration purposes only (Registration Purposes Only) as provided for in Transportation Code, §501.029 and §217.24 of this title (relating to Vehicle Last Registered in Another Jurisdiction).]~~

~~[(ii) Title application. A registrant who is applying for a Texas title as provided for in clause (i)(I) of this subparagraph and is requesting authorization for a temporary cab card, must submit to a Regional Service Center a photocopy of the title application receipt issued by the county tax assessor-collector's office.]~~

~~[(iii) Registration Purposes Only. A registrant who is applying for Registration Purposes Only under clause (i)(II) of this subparagraph and is requesting authorization for a temporary cab card, must submit an application and all additional original documents or copies of original documents required by the director to a Regional Service Center.]~~

~~[(iv) Department approval. On department approval of the submitted documents, the department will send notice to the registrant to finalize the transaction and make payment of applicable registration fees.]~~

~~[(v) Finalization and payment of fees. To finalize the transaction and print the temporary cab card, the registrant may compute the registration fees through the department's apportioned registration software application, TxFLEET system, and:]~~

~~[(I) make payment of the applicable registration fees to the department as provided by §209.23 of this title; and]~~

~~[(II) afterwards, mail or deliver payment of the title application fee in the form of a check, certified cashier's check, or money order payable to the county tax assessor-collector in the registrant's county of residency and originals of all copied documents previously submitted.]~~

~~[(vi) Deadline. The original documents and payment must be received by the Regional Service Center within 72-hours after the time that the office notified the registrant of the approval to print a temporary cab card as provided in clause (iv) of this subparagraph.]~~

~~[(vii) Failure to meet deadline. If the registrant fails to submit the original documents and required payment within the time prescribed by clause (vi) of this subparagraph, the registrant's privilege to use this expedited process to obtain a temporary cab card will be denied by the department for a period of six months from the date of approval to print the temporary cab card.]~~

~~§217.57. Alternatively Fueled Vehicles.~~

~~The department shall collect vehicle fuel type information for motor vehicles registered in this state, including alternatively fueled vehicles, as defined by Transportation Code, §502.004; and submit an annual report to the legislature that includes the information collected under this section.]~~

~~The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.~~

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SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS

43 TAC §§217.71, 217.72, 217.74

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §502.0021, which authorizes the department to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; Transportation Code §502.059, which authorizes the department to adopt rules providing for an automated registration process; Transportation Code §520.003, which authorizes the department to adopt rules to administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code §520.023, which authorizes the department to implement a training program providing information on the department's automated registration and titling system and require training of persons performing titling and registration services in the systems; Transportation Code §520.0055, which authorizes the department to mandate motor vehicle dealers use a department designated electronic system to submit title and registration application to county tax assessor-collectors for motor vehicle transactions; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§502.0021, 502.059, 520.003, 520.023, 520.0055, and 1002.001.

§217.71. *Definitions [Automated and Web-Based Vehicle Registration and Title Systems].*

[(a) Purpose.]

[(1) Transportation Code, Chapters 501 and 502, charge the department with the responsibility for issuing titles and registering vehicles operating on the roads, streets, and highways of the state.]

[(2) To provide a more efficient, cost-effective system for registering and titling vehicles, submitting title and registration records to county tax assessor-collectors and the department, maintaining records, improving inventory control of accountable items, and collecting and reporting of applicable fees consistent with those statutes, the department has designed:]

[(A) an automated system known as the registration and title system. This system expedites registration and titling processes, provides a superior level of customer service to the owners and operators of vehicles, and facilitates availability of the department's motor vehicle records for official law enforcement needs. Automated equipment compatible with the registration and title system is indispensable to the operational integrity of the system; and]

[(B) a web-based system known as webDEALER. This system expedites registration and titling processes, provides a superior level of customer service to the owners and operators of vehicles, and facilitates availability of the department's motor vehicle records for official law enforcement needs.]

[(3) This subchapter prescribes the policies and procedures under which the department may make the automated equipment available to a county tax assessor-collector as designated agent of the state for processing title and vehicle registration documents and the policies and procedures to use webDEALER.]

[(b)] [Definitions.] The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Automated equipment--Equipment associated with the operation of the registration and titling system, including, but not limited to, microcomputers, printers, software, and cables.

(2) Department--The Texas Department of Motor Vehicles.

(3) Executive director--The executive director of the Texas Department of Motor Vehicles.

(4) Fair share allocation--The amount of automated equipment determined by the department to be effective at providing a reasonable level of service to the public. This amount will be determined on transaction volumes, number of county substations, and other factors relating to a particular county's need.

(5) RTS--The department's registration and title system.

(6) Title application--A form as defined by §217.2 of this title (relating to Definitions), and includes the electronic process provided by the department that captures the information required by the department to create a motor vehicle title record.

(7) webDEALER--The department's web-based titling and registration system used to submit title applications to county tax assessor-collectors and the department. This term includes any other web-based system which facilitates electronic submission of title applications, including webSALVAGE, eTITLE, and webLIEN.

§217.72. *Automated Equipment for the Registration and Title System.*

(a) Automated Equipment Agreement. Prior to receiving automated equipment, a county must enter into a written agreement with the department. The agreement shall:

(1) be in a form prescribed by the department;

(2) include at a minimum each of the terms and conditions specified in this section;

(3) be executed on behalf of the department by the executive director or, if designated by the executive director, a deputy executive director or the Director of the Vehicle Titles and Registration Division; and

(4) be approved by resolution or order of the commissioners court and executed on behalf of the county by the county judge and the county tax assessor-collector.

(b) [(a)] Initial allocation of automated equipment. When requested by resolution of the commissioners court of a county, and subject to the terms and conditions specified in subsection (c) [(d)] of this section, the department will:

(1) make a fair share allocation of automated equipment available to that county to be used by its county tax assessor-collector in implementing and operating RTS;

(2) provide the county tax assessor-collector with computer programs and personnel training; and

(3) furnish official automated forms and, for the initial start-up of the system, automated equipment supplies.

(c) ~~[(b)]~~ Additional automated equipment. At the request of the county tax assessor-collector of a county, subject to the terms and conditions specified in subsection (e) ~~[(d)]~~ of this section, and for an amount of consideration that will cover the department's costs, the department will enter into an agreement with the commissioners court of that county under which the department will lease automated equipment to that county in addition to the fair share allocation for that county. Leased equipment will remain the property of the department and will be used primarily for RTS.

(d) ~~[(e)]~~ Automated Registration and Titling System fee. The department will collect an additional fee of \$.50 for each registration for the purposes set forth in Transportation Code, §502.356. The fee shall be deposited into a subaccount in the Texas Department of Motor Vehicles fund.

(e) ~~[(d)]~~ Conditions of availability.

(1) A county must:

(A) meet electrical power supply criteria specified by the department prior to installation of the automated equipment;

(B) bear all costs incurred for 24-hour per day electrical power consumption for operation of the equipment;

(C) provide for the physical security and protection of the equipment and shall indemnify the department for any loss or damages to the equipment while in the custody and control of the county;

(D) provide the department's maintenance personnel access to the equipment during business hours of the involved county office; and

(E) notify the department not less than 30 working days prior to relocating or adding automation equipment, or of the closing or remodeling of an office, that may affect automated equipment operations.

(2) At the discretion of a county tax assessor-collector, automated equipment may be located at sites other than those of the county tax assessor-collector, including privately owned, for-profit enterprises performing registration and title functions for the county tax office. With regard to equipment located at sites other than those of the county tax assessor-collector, the department's responsibility will be limited to ensuring that the equipment remains operational. The county will be responsible for all training, user support, forms, supplies, user policy and procedures, and other support associated with this equipment.

(3) Automated equipment made available to a county pursuant to this section shall remain the property of the department and must be used by the county tax assessor-collector for operation of RTS; provided, however, that while not in RTS usage, the equipment may be utilized for another statutory duty or function of that office.

§217.74. *webDEALER Access, Use, and Training.*

(a) Each county tax assessor-collector shall request access to, and accept title applications submitted through, webDEALER. A county tax assessor-collector must utilize webDEALER in order to accept a title application in the county as provided by subsections (b) and (c) of this section.

(b) Except as provided in subsection (c) of this section, a person who wishes to become a user of webDEALER must contact each entity to whom they submit title applications for authorization to utilize webDEALER. A user must receive authorization from each entity, including each county tax assessor-collector, to whom the user submits title applications. Title applications submitted to the department require the authorization by the department.

(c) A motor vehicle dealer who holds a general distinguishing number (holder) must contact each county tax assessor-collector to whom they submit title applications for webDEALER access. The county must provide the holder access. A holder must obtain access from each county to whom the user submits title applications. ~~[All active holders must obtain access to webDEALER in advance of July 1, 2025. If a holder does not have webDEALER access by April 30, 2025, the department may provide the holder access to webDEALER in the county where the holder is located.]~~

(d) A county tax assessor-collector may authorize a deputy appointed by the county tax assessor-collector in accordance with subchapter H of this chapter (relating to Deputies) to utilize webDEALER.

(e) An entity or person authorized under subsection (b) of this section may have their authorization to use webDEALER revoked, rescinded, or cancelled at any time, with no notice, at the discretion of a county tax assessor-collector or the department.

(f) When submitting a title application through webDEALER, a user must:

(1) stamp the word "SURRENDERED" across the front face and the next open assignment or reassignment space of any secure title document or other acceptable ownership evidence as determined by the department in:

(A) arial font;

(B) black ink; and

(C) a size of 1/4" height x 2 1/4" length;

(2) retain the physical document described in paragraph (1) of this subsection for a minimum of four calendar years from the date of submitting a scanned copy of the stamped title document using the webDEALER system; and

(3) submit any documents required to be submitted with the title application with a scanned resolution of at least 200 dots per inch (DPI).

(g) Required webDEALER training. Each user accessing webDEALER under the account of a holder that is described under subsection (c) and required to process title and registration transactions through webDEALER in accordance with Transportation Code, Section 520.0055, must complete webDEALER training conducted by the department ~~[by April 30, 2025]~~. New users ~~[created on or after April 30, 2025,]~~ must complete webDEALER training before being given webDEALER permissions.

(1) Required training will include, at a minimum, training regarding transactions performed in webDEALER and proper use of the system.

~~[(2) A user who has had access to webDEALER for more than six months and submitted more than 100 transactions within the system as of October 1, 2024, is not required to take the webDEALER training under this section.]~~

(2) ~~[(3)]~~ Failure for holders and users accessing webDEALER under the holder's account to complete the required training as outlined in this section shall result in denial of access to webDEALER.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Laura Moriaty
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For further information, please call: (512) 465-4160



43 TAC §217.73

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §520.0093, which authorizes the department to lease automated registration and titling system equipment to a county.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code, §520.0093, Lease of Computer Equipment.

§217.73. *Agreement Related to Automated Equipment.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES

43 TAC §217.81

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code, §§501.0041 and 1002.001.

§217.81. *Purpose and Scope.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §217.83, §217.84

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; Transportation Code, §501.0925, which authorizes the department to adopt rules governing the issuance of titles to insurance companies; Transportation Code, §501.097, which authorizes the department to prescribe the process and procedures for applying for nonrepairable and salvage vehicle titles; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§501.0041, 501.0925, 501.097, and 1002.001.

§217.83. *Requirement for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title.*

(a) Determination of condition of vehicle.

(1) Salvage motor vehicle. When a vehicle is damaged, the actual cash value of the motor vehicle immediately before the damage and the cost of repairs shall be used to determine whether the damage is sufficient to classify the motor vehicle as a salvage motor vehicle.

(2) Nonrepairable motor vehicle. When a vehicle is damaged, the actual cash value of the motor vehicle immediately before the damage and the cost of repairs, or any method commonly used by the insurance industry, shall be used to determine whether the damage is sufficient to classify the motor vehicle as a nonrepairable motor vehicle.

(3) The actual cash value of the motor vehicle is the market value of a motor vehicle as determined:

(A) from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles; or

(B) if the entity determining the value is an insurance company, by any other procedure recognized by the insurance industry, including market surveys, that is applied in a uniform manner.

(4) The cost of repairs, including parts and labor, shall be determined by:

(A) using a manual of repair costs or other instrument that is generally recognized and used in the motor vehicle industry to determine those costs; or

(B) an estimate of the actual cost of the repair parts and the estimated labor costs computed by using hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community in which the repairs are performed.

(5) The cost of repairs does not include:

(A) the cost of:

(i) repairs related to gradual damage to a motor vehicle;

(ii) repairs related to hail damage; or

(iii) materials and labor for repainting or when the damage is solely to the exterior paint of the motor vehicle; or

(B) sales tax on the total cost of repairs.

(b) Who must apply.

(1) An insurance company licensed to do business in this state that acquires ownership or possession of a nonrepairable or salvage motor vehicle that is covered by a title issued by this state or a manufacturer's certificate of origin shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84 of this title (relating to Application for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title), before selling or otherwise transferring the nonrepairable or salvage motor vehicle, except as provided by subsection (c) of this section.

(2) A salvage vehicle dealer shall obtain a Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title, or comparable out-of-state ownership document, before selling or otherwise transferring the motor vehicle, except as provided by §217.88(b) of this title (relating to Sale, Transfer, or Release of Ownership of a Nonrepairable or Salvage Motor Vehicle).

(3) A person, as described by Transportation Code, §501.095(b) [other than an insurance company or salvage vehicle dealer, who acquires ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle title, a salvage vehicle title, or a comparable out-of-state ownership document], shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise transferring the motor vehicle, unless the motor vehicle will be dismantled, scrapped, or destroyed.

(c) Owner-retained vehicles.

(1) An insurance company shall comply with the requirements of Transportation Code, §501.1002 for owner retained vehicles that includes submitting the information specified in Transportation Code, §501.1002(a)(1) to the department on a prescribed form through webDealer. [When an insurance company pays a claim on a nonrepairable or salvage motor vehicle and does not acquire ownership of the motor vehicle, the company shall submit through webDEALER to the department before the 31st day after the date of the payment of the claim, on a form prescribed by the department, a report stating that:]

~~[(A) the insurance company has paid a claim on the nonrepairable or salvage motor vehicle; and]~~

~~[(B) the insurance company has not acquired ownership of the nonrepairable or salvage motor vehicle.]~~

(2) Upon receipt of the report described in paragraph (1) ~~[(2)]~~ of this subsection, the department will place an appropriate notation on the motor vehicle record to prevent registration and transfer of ownership prior to the issuance of a salvage or nonrepairable vehicle title or salvage or nonrepairable record of title.

(3) The owner who retained the nonrepairable or salvage motor vehicle to which this subsection applies shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise transferring the nonrepairable or salvage motor vehicle.

(4) The owner of an owner retained nonrepairable or salvage motor vehicle may not operate or permit operation of the motor vehicle on a public highway, until the motor vehicle is rebuilt, titled as a rebuilt salvage motor vehicle or rebuilt nonrepairable motor vehicle, if applicable, and is registered in accordance with Subchapter B of this chapter.

(d) Self-insured vehicles. The owner of a nonrepairable or salvage motor vehicle that is self-insured and that has been removed from normal operation by the owner shall apply to the department for a nonrepairable or salvage vehicle title or nonrepairable or salvage record

of title, as provided by §217.84, before the 31st day after the damage occurred, and before selling or otherwise transferring ownership of the nonrepairable or salvage motor vehicle.

(e) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company that acquires a nonrepairable or salvage motor vehicle shall apply to the department for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, in accordance with §217.84, prior to offering the motor vehicle for sale in a casual sale.

(f) Export-only vehicles. A salvage vehicle dealer, including a salvage pool operator acting as agent for an insurance company, or governmental entity that acquires a nonrepairable or salvage motor vehicle and offers it for sale to a non-United States resident shall apply to the department for a nonrepairable or salvage vehicle title, as provided by §217.84, before selling or otherwise transferring the nonrepairable or salvage motor vehicle and before delivery of the nonrepairable or salvage motor vehicle to the buyer. A salvage vehicle dealer or governmental entity shall maintain records of all export-only nonrepairable or salvage motor vehicle sales as provided by §217.88(g).

(g) Voluntary application. A person who owns or acquires a motor vehicle that is not a nonrepairable or salvage motor vehicle may voluntarily, and on proper application, as provided by §217.84, apply for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title.

§217.84. Application for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title.

(a) Place of application. The owner of a nonrepairable or salvage motor vehicle who is required to obtain or voluntarily chooses to obtain a nonrepairable or salvage vehicle title, as provided by §217.83 of this title (relating to Requirement for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title), shall apply for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title by submitting an application, the required accompanying documentation, and the statutory fee to the department.

(b) Information on application. An applicant for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title shall submit an application on a form prescribed by the department. A completed form, in addition to any other information required by the department, must include:

- (1) the name and current address of the owner;
- (2) a description of the motor vehicle, including the model year, make, body style, and vehicle identification number;
- (3) a statement describing whether the motor vehicle is a nonrepairable or salvage motor vehicle;
- (4) whether the damage was caused exclusively by flood;
- (5) a description of the damage to the motor vehicle;
- (6) the odometer reading and brand, or the word "exempt" if the motor vehicle is exempt from federal and state odometer disclosure requirements, if the motor vehicle is a salvage motor vehicle;
- (7) the name and mailing address of any lienholder and the date of lien, as provided by subsection (e) of this section; and
- (8) the signature of the applicant or the applicant's authorized agent and the date the title application was signed.

(c) Accompanying documentation. A nonrepairable or salvage vehicle title or nonrepairable or salvage record of title application must be supported, at a minimum, by:

(1) evidence of ownership, as described by subsection (d)(1) or (3) of this section, if the applicant is an insurance company that is unable to locate one or more of the owners;

(2) an odometer disclosure statement properly executed by the seller of the motor vehicle and acknowledged by the purchaser, if the motor vehicle is less than 10 model years old and the motor vehicle is a salvage motor vehicle; and

(3) a release of any liens.

(d) Evidence of nonrepairable or salvage motor vehicle ownership.

(1) Evidence of nonrepairable or salvage motor vehicle ownership properly assigned to the applicant must accompany the application for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, except as provided by paragraph (2) of this subsection. Evidence must include documentation sufficient to show ownership to the nonrepairable or salvage motor vehicle, such as:

- (A) a Texas Title;
- (B) a certified copy of a Texas Title;
- (C) a manufacturer's certificate of origin;
- (D) a Texas Salvage Certificate;
- (E) a nonrepairable vehicle title or record of title;
- (F) a salvage vehicle title or record of title;

(G) a comparable ownership document issued by another jurisdiction, except that if the applicant is an insurance company, evidence must be provided indicating that the insurance company is:

- (i) licensed to do business in Texas; or
- (ii) not licensed to do business in Texas, but has paid a loss claim for the motor vehicle in this state; or

(H) a photocopy of the inventory receipt or a title and registration verification evidencing surrender to the department of the negotiable evidence of ownership for a motor vehicle as provided by §217.86 of this title (relating to Dismantling, Scrapping, or Destruction of Motor Vehicles), and if the evidence of ownership surrendered was from another jurisdiction, a photocopy of the front and back of the surrendered evidence of ownership.

(2) An insurance company ~~[that acquires ownership or possession of a nonrepairable or salvage motor vehicle through payment of a claim] may apply for a nonrepairable or salvage vehicle title consistent with Transportation Code, §501.0925. [to be issued in the insurance company's name without obtaining an ownership document or if it received an ownership document without the proper assignment of the owner if the company is unable to obtain a title from the owner, in accordance with paragraph (1) of this subsection, and the application is not made earlier than the 30th day after the date of payment of the claim. The application must also include:]~~

~~[(A) a statement that the insurance company has provided at least two written notices to the owner and any lienholder attempting to obtain the title or proper assignment of title for the motor vehicle;]~~

~~[(B) a statement that the insurance company paid a loss claim for the vehicle that was accepted; and]~~

~~[(C) any unassigned or improperly assigned title in the insurance company's possession.]~~

~~[(3) An insurance company that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or non-~~

~~repairable motor vehicle covered by an out-of-state ownership document may obtain a salvage or nonrepairable vehicle title or salvage or nonrepairable record of title in accordance with paragraph (1) or (2) of this subsection if:]~~

~~[(A) the motor vehicle was damaged, stolen, or recovered in this state; or]~~

~~[(B) the motor vehicle owner from whom the company acquired ownership resides in this state.]~~

(3) ~~[(4)]~~ A salvage pool operator may apply for title consistent with Transportation Code, §501.0935.

(4) ~~[(5)]~~ Proof of notice under Transportation Code, §501.0935 ~~[this subsection]~~ consists of:

(A) the validated receipts for registered or certified mail and return receipt or an electronic certified mail receipt, including signature receipt; and

(B) any unopened certified letters returned by the post office as unclaimed, undeliverable, or with no forwarding address.

(e) Recordation of lien on nonrepairable and salvage vehicle titles. If the motor vehicle is a salvage motor vehicle, a new lien or a currently recorded lien may be recorded on the salvage vehicle title. If the motor vehicle is a nonrepairable motor vehicle, only a currently recorded lien may be recorded on the nonrepairable vehicle title.

(f) Issuance. Upon receipt of a completed nonrepairable or salvage vehicle title application, accompanied by the statutory application fee and the required documentation, the department will, before the sixth business day after the date of receipt, issue a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as appropriate.

(1) If the condition of salvage is caused exclusively by flood, a "Flood Damage" notation will be reflected on the face of the document and will be carried forward upon subsequent title issuance.

(2) If a lien is recorded on a nonrepairable or salvage vehicle title, the vehicle title will be mailed to the lienholder. For proof of ownership purposes, the owner will be mailed a receipt or printout of the newly established motor vehicle record, indicating a lien has been recorded.

(3) A nonrepairable vehicle title will state on its face that the motor vehicle may:

- (A) not be repaired, rebuilt, or reconstructed;
- (B) not be issued a regular title or registered in this state;
- (C) not be operated on a public highway; and
- (D) may only be used as a source for used parts or scrap metal.

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SUBCHAPTER F. MOTOR VEHICLE RECORDS

43 TAC §217.121

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §730.014, which authorizes the department to adopt rules to administer Transportation Code Chapter 730, Motor Vehicle Records Disclosure Act; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§730.014, and 1002.001.

§217.121. Purpose and Scope.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §§217.122, 217.124 - 217.127

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §730.014, which authorizes the department to adopt rules to administer Transportation Code Chapter 730, Motor Vehicle Records Disclosure Act; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE BY STATUTE. The proposed amendments would implement Transportation Code §§730.014, and 1002.001.

§217.122. Definitions.

(a) Words and terms defined in Transportation Code, Chapter 730 have the same meaning when used in this subchapter, unless the context clearly indicates otherwise.

(b) The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Department--Texas Department of Motor Vehicles.

(2) Requestor--A person as defined by Transportation Code, §730.003(5), this state, or an agency of this state seeking personal information contained in motor vehicle records directly from the department.

(3) Service agreement--A contractual agreement with the department that allows a requestor electronic motor vehicle records.

(4) Written request--A request submitted in writing, including by mail, electronic mail, electronic media, and facsimile transmission.

(5) Signature--Includes an electronic signature, as defined by Transportation Code §501.172, to the extent the department accepts such electronic signature.

(6) Batch Inquiry--Access, under a service agreement, to department motor vehicle records associated with Texas license plate numbers or vehicle identification numbers, where requests are submitted electronically to the department in a prescribed batch format. The department makes a disclosure for each record in a batch.

(7) MVInet Access--Electronic access, under a service agreement, to the department's motor vehicle registration and title database, with the ability to query records by a Texas license plate number, vehicle identification number, placard number, or current or previous document number. The department makes a disclosure each time a query of the system is made.

(8) Bulk--A disclosure by the department under Transportation Code §730.007 of at least 250 motor vehicle records containing personal information, including any of the files defined by subsection (b)(10) - (13) of this section.

(9) Bulk contract--A contractual agreement with the department for the disclosure of motor vehicle records in bulk to the requestor.

(10) Master File--A bulk file containing all the department's active and inactive registration and title records.

(11) Weekly Updates--A bulk file containing the department's new and renewed vehicle registration and title records from the previous week.

(12) Specialty Plates File--A bulk file containing Texas specialty license plate records.

(13) ePLATE file--Three separate bulk files, one containing records of license plates a dealer has assigned to vehicles in their inventory for specific uses, one containing records of license plates issued by dealers for vehicles sold to out-of-state buyers, and one containing records related to new or updated licensed plates issued by dealers for vehicles sold to in-state buyers and vehicle transfer notifications. [eTAG File--A bulk file containing records related to new or updated eTAGs, vehicle transfer notifications, and plate-to-owner records.]

(14) Dealer/Supplemental File--A pair of files, one containing records of registration and title transactions processed by dealers with the department during the previous week and another containing the dealers' information, that are only available as a supplement to a bulk contract that includes the Weekly Updates.

§217.124. Cost of Motor Vehicle Records.

(a) Standard costs. The department will charge fees in accordance with Government Code Chapter 552 and the cost rules promulgated by the Office of the Attorney General in 1 Texas Administrative Code Chapter 70 (relating to Cost of Copies of Public Information).

(b) Law enforcement. An employee of a state, federal, or local law enforcement agency is exempt from the payment of fees for motor vehicle records in subsection (c)(1) - (4) of this section if the records are necessary to carry out lawful functions of the law enforcement agency.

(c) Motor vehicle record costs:

(1) Title history - \$5.75;

(2) Certified title history - \$6.75;

(3) Title and registration verification (record search) - \$2.30; and

(4) Certified title and registration verification (record search) - \$3.30.

(d) Electronic motor vehicle records and files:

(1) Master File - \$5,000 plus \$.38 per 1,000 records;

(2) Weekly Updates - deposit of \$1,755 and \$135 per week;

(3) ePLATE file [eTAG File] - deposit of \$845 and \$65 per week;

(4) Dealer/Supplemental File - deposit of \$1,235 and \$95 per week;

(5) Specialty Plates File - deposit of \$1,235 and \$95 per week;

(6) Batch Inquiry - deposit of \$1,000, minimum balance of \$750 and \$23 per run plus \$.12 per record;

(7) MVInet Access - deposit of \$200, minimum balance of \$150 and \$23 per month plus \$.12 per record; and

(8) Scofflaw remarks (inquiry, addition, or deletion) - deposit of \$500, minimum balance of \$350 and \$23 per run plus \$.12 per record.

(e) Texas governmental entities, as defined in Government Code §2252.001, the Texas Law Enforcement Telecommunication System, toll project entities, as defined by Transportation Code §372.001, and federal governmental entities are exempt from the payment of fees, except for the fees listed in subsection (d)(1), (6), or (8) of this section.

(f) Reciprocity agreements. The department may enter into a reciprocity agreement for records access with another governmental entity that may waive some or all of the fees established in this section.

§217.125. *Additional Documentation Related to Certain Permitted Uses.*

(a) The department may require a requestor to provide reasonable assurance as to the identity of the requestor and that the use of motor vehicle records is only as authorized under Transportation Code §730.012(a). Where applicable, each requestor submitting a request for motor vehicle records shall provide documentation satisfactory to the department that they are authorized to request the information on behalf of the organization, entity, or government agency authorized to receive the information.

(b) Requestors seeking personal information from motor vehicle records from the department for a permitted use listed in this subsection must submit additional documentation.

(1) A request under Transportation Code §730.007(a)(2)(B)(ii) must include proof of a complaint submitted to a law enforcement agency or a report created by a law enforcement agency describing a complaint of a motor vehicle theft that includes the year, make, model and vehicle identification number of the motor vehicle.

(2) [(4)] A request under Transportation Code §730.007(a)(2)(C) must include the personal information the business is attempting to verify against the department's motor vehicle records and documentation sufficient to prove the requestor is a business actively licensed by, registered with, or subject to regulatory oversight by a government agency.

(3) [(2)] A request under Transportation Code §730.007(a)(2)(D) must include proof of a legal proceeding, or if no

proceeding has been initiated, proof the requestor is in anticipation of litigation relating to the request which would necessitate release of the document(s) requested.

(4) [(3)] A request under Transportation Code §730.007(a)(2)(E) must include documentation sufficient to prove the requestor is employed by an entity in the business of conducting research related to the requested information and demonstrating the employment relationship. The department has discretion in determining whether the entity is in the business of conducting research related to the requested information and in determining whether the documentation provided is sufficient to demonstrate an employment relationship.

(5) [(4)] A request under Transportation Code §730.007(a)(2)(F) must include an active license number provided by the Texas Department of Insurance or an active out-of-state license number provided by the relevant regulatory authority, an active license number the insurance support organization is working under, or proof of self-insurance.

(6) [(5)] A request under Transportation Code §730.007(a)(2)(G) must include an active license number provided by the Texas Department of Licensing and Regulation or an active out-of-state license number provided by the relevant regulatory authority.

(7) [(6)] A request under Transportation Code §730.007(a)(2)(H) must include an active license number provided by the Texas Department of Public Safety or an active out-of-state license number provided by the relevant regulatory authority.

(8) [(7)] A request under Transportation Code §730.007(a)(2)(I) must include a copy of an active commercial driver's license.

(9) [(8)] A request under Transportation Code §730.007(a)(2)(J) must include documentation to relate the requested personal information with the operation of a toll transportation facility or another type of transportation project as described by Transportation Code §370.003.

(10) [(9)] A request under Transportation Code §730.007(a)(2)(K) must include documentation on official letterhead indicating a permitted use for personal information, as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et. Seq.).

(11) [(10)] A request under Transportation Code §730.007(a)(2)(L) must include an active license number of a manufacturer, dealership, or distributor issued by the department or an active out-of-state license number provided by the relevant regulatory authority.

(12) [(11)] A request under Transportation Code §730.007(a)(2)(M) must include an active license or registration number of a salvage vehicle dealer, an independent motor vehicle dealer, or a wholesale motor vehicle dealer issued by the department; or an active license issued by the Texas Department of Licensing and Regulation to a used automotive parts recycler; or other proof that the requestor is subject to regulatory oversight by an entity listed in Transportation Code §730.007(a)(2)(M)(iv).

(c) The department may require a requestor to provide additional information to clarify the requestor's use of the personal information under Transportation Code Chapter 730, if the reasonable assurances provided with the request are not satisfactory to the department.

§217.126. *Limitations on Redislosure.*

(a) Authorized recipients may only rediscover personal information consistent with Transportation Code §730.013 [from depart-

ment motor vehicle records to other authorized recipients and not in the identical or substantially identical format as disclosed by the department].

(b) The department may request information regarding how a person to whom the authorized recipient may redisclose personal information represents to the authorized recipient that the person has a permitted use under Transportation Code §730.007.

~~[(c) Any authorized recipient redisclosing personal information from department motor vehicle records must inform the person to whom they are redisclosing of their obligations under Transportation Code Chapter 730 and this subchapter.]~~

~~(c) [(d)] An authorized recipient who resold personal information from department motor vehicle records prior to June 18, 2021, is subject to the limitations in this section for that resale.~~

§217.127. Records Maintained by Recipients Who Redisclose Personal Information.

(a) Authorized recipients who redisclose personal information from department motor vehicle records are required to maintain records of that transaction for a period not less than five years and must include:~~[-]~~

~~[(b)] [Records must be maintained for not less than five years and must include:]~~

(1) the name and contact information of any person to whom the authorized recipient redisclosed personal information from the department motor vehicle records, including both the individual's name and the organization or entity with which the individual is associated, when known;

(2) the person's permitted use under Transportation Code §730.007 for the personal information from the department motor vehicle records, and any documentation the authorized recipient received related to the person's permitted use;

(3) the quantity of motor vehicle records redisclosed to the person under each permitted use;

(4) a statement specifying what data was redisclosed and in what format; and

(5) documentation of any agreement between the authorized recipient and the person to whom the authorized recipient redisclosed personal information from department motor vehicle records.

~~(b) [(e)] An authorized recipient who resold personal information from department motor vehicle records prior to June 18, 2021, must maintain records of those transactions for five years.~~

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SUBCHAPTER G. INSPECTIONS

43 TAC §217.141

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; Transportation Code, §731.002, which authorizes the board to adopt rules to administer Transportation Code, Chapter 731, Assembled Vehicles; Transportation Code, §731.101, which provides the board by rule establish procedures and requirements for the inspection of assembled vehicles; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§501.0041, 731.002, 731.101, and 1002.001.

§217.141. Purpose and Scope.

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43 TAC §217.143

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code, §731.002, which authorizes the board to adopt rules to administer Transportation Code, Chapter 731, Assembled Vehicles; Transportation Code, §731.101, which provides that the board by rule establish procedures and requirements for the inspection of assembled vehicles; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§731.002, 731.101 and 1002.001.

§217.143. Inspection Requirements.

(a) On initial titling of an assembled vehicle under Transportation Code Chapter 731, and Subchapter L of this title (relating to Assembled Vehicles), with the exception of an assembled motorcycle, assembled trailer, and glider kit, an applicant must provide proof, on a form prescribed by the department, of a safety inspection performed by a master technician.

~~[(b) In addition to the requirement under subsection (a) of this section, an owner applying for initial registration of a custom vehicle or street rod must provide proof, on a form prescribed by the department, of a safety inspection performed by a master technician under this section as required under Transportation Code §504.501(e).]~~

(b) ~~[(e)]~~ The inspection must meet the minimum requirements under Transportation Code, §731.102 to evaluate the structural integrity and proper function of the equipment.

(c) [(d)] The inspector must certify that:

- (1) the vehicle and equipment are structurally stable;
- (2) the vehicle and equipment meet the necessary conditions to be operated safely on the roadway;
- (3) equipment used in the construction of the vehicle, for which a federal motor vehicle safety standard exists, complies with the applicable standard; and
- (4) if the vehicle is a custom vehicle or street rod, the vehicle is equipped and operational with all equipment required by statute as a condition of sale during the year the vehicle was manufactured or resembles.

(d) [(e)] The inspection of an assembled vehicle required under subsection (a) of this section is in addition to all other required inspections including an inspection required under Transportation Code Chapter 548.

(e) [(f)] The applicant must pay all fees to the master technician for the inspection of an assembled vehicle required under subsection (a) of this section, including any reinspection.

(f) [(g)] In addition to the fees in subsection (f) of this section, the applicant must pay all applicable fees for other required inspections as required by law, including any applicable inspection or reinspection required under Transportation Code Chapter 548.

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SUBCHAPTER H. DEPUTIES

43 TAC §217.161

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §520.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 520, Miscellaneous Provisions; Transportation Code, §520.0071, which provides that the board by rule shall prescribe the classification types of deputies performing titling and registration duties; the duties and obligations of deputies; the type and amount of any bonds that may be required by a county assessor-collector for a deputy to perform titling and registration duties; and the fees that may be charged or retained by deputies, and Transportation Code, §1002.001, which authorizes the department to adopt rules that are necessary and appropriate to implement the powers and the duties of the department as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§520.003; 520.0071, and 1002.001.

§217.161. *Purpose and Scope.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER I. PROCESSING AND HANDLING FEES

43 TAC §217.181

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §502.0021, which gives the department authority to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers of the department, as well as the statutes throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§502.0021 and 1002.001

§217.181. *Purpose and Scope.*

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SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM

43 TAC §217.201

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §520.003, which authorizes the department to adopt rules to administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code §520.004, which authorizes the department by rule to establish standards for uniformity and service quality for counties; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§520.003, 520.004, and 1002.001.

§217.201. Purpose and Scope.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Laura Moriarty

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Texas Department of Motor Vehicles

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For further information, please call: (512) 465-4160



43 TAC §217.204

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §520.003, which authorizes the department to adopt rules to administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code §520.004, which authorizes the department by rule to establish standards for uniformity and service quality for counties; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§520.003, 520.004, and 1002.001.

§217.204. Applications.

(a) Application deadline. A [If a] county tax assessor-collector may [chooses to] apply for a recognition level or [to apply for] a higher level of recognition under the Performance Quality Recognition Program by submitting[; the county tax assessor-collector must submit] an application to the department during their [any year of the county tax assessor-collector's] term of office. The application must be received by the department or postmarked no later than October 31st.

(b) Application from a successor county tax assessor-collector. A successor county tax assessor-collector is not eligible for a recognition level until after serving as the county tax assessor-collector during an entire state fiscal year, which is September 1st through August 31st.

(c) Application for a higher level of recognition.

(1) If a county tax assessor-collector obtains a recognition level and chooses to apply for a higher level of recognition during the term of the existing recognition level, the county tax assessor-collector is not eligible to apply for a higher level until after serving as the county tax assessor-collector during an entire state fiscal year subsequent to the state fiscal year for which the existing recognition level was awarded.

(2) If the department demotes a county tax assessor-collector's recognition level, the county tax assessor-collector is not eligible to apply for a higher level of recognition until after serving as the county tax assessor-collector during an entire state fiscal year subsequent to the state fiscal year during which the existing recognition level was demoted.

(d) Application for a recognition level after revocation of recognition level. If the department revokes a county tax assessor-collector's recognition level, the county tax assessor-collector is not eligible to apply for a recognition level until after serving as the county tax assessor-collector during an entire state fiscal year subsequent to the state fiscal year during which the recognition level was revoked.

(e) Application form. The application must be submitted on a form prescribed by the department.

(f) Signature on application. The county tax assessor-collector must sign the application.

(g) Additional information, documentation, or clarification. At the department's discretion, the department may request additional information, documentation, or clarification from the county tax assessor-collector after the department receives an application. The department shall provide the county tax assessor-collector with a deadline to respond to the request.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER K. ELECTRONIC SIGNATURES

43 TAC §217.301

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; Transportation Code, §501.174, which provides the department by rule establish a process to accept electronic signatures on secure documents that have been electronically signed through a system not controlled by the department; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§501.0041, 501.174, and 1002.001.

§217.301. Purpose and Scope.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER L. ASSEMBLED VEHICLES

43 TAC §217.401

STATUTORY AUTHORITY. The department proposes a repeal to Chapter 217 under Transportation Code §731.002, which authorizes the board to adopt rules to administer Transportation Code Chapter 731, Assembled Vehicles; Transportation Code, §731.052, which provides the board by rule shall establish procedures and requirements for issuance of a title for and registration of an assembled vehicle; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This proposed repeal would implement Transportation Code §§731.002, 731.052, and 1002.001.

§217.401. *Purpose and Scope.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §217.402, §217.404

STATUTORY AUTHORITY. The department proposes amendments to Chapter 217 under Transportation Code §731.002, which authorizes the board to adopt rules to administer Transportation Code Chapter 731, Assembled Vehicles; Transportation Code, §731.052, which provides the board by rule shall establish procedures and requirements for issuance of a title for and registration of an assembled vehicle; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code §§731.002, 731.052, and 1002.001.

§217.402. *Definitions.*

(a) The definitions in Transportation Code §731.001, apply to this subchapter.

(b) The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Applicant--a person applying for title to an assembled vehicle who:

(A) is a hobbyist;

(B) is the owner of an assembled vehicle that has not been previously titled as an assembled vehicle; or

(C) purchased an assembled vehicle constructed and designated by the manufacturer as a replica, custom vehicle, street rod, or glider kit.

(2) Basic component part--the motor, body, and frame of an assembled vehicle, as applicable to the type of assembled vehicle. This term is a subset of "major component part" as defined in Transportation Code §501.091, but the term "basic component part" is not applicable in determining whether a vehicle qualifies as a custom vehicle or street rod under Transportation Code §504.501(f), which is the purpose of the term "major component part."

(3) Continuous sale--is offering for sale or the sale of five or more assembled vehicles of the same type in a calendar year when such vehicles are not owned and titled in the name of the owner.

(4) Manufacturer--is a person that builds an assembled vehicle and is not a hobbyist, has the meaning as defined in Occupations Code §2301.002, and is subject to the requirements of that chapter applicable to manufacturers, including sale through a franchise dealer network.

(5) Personal use--is the construction of an assembled vehicle by a hobbyist for use by the hobbyist.

(c) For purposes of this subchapter, a glider kit issued a title with a "RECONSTRUCTED" remark is a replica.

§217.404. *Initial Application for Title.*

(a) An applicant must submit to the department a complete application for title. The application may be submitted in person, by mail, or electronically, to the department. The application must include:

(1) photographs of the front, rear, and side of the assembled vehicle, and if a replica, a photograph of what the vehicle is a replica of;

(2) evidence of ownership of the basic component parts of the assembled vehicle as described in §217.405 of this subchapter (relating to Evidence of Ownership), as applicable to the type of assembled vehicle;

(3) if applicable, proof, on a form prescribed by the department, of a safety inspection required under §217.143 of this chapter (relating to Assembled Vehicle Inspection Requirements), and Transportation Code §731.101;

(4) if applicable, a copy of the Automobile and Light Truck certification, or a successor certification, for the master technician who completed the inspection described in paragraph (3) of this subsection;

(5) a copy of the inspection that may be required under Transportation Code Chapter 548 if the assembled vehicle is to be registered for operation on the roadway;

(6) a Rebuilt Vehicle Statement;

(7) if applicable, a weight certificate;

(8) identification as required in §217.5(d) of this chapter (relating to Evidence of Motor Vehicle Ownership); and

(9) any of the following means to establish the vehicle identification number:

(A) an Application for Assigned or Reassigned Number, and Notice of Assigned Number or Installation of Reassigned Vehicle Identification Number, on forms prescribed by the department;

(B) an Application for Assigned or Reassigned Number, establishing the vehicle identification number assigned by the manufacturer of the component part by which the assembled vehicle will be identified;

(C) acceptable proof, as established by the department, of a vehicle identification number assigned by the maker of the kit used to construct the assembled vehicle; or

(D) acceptable proof, as established by the department, of a vehicle identification number assigned by the manufacturer of the replica, custom vehicle, street rod, or glider kit.

(b) Following receipt of all information required under subsection (a) of this section, the department will review the application for completeness and to determine if the vehicle meets assembled vehicle qualifications under Transportation Code, Chapter 731.

(c) If the department determines that the application is complete and the vehicle meets assembled vehicle qualifications, the department will issue a letter to the applicant on department letterhead, stating that the application is complete and that the vehicle qualifies as an assembled vehicle. The letter shall include a list of the supporting documents and information identified in subsection (d)(2) of this section.

(d) Following receipt of the department's letter described in subsection (c) of this section, the applicant may then submit the letter and the completed application to the county tax assessor-collector for processing. The application must include:

- (1) the department-issued letter described in subsection (c) of this section;
- (2) copies of all items required to be submitted to the department in subsection (a)(1) - (9) of this section; and
- (3) the requirements as identified in §217.23 of this chapter (relating to Initial Application for Vehicle Registration) if obtaining registration.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 218. MOTOR CARRIERS

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Subchapter A, General Provisions, §218.2; amendments to Subchapter B, Motor Carrier Registration, §218.13 and §218.14, and the repeal of §218.11. These amendments are necessary to aid the regulated community's understanding of the state's expectations for maintenance of a valid United States Department of Transportation (USDOT) number; to remove provisions that are unnecessarily repetitive of statute and cross-references to those provisions; and to conform the rules to the department's current procedures with respect to social security numbers as an application requirement for sole proprietors.

EXPLANATION.

A proposed amendment to §218.2 would update the definition of "USDOT number" to include a reference to the related statutory provision, Texas Transportation Code, §643.064, for clarity and ease of reference. This change is necessary because the department proposes to repeal §218.11, which essentially restates

Transportation Code, §643.051 and §643.064. The proposed amendments to the definition of "USDOT number" would ensure that in the absence of §218.11, a reader will still be able to identify and understand the statutory requirement under Transportation Code, §643.064, for commercial motor carriers in Texas to have an active USDOT number. Citing the related statutory provision within the rule would aid in public understanding and provide a useful reference to the underlying law without unnecessarily repeating statutory language.

A proposed repeal of §218.11 would streamline the department's rules by eliminating provisions that are identical to statutory language. The language in §218.11(a) and (b) is an unnecessary restatement of Transportation Code, §643.051 and §643.064. Relevant language from Transportation Code, §643.064, which is currently in §218.11(c), is proposed to be incorporated into §218.13. In addition, the proposed definition of "USDOT number" in §218.2 would cite to Transportation Code, §643.064 for clarity and ease of reference, as discussed above.

Proposed amendments to §218.13(a)(1) would clarify the department's expectations for compliance related to the USDOT number, incorporating and elaborating on language from proposed repealed §218.11(c) regarding how the department defines a "valid" USDOT number. To be considered "valid," the USDOT number must be active and be the same as the USDOT number used in the carrier's application as long as the carrier is operating under intrastate authority granted by the department. The proposed amendment would inform carriers of the requirement to maintain their USDOT number, and thereby aid in compliance.

In addition, recent Texas Attorney General Opinion No. KP-0516 highlighted the strict mandate in place for a licensing authority such as the department to collect social security numbers (SSN) from an applicant for an individual occupational license under Texas Family Code, §231.302(c)(1), which includes a sole proprietor motor carrier who applies for a certificate of registration for intrastate operating authority. Accordingly, the department proposes to amend §218.13(a)(3)(B) to clarify that a sole proprietor applying for motor carrier registration must provide an SSN in the application. While this has consistently been department practice, the current wording of §218.13(a)(3)(B) could be read to mean that a sole proprietor could provide an Individual Taxpayer Identification Number rather than an SSN. Thus, the proposed amendment would state plainly that providing an SSN is the only option available for a sole proprietor applying for motor carrier registration in Texas.

The proposed amendments to §218.14(c) would remove cross-references to §218.11, which is proposed for repeal. The proposed amendments would replace those cross-references with citations to Transportation Code, §643.051, which requires commercial motor carriers to register with the department, and to Transportation Code, §643.054(a), which give the department the authority to issue motor carrier registration in Texas. These amendments would clarify the rule and prevent any confusion following the repeal of §218.11.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chris Hayden, Chief Financial Officer, has determined that for each year of the first five years the amendments and repeal will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Clint Thompson, Director of the Motor Carrier Division (MCD), has determined that there will be no measurable

effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Mr. Thompson has also determined that, for each year of the first five years the repealed and amended sections would be in effect, there are several public benefits anticipated because motor carriers would have clear guidance regarding the requirement for a social security number for motor carrier registration application by a sole proprietor, and the requirement for a registered motor carrier to maintain an active USDOT number. In addition, the rules as proposed would aid the regulated community by making the rules easier to read and navigate through, by eliminating text that is unnecessarily repetitive of statute.

Anticipated Costs to Comply with the Proposal. Mr. Thompson anticipates that there will be no costs to comply with these rules. The proposed rules would clarify existing law and practice, rather than add new compliance activities.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by the Government Code, §2006.002, the department has determined that the proposed amendments and repeal will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because the rule changes do not add new requirements and do not have any differential impact on small businesses, micro-businesses, or rural communities. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code, §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that for each year of the first five years the proposed amendments and repealed section would be in effect, no government program would be created or eliminated. Implementation of the proposed amendments and repeal would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease in fees paid to the department. The proposed amendments would not create a new regulation or expand existing regulations. The proposed amendments to §218.13 would limit an existing regulation by removing any possibility that it could be interpreted to allow sole proprietor applicants for motor carrier registration to use an ITIN as an alternative to an SSN in their applications. The proposed repeal of §218.11 is technically a repeal of an existing regulation, but the enforceable requirements of that rule will continue to exist in Transportation Code, §§ 643.051, 643.054, and 643.064, and 43 TAC §218.13, if amended as proposed. Lastly, the proposed amendments and repeal would not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on July 27, 2026. The department requests information related to the cost, benefit, or effect of the

proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §218.2

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes to amend §218.2 under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. The proposed amendment would implement Transportation Code, §643.003, §643.064 and §1002.001.

§218.2. Definitions.

(a) The definitions contained in Transportation Code, Chapter 643 apply to this chapter. In the event of a conflict with this chapter, the definitions contained in Transportation Code, Chapter 643 control; however, the definition of the word "director" in this section controls over the definition in Transportation Code, Chapter 643.

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Advertisement**--An oral, written, graphic, or pictorial statement or representation made in the course of soliciting intrastate household goods transportation services, including, without limitation, a statement or representation made in a newspaper, magazine, or other publication, or contained in a notice, sign, poster, display, circular, pamphlet, or letter, or on radio, the Internet, or via an online service, or on television. The term does not include direct communication between a household goods carrier or carrier's representative and a prospective shipper, and does not include the following:

(A) promotional items of nominal value such as ball caps, tee shirts, and pens;

(B) business cards;

(C) listings not paid for by the household goods carrier or its household goods carrier's agent; and

(D) listings of a household goods carrier's business name or assumed name as it appears on the motor carrier certificate of registration, and the household goods carrier's address, and contact information in a directory or similar publication.

(2) **Approved association**--A group of household goods carriers, its agents, or both, that has an approved collective ratemaking agreement on file with the department under §218.64 of this title (relating to Rates).

(3) **Binding proposal**--A written offer stating the exact price for the transportation of specified household goods and any related services.

(4) **Board**--Board of the Texas Department of Motor Vehicles.

(5) Certificate of insurance--A certificate prescribed by and filed with the department in which an insurance carrier or surety company warrants that a motor carrier for whom the certificate is filed has the minimum coverage as required by §218.16 of this title (relating to Insurance Requirements).

(6) Certificate of registration--A certificate issued by the department to a motor carrier and containing a unique number.

(7) Certified scale--Any scale designed for weighing motor vehicles, including trailers or semitrailers not attached to a tractor, and certified by an authorized scale inspection and licensing authority. A certified scale may also be a platform-type or warehouse-type scale properly inspected and certified.

(8) Commercial motor vehicle--As defined in Transportation Code, §548.001. The definition for commercial motor vehicle does not include:

(A) a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds;

(B) a cotton vehicle registered under Transportation Code, §504.505;

(C) a vehicle registered with the Railroad Commission under Natural Resources Code, §113.131 and §116.072;

(D) a vehicle operated by a governmental entity;

(E) a motor vehicle exempt from registration by the Unified Carrier Registration Act of 2005; and

(F) a tow truck, as defined by Occupations Code, §2308.002.

(9) Conspicuous--Written in a size, color, and contrast so as to be readily noticed and understood.

(10) Conversion--A change in an entity's organization that is implemented with a Certificate of Conversion issued by the Texas Secretary of State under Business Organizations Code, §10.154.

(11) Director--The director of the department's Motor Carrier Division, whom the executive director of the department designated as the director under Transportation Code, §643.001(2).

(12) Estimate--An informal oral calculation of the approximate price of transporting household goods.

(13) Farmer--A person who operates a farm or is directly involved in cultivating land, crops, or livestock that are owned by or are under the direct control of that person.

(14) Farm vehicle--A commercial motor vehicle that is:

(A) controlled and operated by a farmer to transport either:

(i) agricultural products; or

(ii) farm machinery, farm supplies, or both, to and from a farm;

(B) not being used in the operation of a for-hire motor carrier;

(C) not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 C.F.R. §177.823; and

(D) being used within 150 air-miles of the farmer's farm.

(15) FMCSA--Federal Motor Carrier Safety Administration.

(16) For-hire motor carrier--A motor carrier that provides transportation of persons or cargo for compensation in one or more motor vehicles.

(17) Foreign commercial motor vehicle--As defined in Transportation Code, §648.001.

(18) Gross weight rating--The maximum loaded weight of any combination of truck, tractor, and trailer equipment as specified by the manufacturer of the equipment. If the manufacturer's rating is unknown, the gross weight rating is the greater of:

(A) the actual weight of the equipment and its lading; or

(B) the maximum lawful weight of the equipment and its lading.

(19) Household goods agent--A motor carrier who transports household goods on behalf of another motor carrier.

(20) Household goods carrier--A motor carrier who transports household goods for compensation, regardless of the size of the vehicle.

(21) Inventory--A list of the items in a household goods shipment and the condition of the items.

(22) Leasing business--A person that leases vehicles requiring registration under Subchapter B of this chapter to a motor carrier that must be registered.

(23) Mediation--A non-adversarial form of alternative dispute resolution in which an impartial person, the mediator, facilitates communication between two parties to promote reconciliation, settlement, or understanding.

(24) Motor Carrier or carrier--As defined in Transportation Code, §643.001(6).

(25) Motor transportation broker--As defined in Transportation Code, §646.001.

(26) Moving services contract--A contract between a household goods carrier and shipper, such as a bill of lading, receipt, order for service, or work order, that sets out the terms of the services to be provided.

(27) Multiple user--An individual or business who has a contract with a household goods carrier and who used the carrier's services more than 50 times within the preceding 12 months.

(28) Not-to-exceed proposal--A formal written offer stating the maximum price a shipper can be required to pay for the transportation of specified household goods and any related services. The offer may also state the non-binding approximate price. Any offer based on hourly rates must state the maximum number of hours required for the transportation and related services unless there is an acknowledgment from the shipper that the number of hours is not necessary.

(29) Principal business address--A single location that serves as a motor carrier's headquarters and where it maintains its operational records or can make them available.

(30) Print advertisement--A written, graphic, or pictorial statement or representation made in the course of soliciting intrastate household goods transportation services, including, without limitation, a statement or representation made in or contained in a newspaper, magazine, circular, or other publication. The term does not include

direct communication between a household goods carrier or carrier's representative and a prospective shipper, and does not include the following:

- (A) promotional items of nominal value such as ball caps, tee shirts, and pens;
 - (B) business cards;
 - (C) Internet websites;
 - (D) listings not paid for by the household goods carrier or its household goods carrier's agent; and
 - (E) listings of a household goods carrier's business name or assumed name as it appears on the motor carrier certificate of registration, and the household goods carrier's address, and contact information in a directory or similar publication.
- (31) Public highway--Any publicly owned and maintained street, road, or highway in this state.
- (32) Replacement vehicle--A vehicle that takes the place of another vehicle that has been removed from service.
- (33) Revocation--The withdrawal of registration and privileges by the department or a registration state.
- (34) Shipper--The owner of household goods or the owner's representative.
- (35) Short-term lease--A lease of 30 days or less.
- (36) Substitute vehicle--A vehicle that is leased from a leasing business and that is used as a temporary replacement for a vehicle that has been taken out of service for maintenance, repair, or any other reason causing the temporary unavailability of the permanent vehicle.
- (37) Suspension--Temporary removal of privileges granted to a registrant by the department or a registration state.
- (38) Unified Carrier Registration System or UCR--A motor vehicle registration system established under 49 U.S.C. §14504a or a successor federal registration program.
- (39) USDOT--United States Department of Transportation.
- (40) USDOT number--A unique [An] identification number issued by or under the authority of the FMCSA or its successor and required under Texas Transportation Code §643.064 for specified motor carriers.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER B. MOTOR CARRIER REGISTRATION

43 TAC §218.11

STATUTORY AUTHORITY. The department proposes the repeal of §218.11 under Transportation Code §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; and Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. The proposed repeal would implement Transportation Code, Chapter 643.

§218.11. Motor Carrier Registration.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §218.13, §218.14

STATUTORY AUTHORITY. The department proposes amendments to §218.13 and §218.14 under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; Family Code, §231.302, which compels licensing authorities like the department to collect social security numbers from an individual applicant for a professional license; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; and Government Code §2001.004(1), which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code, §§643.003, 643.051, 643.052, 643.054, 643.064, and 1002.001; Family Code, §231.302; and Government Code, §2001.004(1).

§218.13. Application for Motor Carriers Registration.

(a) Form of original application. An original application for motor carrier registration must be filed electronically in the department's designated motor carrier registration system, must be in the form prescribed by the director and must contain, at a minimum, the following information and documents.

(1) USDOT number. A valid USDOT number issued to the applicant. To be valid, the USDOT number must be active while the carrier is operating on a public highway of this state and must be the same as the USDOT number included in the motor carrier's application for registration.

(2) Applicant information and documents. All applications must include the following information and documents:

(A) The applicant's name, business type (e.g., sole proprietor, corporation, or limited liability company), telephone number, email address, and Secretary of State file number, as applicable. The applicant's name and email address must match the information the applicant provided to FMCSA to obtain the USDOT number that the applicant provided in its application to the department.

(B) An application submitted by an entity, such as a corporation, general partnership, limited liability company, limited liability corporation, limited partnership, or partnership, must include the entity's Texas Comptroller's Taxpayer Number or the entity's Federal Employer Identification Number.

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

(i) The certificate of filing, certificate of incorporation, or certificate of registration on file with the Texas Secretary of State; and

(ii) each assumed name certificate on file with the Secretary of State or county clerk.

(3) Information and documents regarding applicant's owners, representatives, and affiliates. All applications must include the following information and documents on the applicant's owners, representatives, and affiliates, as applicable:

(A) The contact name, email address, and telephone number of the person submitting the application.

(B) The name, social security number or Individual Taxpayer Identification Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of birth, business address, and ownership percentage for each owner, partner, member, or principal if the applicant is not a publicly traded company. Notwithstanding any other provision, if the motor carrier is a sole proprietorship, the owner must indicate the owner's social security number.

(C) The name, social security number or Individual Taxpayer Identification Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of birth, and business address for the following if the applicant is owned in full or in part by a legal entity:

(i) each officer, director, or trustee authorized to act on behalf of the applicant; and

(ii) each manager or representative who has or exercises authority to direct some or all of the applicant's operational policy regarding compliance with applicable laws regarding a motor carrier, excluding sales functions, on behalf of the applicant.

(D) 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.

(E) The name, social security number or Individual Taxpayer Identification Number (to the extent the natural person is authorized by law to obtain one of these numbers), date of birth, and business address for each person who serves or will serve as the applicant's manager, operator, or representative who has or exercises authority to direct some or all of the applicant's operational policy regarding compliance with applicable laws regarding a motor carrier, excluding sales functions.

(F) A legible and accurate electronic image of at least one of the following unexpired identity documents for each natural person identified in the application:

(i) a driver license issued by a state or territory of the United States. If the driver license was issued by the Texas Department of Public Safety, the image must also include the audit number listed on the Texas driver license;

(ii) Texas identification card issued by the Texas Department of Public Safety under Transportation Code, Chapter 521,

Subchapter E, or an identification certificate issued by a state or territory of the United States;

(iii) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(iv) United States passport; or

(v) United States military identification.

(4) Principal business address and mailing address. The applicant must provide the applicant's principal business address, which must be a physical address. If the mailing address is different from the principal business address, the applicant must also provide the applicant's mailing address.

(5) Legal agent.

(A) A Texas-domiciled motor carrier must provide the name, telephone number, and address of a legal agent for service of process if the agent is different from the motor carrier.

(B) A motor carrier domiciled outside Texas must provide the name, telephone number, and Texas address of the legal agent for service of process.

(C) A legal agent for service of process shall be a Texas resident, a domestic corporation, or a foreign corporation authorized to transact business in Texas with a Texas physical address, rather than a post office box, for service of process.

(6) Description of vehicles. An application must include a motor carrier equipment report identifying each motor vehicle that requires registration and that the carrier proposes to operate. Each motor vehicle must be identified by its vehicle identification number, make, model year, and type of cargo and by the unit number assigned to the motor vehicle by the motor carrier. Any subsequent registration of vehicles must be made under subsection (e) of this section.

(7) Type of motor carrier operations. An applicant must state if the applicant proposes to transport passengers, household goods, or hazardous materials.

(8) Insurance coverage. An applicant must indicate insurance coverage as required by §218.16 of this title (relating to Insurance Requirements).

(9) Safety certification. Each motor carrier must complete, as part of the application, a certification stating that the motor carrier knows and will conduct operations in accordance with all federal and state safety regulations.

(10) Drug-testing certification. Each motor carrier must certify, as part of the application, that the motor carrier is in compliance with the drug-testing requirements of 49 C.F.R. Part 382. If the motor carrier belongs to a consortium, as defined by 49 C.F.R. Part 382, the applicant must provide the names of the persons operating the consortium.

(11) Duration of registration.

(A) An applicant must indicate the duration of the desired registration. Except as provided otherwise in this section, registration may be for seven calendar days, 90 calendar days, one year, or two years. The duration of registration chosen by the applicant will be applied to all vehicles.

(i) Household goods carriers may not obtain seven-day or 90-day certificates of registration.

(ii) Motor carriers that transport passengers in a commercial motor vehicle as defined by Transportation Code,

§548.001(1)(B) may not obtain seven-day or 90-day certificates of registration, unless approved by the director.

(B) Interstate motor carriers that operate in intrastate commerce and meet the requirements under §218.14(c) of this title (relating to Expiration and Renewal of Commercial Motor Vehicles Registration) are not required to renew a certificate of registration issued under this section.

(12) Additional requirements. The following fees, documents, and information must be submitted with the application.

(A) An application must be accompanied by an application fee of:

- (i) \$100 for annual and biennial registrations;
- (ii) \$25 for 90-day registrations; or
- (iii) \$5 for seven-day registrations.

(B) An application must be accompanied by a vehicle registration fee of:

- (i) \$10 for each vehicle that the motor carrier proposes to operate under a seven-day, 90-day, or annual registration; or
- (ii) \$20 for each vehicle that the motor carrier proposes to operate under a biennial registration.

(C) An application must be accompanied by proof of insurance or financial responsibility and the insurance filing fee as required by §218.16.

(D) An application must include the completed New Applicant Questionnaire (Applicant Questionnaire), which consists of questions and requirements, such as the following:

(i) Have you ever had another motor carrier certificate of registration number issued by the department in the three years prior to the date of this application? If your answer is yes, provide the certificate of registration number for the motor carrier(s). In the Applicant Questionnaire, the word "you" means the applicant or any business that is operated, managed, or otherwise controlled by or affiliated with the applicant or a family member, corporate officer, manager, operator, or owner (if the business is not a publicly traded company) of the applicant. In the Applicant Questionnaire, the word "manager" means a person who has or exercises authority to direct some or all of the applicant's operational policy regarding compliance with applicable laws regarding a motor carrier, excluding sales functions.

(ii) Have you had a Compliance Review or a New Entrant Audit by the Texas Department of Public Safety that resulted in an Unsatisfactory Safety Rating in the three years prior to the date of your application? If your answer is yes, provide the USDOT number(s) and the certificate of registration number(s) issued by the department.

(iii) Are you currently under an Order to Cease from the Texas Department of Public Safety? If your answer is yes, provide the motor carrier's USDOT number(s) and the Carrier Profile Number(s). The Texas Department of Public Safety assigns a Carrier Profile Number (CP#) when they perform a compliance review on a motor carrier's operations to determine whether the motor carrier meets the safety fitness standards.

(iv) Are you related to another motor carrier, or have you been related to another motor carrier within the three years prior to the date of your application? The relationship may be through a person (including a family member), corporate officer, or partner who also operates or has operated as a motor carrier in Texas. If your answer is yes, state how you are related and provide the motor carrier's name

and the motor carrier's USDOT number, or the certificate of registration number issued by the department for each related motor carrier.

(v) Do you currently owe any administrative penalties to the department, regardless of when the final order was issued to assess the administrative penalties? If your answer is yes, provide the following information under which the administrative penalties were assessed:

(I) department's notice number(s); and

(II) the motor carrier's USDOT number and certificate of registration number issued by the department;

(vi) Name and title of person completing the Applicant Questionnaire; and

(vii) Is the person completing the Applicant Questionnaire an authorized representative of the applicant? If your answer is yes, please add the person's name, job title, phone number, and address.

(E) An applicant must state if the applicant is domiciled in a foreign country.

(F) An application must include a certification that the information and documents provided in the application are true and correct and that the applicant complied with the application requirements under Chapter 218 of this title (relating to Motor Carriers) and Transportation Code, Chapter 643.

(G) An application must be accompanied by any other information and documents required by the department to evaluate the application under current law, including board rules.

(13) Additional requirements for household goods carriers. The following information, documents, and certification must be submitted with all applications by household goods carriers:

(A) A copy of the tariff that sets out the maximum charges for transportation of household goods, or a copy of the tariff governing interstate transportation services. If an applicant is governed by a tariff that its association has already filed with the department under §218.65 of this title (relating to Tariff Registration), the applicant complies with the requirement in this subparagraph by checking the applicable box on the application to identify the association's tariff.

(B) If the motor vehicle is not titled in the name of the household goods carrier, the following lease information and documentation, notwithstanding §218.18(a) of this title (relating to Short-term Lease and Substitute Vehicles):

(i) a copy of a valid lease agreement for each motor vehicle that the household goods carrier will operate; and

(ii) the name of the lessor and their USDOT number for each motor vehicle leased to the household goods carrier under a short-term lease.

(C) A certification that the household goods carrier has procedures that comply with Code of Criminal Procedure, Article 62.063(b)(3), which prohibits certain people who are required to register as a sex offender from providing moving services in the residence of another person without supervision.

(14) Additional requirements for passenger carriers. The following information and documents must be submitted with all applications for motor carriers that transport passengers in a commercial motor vehicle as defined by Transportation Code, §548.001(1)(B):

(A) If the commercial motor vehicle is titled in the name of the motor carrier, a copy of the International Registration Plan registration receipt or a copy of the front and back of the title for each commercial motor vehicle; or

(B) If the commercial motor vehicle is not titled in the name of the motor carrier, the following lease information and documentation, notwithstanding §218.18(a) of this title:

(i) A copy of a valid lease agreement for each commercial motor vehicle; and

(ii) The name of the lessor and their USDOT number for each commercial motor vehicle leased to the motor carrier under a short-term lease.

(b) Conditional acceptance of application. If an application has been conditionally accepted by the director pursuant to Transportation Code, §643.055, the applicant may not operate the following until the department has issued a certificate under Transportation Code, §643.054:

(1) a commercial motor vehicle or any other motor vehicle to transport household goods for compensation, or

(2) a commercial motor vehicle to transport persons or cargo.

(c) Approved application. An applicant meeting the requirements of this section and whose registration is approved shall be issued the following documents:

(1) Certificate of registration. The department shall issue a certificate of registration. The certificate of registration must contain the name and address of the motor carrier and a single registration number, regardless of the number of vehicles requiring registration that the carrier operates.

(2) Insurance cab card. The department shall issue an insurance cab card listing all vehicles to be operated under the carrier's certificate of registration. The insurance cab card shall be continuously maintained at the motor carrier's principal business address. The insurance cab card must be valid for the same period as the motor carrier's certificate of registration and shall contain information regarding each vehicle registered by the motor carrier.

(A) A current copy of the page of the insurance cab card on which the vehicle is shown shall be maintained in each vehicle listed, unless the motor carrier chooses to maintain a legible and accurate image of the insurance cab card on a wireless communication device in the vehicle or chooses to display such information on a wireless communication device by accessing the department's online system from the vehicle. The appropriate information concerning that vehicle shall be highlighted if the motor carrier chooses to maintain a hard copy of the insurance cab card or chooses to display an image of the insurance cab card on a wireless communication device in the vehicle. The insurance cab card or the display of such information on a wireless communications device shall serve as proof of insurance as long as the motor carrier has continuous insurance or financial responsibility on file with the department.

(B) On demand by a department investigator or any other authorized government personnel, the driver shall present the highlighted page of the insurance cab card that is maintained in the vehicle or that is displayed on a wireless communication device in the vehicle. If the motor carrier chooses to display the information on a wireless communication device by accessing the department's online system, the driver shall locate the vehicle in the department's online system upon request by the department-certified inspector or other authorized government personnel.

(C) The motor carrier shall notify the department in writing if it discontinues use of a registered motor vehicle before the expiration of its insurance cab card.

(D) Any erasure or alteration of an insurance cab card that the department printed out for the motor carrier renders it void.

(E) If an insurance cab card is lost, stolen, destroyed, or mutilated; if it becomes illegible; or if it otherwise needs to be replaced, the department shall print out a new insurance cab card at the request of the motor carrier. Motor carriers are authorized to print out a copy of a new insurance cab card using the department's online system.

(F) The department is not responsible for a motor carrier's inability to access the insurance cab card using the department's online system.

(d) Additional and replacement vehicles. A motor carrier required to obtain a certificate of registration under this section shall not operate additional vehicles unless the carrier identifies the vehicles on a form prescribed by the director and pays applicable fees as described in this subsection.

(1) Additional vehicles. To add a vehicle, a motor carrier must pay a fee of \$10 for each additional vehicle that the motor carrier proposes to operate under a seven-day, 90-day, or annual registration. To add a vehicle during the first year of a biennial registration, a motor carrier must pay a fee of \$20 for each vehicle. To add a vehicle during the second year of a biennial registration, a motor carrier must pay a fee of \$10 for each vehicle.

(2) Replacement vehicles. No fee is required for a vehicle that is replacing a vehicle for which the fee was previously paid. Before the replacement vehicle is put into operation, the motor carrier must notify the department, identify the vehicle being taken out of service, and identify the replacement vehicle on a form prescribed by the department. A motor carrier registered under seven-day registration may not replace vehicles.

(e) Supplement to original application. A motor carrier required to register under this section shall electronically file in the department's designated motor carrier registration system a supplemental application under the following circumstances.

(1) Change of cargo. A registered motor carrier may not begin transporting household goods or hazardous materials unless the carrier submits a supplemental application to the department and shows the department evidence of insurance or financial responsibility in the amounts specified by §218.16.

(2) Change of name. A motor carrier that changes its name shall file a supplemental application for registration no later than the effective date of the change. The motor carrier shall include evidence of insurance or financial responsibility in the new name and in the amounts specified by §218.16. A motor carrier that is a corporation must have its name change approved by the Texas Secretary of State before filing a supplemental application. A motor carrier incorporated outside the state of Texas must complete the name change under the law of its state of incorporation before filing a supplemental application.

(3) Change of address or legal agent for service of process. A motor carrier shall file a supplemental application for any change of address or any change of its legal agent for service of process no later than the effective date of the change. The address most recently filed will be presumed conclusively to be the current address.

(4) Change in principal officers and titles. A motor carrier that is a corporation shall file a supplemental application for any change

in the principal officers and titles no later than the effective date of the change.

(5) Conversion of corporate structure. A motor carrier that has successfully completed a corporate conversion involving a change in the name of the corporation shall file a supplemental application for registration and evidence of insurance or financial responsibility reflecting the new company name. The conversion must be approved by the Office of the Secretary of State before the supplemental application is filed.

(6) Change in drug-testing consortium status. A motor carrier that changes consortium status shall file a supplemental application that includes the names of the persons operating the consortium.

(7) Retaining a revoked or suspended certificate of registration number. A motor carrier may retain a prior certificate of registration number by:

(A) filing a supplemental application to reregister instead of filing an original application; and

(B) providing adequate evidence that the carrier has satisfactorily resolved the issue that gave rise to the suspension or revocation.

(f) Change of ownership. A motor carrier must file an original application for registration when there is a corporate merger or a change in the ownership of a sole proprietorship or of a partnership.

(g) Alternative vehicle registration for household goods agents. To avoid multiple registrations of a motor vehicle, a household goods agent's vehicles may be registered under the motor carrier's certificate of registration under this subsection.

(1) The carrier must notify the department on a form approved by the director of its intent to register its agent's vehicles under this subsection.

(2) When a carrier registers vehicles under this subsection, the carrier's certificate shall include all vehicles registered under its agent's certificates of registration. The carrier must register under its certificate of registration all vehicles operated on its behalf that do not appear on its agent's certificate of registration.

(3) The department may send the carrier a copy of any notification sent to the agent concerning circumstances that could lead to denial, suspension, or revocation of the agent's certificate.

(h) Substitute vehicles leased from leasing businesses. A registered motor carrier is not required to comply with the provisions of subsection (e) of this section for a substitute vehicle leased from a business registered under §218.18 of this title (relating to Short-term Lease and Substitute Vehicles). A motor carrier is not required to carry proof of registration as described in subsection (d) of this section if a copy of the lease agreement for the originally leased vehicle is carried in the cab of the temporary replacement vehicle.

(i) A motor carrier with an unexpired certificate of registration that has not been revoked shall update its principal business address, mailing address, and email address in the department's online system within 30 days of a change to the information.

(j) A sole proprietor with an unexpired certificate of registration shall notify the department as specified in subsection (k) of this section, directly or through the sole proprietor's authorized representative, of the sole proprietor's imprisonment for any of the following:

(1) a felony conviction for any of the following:

(A) an offense that directly relates to the duties and responsibilities of a motor carrier as defined in §211.25 of this title (relating to Criminal Offense Guidelines; Imprisonment);

(B) an offense listed in Code of Criminal Procedure, Article 42A.054; or

(C) a sexually violent offense, as defined by Code of Criminal Procedure, Article 62.001;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(k) The notice under subsection (j) of this section shall be provided to the department:

(1) for an imprisonment that occurs on or after May 1, 2026;

(2) within 15 days of the date the sole proprietor is imprisoned;

(3) using the email address listed on the department's website for this purpose; and

(4) with the following information:

(A) the name of the sole proprietor;

(B) the sole proprietor's certificate of registration number under Transportation Code, Chapter 643;

(C) the date the sole proprietor was imprisoned;

(D) the reason the sole proprietor was imprisoned, using one of the reasons listed in subsection (j) of this section;

(E) the citation to the statute, administrative rule, or regulation regarding the felony offense for which the sole proprietor was imprisoned if the sole proprietor was imprisoned for a felony conviction that falls under subsection (j)(1) of this section;

(F) whether the sole proprietor is a motor carrier of passengers, a for-hire motor carrier of cargo, a household goods carrier, or a motor carrier who transports hazardous materials under Transportation Code, Chapter 643; and

(G) the name and phone number of the sole proprietor's authorized representative, if applicable.

(l) An applicant under this chapter and a motor carrier with a certificate of registration may submit an application to the department or provide the department with any required information and updates through an authorized representative. Upon request by the department, a representative shall provide the department with written proof of authority to act on behalf of the applicant or motor carrier.

§218.14. *Expiration and Renewal of Motor Vehicle Registration.*

(a) Expiration and renewal dates.

(1) A motor carrier with annual or biennial registration shall be assigned a date for the expiration and renewal of its motor carrier registration according to the last digit of the carrier's certificate of registration number, as outlined in the following chart:
Figure: 43 TAC §218.14(a)(1) (No change.)

(2) 90-day certificates of registration are valid for 90 calendar days from the effective date.

(3) Seven-day certificates of registration are valid for seven calendar days from the effective date.

(b) Registration renewal.

(1) At least 30 days before the expiration of registration, the department shall mail or send electronically a renewal notice to each registered motor carrier with annual or biennial registration. The notice shall be sent to the carrier's last known address according to the Motor Carrier Division's records. Failure to receive the notice does not relieve the registrant of the responsibility to renew. A supplement to an application for motor carrier registration renewal must be filed electronically in the department's designated motor carrier registration system and must:

(A) supply any new information and documents required under §218.13(e) of this title (relating to Application for Motor Carrier Registration) if the information or documents have not previously been provided to the department; and

(B) include a \$10 fee for each vehicle that the carrier operates under an annual certificate of registration and a \$20 fee for each vehicle that the carrier operates under a biennial certificate of registration.

(2) Seven-day and 90-day registrations may not be renewed.

(3) A motor carrier shall maintain continuous insurance or evidence of financial responsibility in an amount at least equal to the amount prescribed under §218.16 of this title (relating to Insurance Requirements).

(4) The insurance cab card issued to a motor carrier is valid for the same period as the motor carrier's certificate of registration.

(5) To renew registration after it has expired, a motor carrier must file a supplemental application electronically in the department's designated motor carrier registration system within 180 days after the registration expiration and must include the following information, documents, and fees:

(A) identify its vehicles on a form prescribed by the director;

(B) pay all vehicle fees; and

(C) if current proof of insurance or evidence of financial responsibility is not on file with the department, comply with all insurance requirements.

(c) Interstate motor carrier operating in intrastate commerce.

(1) An interstate motor carrier registered under §218.17 of this title (relating to Unified Carrier Registration System) is not re-

quired to renew a certificate of registration issued under Transportation Code §643.054(a) [§218.11 of this title (relating to Motor Carrier Registration)] except when the motor carrier is operating as a

(A) non-charter bus carrier;

(B) household goods carrier; or

(C) recyclable materials or waste carrier.

(2) If a motor carrier that registered under §218.17 does not maintain continuous motor carrier registration required under Transportation Code §643.051 [§218.11], the motor carrier must file a supplemental application to reregister under §218.13 to operate on a public highway in this state.

(3) The motor carrier must notify the department if the motor carrier is registered under UCR. The notification must be filed with the department on a form prescribed by the department. Once the department receives the notification, the department shall convert the motor carrier's certificate of registration to a non-expiring certificate of registration if the motor carrier qualifies for a non-expiring certificate of registration.

(4) If the department issues the motor carrier a non-expiring certificate of registration, the motor carrier shall notify the department if the motor carrier is no longer registered under UCR or if the motor carrier operates as a non-charter bus carrier, household goods carrier, or recyclable materials or waste carrier. The notification shall be filed with the department on a form prescribed by the department.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Texas Department of Motor Vehicles

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For further information, please call: (512) 465-4160



ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 7. LOCAL RECORDS

SUBCHAPTER D. RECORDS RETENTION SCHEDULES

13 TAC §7.127

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 13 TAC §7.127 is not included in the print version of the Texas Register. The figure is available in the on-line version of the June 26, 2026, issue of the Texas Register.)

The Texas State Library and Archives Commission (commission) adopts amendments to 13 Texas Administrative Code Chapter 7, Local Government Records, §7.127, Local Schedule PW: Records of Public Works and Other Government Services which establishes minimum records retention requirements for certain types of records for local governments. The amendments are adopted with changes to the proposed text as published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1362) and will be republished.

BACKGROUND. The adopted amendments are necessary to improve retention of public records and ensure that the local records retention schedules remain aligned with current statutory requirements, recordkeeping practices, and administrative needs of local governments.

Government Code, §441.006 directs the commission to aid and encourage, by adoption of policies and programs, the development of effective records management and preservation programs in state agencies and local governments of the state. Texas Government Code, §441.158 directs the commission to adopt records retention schedules for each type of local government, including a schedule for records common to all types of local government. In adopting these schedules, the commission must prescribe by rule minimum retention periods for local government records unless a minimum retention period is otherwise established by federal or state law, rule of court, or regulation. Pursuant to this authority, the commission has established 12 local records retention schedules, including Local Schedule PW: Records of Public Works and Other Government Services. This schedule establishes the minimum length of time certain records must be retained by local governments before destruction or archival preservation.

In developing the adopted amendments to §7.127, the commission reviewed previously identified issues, questions, and

suggested changes collected over time for future incorporation. The commission also considered changes in law, administrative practices, and recordkeeping technologies. As part of this process, the commission consulted informally with various local government records management officers and other stakeholders, who were given an opportunity to review draft revisions and provide informal comments and feedback. The adopted amendments to the schedules reflect the commission's consideration of the information received and are intended to clarify retention requirements, improve usability of the schedules, and support consistent records management practices across local governments.

The commission has made available a version of the schedule showing tracked changes to aid the public in reviewing the proposed revisions.

EXPLANATION OF ADOPTED AMENDMENTS.

In addition to the specific record series amendments listed below, general amendments are adopted to §7.127 (Schedule PW) to update non-substantive formatting and structural elements of the schedule. These amendments include revisions to effective dates, headings, pagination, table formatting, internal references, and similar clerical or organizational matters to improve readability and consistency.

Amendments are also adopted in the introductory section to improve the readability of the introduction, to encapsulate the substantive changes made to the schedule in the summary of important points, and to reformat and reorder the retention codes and abbreviations used to promote consistency with the other schedules.

Adopted amendments to 13 Texas Administrative Code §7.127 (Local Schedule PW) include the following changes:

Adopted amendments include the addition of five new record series: Public Works and Services Planning Studies and Reports - Eminent Domain (PW5200-01c), Zoning Permit Records - Withdrawn Applications (PW5225-03c), Blueprints and Specifications (PW5250-01e), Archives Collection Control Records (PW5500-07), and Reference Request Records (PW5500-08). These new series address gaps in the schedule created by statutory requirements, operational changes, and the need to distinguish records with differing administrative and legal value.

Adopted amendments also include the withdrawal or consolidation of twenty-three record series. Many withdrawn record series were header-only series that were removed and incorporated into subseries to improve organization and usability (e.g., PW5200-01, Public Works and Services Planning Studies and Reports). Other record series were withdrawn due to redundancy with newly revised or consolidated subseries of like function or type (e.g., PW5300-07a, Traffic Signs and Signals Inventory Records, consolidated into revised permitting subseries).

Additional record series were withdrawn due to obsolescence resulting from changes in regulatory requirements or recordkeeping practices (e.g., PW5450-04b, Pest Control Records, withdrawn due to the repeal of 25 TAC §267.11).

Additional adopted changes include restructuring and simplifying record series within multiple sections of Schedule PW to better delineate between the different kinds of records. These changes include consolidating duplicative subseries, clarifying the scope of retained records, and relocating explanatory language from standalone header rows into applicable subseries. Overall, the adopted changes aim to simplify, condense, and improve the usability of Schedule PW while maintaining compliance with applicable statutory and regulatory requirements.

Adopted amendments to §7.127, Schedule PW would change specific retention periods as follows:

PW5200-01c, Public Works and Services Planning Studies and Reports: The adopted amendment would establish a retention period of ten years for records related to eminent domain cases. This change is adopted to align with Texas Property Code §21.0111(a), which requires entities with eminent domain power to disclose all relevant appraisal reports for the ten years preceding an offer.

PW5250-11a, Reports of Building Permits Issued: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal)- Annual Reports, on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to minimize duplication and improve efficiency.

PW5250-11b, Reports of Building Permits Issued: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for efficiency and to maintain consistency with PW5250-11a.

PW5300-07, Traffic Signs and Signals Inventory Records: The adopted amendment would establish a retention period of US (until superseded). This retention period is adopted to reflect the ongoing administrative and operational value of traffic inventory records and to consolidate previously separate subseries into a single series with a clear retention requirement.

PW5325-02, Parking Device Inventory Records: The adopted amendment would establish a retention period of US. This change is adopted to combine subseries for clarity and consistency yet still provide consistency with other inventory records and reflect their administrative value.

PW5375-11b, Operations Reports: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for consistency and efficiency.

PW5375-12a, Reports to Regulatory Agencies: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement

is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for consistency and efficiency.

PW5375-12b, Reports to Regulatory Agencies: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5525-01, Attendance Reports: The adopted amendment does not substantively change the retention period. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5600-05, Volunteer Service Files: The adopted amendment does not substantively change the retention period. Instead, the retention requirement is revised to reference the retention period prescribed for GR1050-39, Volunteer Service Files, on the general records schedule, which is US (until superseded) or date of separation plus three years. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5650-01b, Bingo Applications and Licenses: The adopted amendment would revise the retention period from US (until superseded) to US or date of issuance plus two years, whichever sooner, to ensure consistency with related series and incorporate retention guidance previously contained in remarks.

PW5650-02a, Reports of Proceeds: The adopted amendment revises the retention requirement to reference the retention period prescribed for GR1025-27a, Accounts Receivable Records, on the general records schedule, which is FE (fiscal year end) of date of receipt plus five years for school districts and FE of date of receipt plus three years for other governments. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

SUMMARY OF COMMENTS. During the public comment period, which ended April 10, 2026, the commission received comments from the City of Wiley and the City of Fort Worth. A summary of the comments and the commission's responses follows.

Comment: One commenter stated a concern regarding whether the record series item numbers of withdrawn record series would be reused.

Response: To preserve the context and history of each schedule and the record series it contains, TSLAC will not reuse the record series item numbers. TSLAC revised the rule in response to this comment by listing the withdrawn status of the series within the row of the series itself.

Comment: One commentator stated a concern that the description of newly proposed series PW5500-08 is too broad and includes items which may conflict with retention periods of other series.

Response: TSLAC revised the description language of PW5500-08 to be more narrow and descriptive.

Comment: One commentator noted that removing header rows increased the size of the schedule.

Response: TSLAC declines to revise the rule in response to the comment. Local governments create their internal retention schedules using the TSLAC local government schedule as a basis. Local governments are able to maintain the use of a header row in their own schedule if it is their preference.

Comment: One commentator noted a typo where there was an incomplete clause in record series item number PW5250-10b.

Response: TSLAC revised the rule to include the missing language.

Comment: One commentator expressed confusion over what is included in the phrase "miscellaneous permits" used in record series item number PW5250-01c.

Response: TSLAC declines to revise the rule in response to this comment. More context and examples of miscellaneous permits can be found in record series item number PW250-10.

Comment: One commentator noted a typo in the statutory authority for record series item number PW5450-05i(1).

Response: TSLAC revised the citation to reference the appropriate subsections.

STATUTORY AUTHORITY. The amendments are adopted under Government Code, §441.158, which authorizes the commission to prescribe by rule a minimum retention period for any local record unless a minimum retention period for the record is prescribed by another federal or state law, rule of court, or regulation. In addition, the amendments are adopted under Government Code, §441.160, which authorizes the commission to revise retention schedules.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441; Local Government Code, Subtitle C.

§7.127. Local Schedule PW: Records of Public Works and Other Government Services.

Local Schedule PW: Records of Public Works and Other Government Services.

Figure: 13 TAC §7.127

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

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Sarah Swanson

General Counsel

Texas State Library and Archives Commission

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For further information, please call: (512) 463-5460



TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 71. RESIDENTIAL SOLAR RETAILERS AND SALESPERSONS

The Texas Commission of Licensing and Regulation (Commission) adopts new rules at 16 Texas Administrative Code (TAC), Chapter 71, Subchapter A, §71.1 and §71.4; Subchapter C, §§71.21, 71.22, 71.24, and 71.25; Subchapter D, §§71.30 - 71.32; Subchapter E, §§71.41 - 71.43; Subchapter F, §71.51 and §71.52; Subchapter G, §71.60; and Subchapter H, §71.71, regarding the Residential Solar Retailers and Salespersons program, without changes to the proposed text as published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). These rules will not be republished.

The Commission also adopts new rules at 16 TAC Chapter 71, Subchapter A, §71.2 and §71.3; Subchapter C, §71.20 and §71.23; Subchapter E, §71.40; Subchapter F, §71.50; and Subchapter H, §71.72 and §71.73, regarding the Residential Solar Retailers and Salespersons program, with changes to the proposed text as published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The adopted rules implement Senate Bill (SB) 1036, 89th Legislature, Regular Session (2025), which enacted Texas Occupations Code, Chapter 1806, the Residential Solar Retailer Regulatory Act (the Act). SB 1036 provides the Department with regulatory authority over residential solar transactions and requires salespersons and the companies that oversee them, known as solar retailers, to obtain registrations. SB 1036 went into effect on September 1, 2025. Under the transition language of SB 1036, certain provisions went into effect on the bill's effective date, while registration requirements and certain enforcement provisions begin on September 1, 2026. SB 1036 also directed the Department to form and consult a stakeholder workgroup for the development of rules implementing that legislation. The adopted rules were developed with the assistance of that workgroup.

The adopted rules define key concepts, clarify the Department's regulatory scope, provide details regarding registration and insurance requirements, state requirements for the form and format of solar contracts, and create a code of conduct for solar retailers and salespersons. Further, the adopted rules set out requirements for solar salespersons and solar retailers to provide consumers with disclosures and educational materials, specify the manner in which solar contracts can be cancelled, and include provisions relating to fees and enforcement provisions.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The adopted new §71.1, Authority, provides citations to the statutory authority for the rule chapter. Subsection (a) clarifies that although Chapters 51 and 1806 of the Texas Occupations Code serve as the primary authority, specific provisions of the chapter also implement other statutes. Subsection (b) clarifies that in addition to this chapter, the provisions of 16 TAC Chapter 60, Procedural Rules of the Commission and Department, also apply to this program.

The adopted new §71.2, Applicability, specifies the applicability of the rule chapter and has been revised in response to public comment received. In the adopted rule, proposed subsection (a) was stricken, and the remaining two subsections were re-let-

tered. Adopted Subsection (a) clarifies that Subchapters E, F, and H apply beginning September 1, 2026. Adopted Subsection (b) clarifies that the chapter also applies to licensed electrical contractors except where they are specifically exempted by statute or rule.

The adopted new §71.3, Definitions, provides definitions for the chapter. The definitions incorporate by reference certain statutory definitions, supplement these definitions, and provide additional definitions. The term "lease" is defined broadly to include power purchase agreements, which are separately defined. In the adopted rule, non-substantive changes, including changes to capitalization and removal of surplus verbiage, were made for clarity and stylistic consistency.

The adopted new §71.4, Exemption of Solar Retailers from Continuing Education Requirements, implements Texas Occupations Code §1806.106 and clarifies that any continuing education requirements will be applicable only to solar salespersons and not to solar retailers.

Subchapter C. Registration of Solar Retailers and Salespersons

The adopted new §71.20, Registration Requirements--Retailers, consists of four subsections. Subsection (a) outlines the general requirement for a solar retailer to be registered unless exempt. Subsection (b) establishes eligibility criteria for registration. Subsection (c) establishes the required documents to be submitted, along with the required fee, to obtain a registration. Subsection (d) provides that a solar retailer registration may not be transferred. In the adopted rule, a correction was made to capitalization under subsection (b) for stylistic consistency.

The adopted new §71.21, Insurance Requirements--Retailers, establishes insurance requirements for solar retailers. Pursuant to this section, solar retailers are required to maintain general liability insurance that covers liability to consumers arising from the acts of the solar retailer and salespersons. The section establishes the minimum coverage amounts and types of eligible insurers. The section also provides that the Department must be named as a certificate holder on the policy and that the solar retailer must notify the Department within ten days of any change in coverage.

The adopted new §71.22, Registration Renewal Requirements--Retailers, establishes that solar retailers must renew their registration annually, provide required documentation, including information about salespersons and proof of insurance, and pay the required fee.

The adopted new §71.23, Registration Requirements--Solar Salespersons, consists of four subsections. Subsection (a) establishes a general requirement for solar salespersons to be registered and to work under a registered solar retailer. Subsection (b) establishes general registration requirements. Subsection (c) establishes required documents to be submitted, along with the required fee, to obtain a registration. Subsection (d) provides that a solar salesperson registration may not be transferred. In the adopted rule, a correction was made to capitalization under subsection (b) for stylistic consistency.

The adopted new §71.24, Registration Renewal Requirements--Solar Salespersons, establishes that solar salespersons must renew their registration annually, provide required documentation, and pay the required fee.

The adopted new §71.25, Duty to Update Registration Information--Solar Retailers and Solar Salespersons, establishes a duty to notify the Department of changes to certain information. Both

solar retailers and solar salespersons are required to notify the Department within 30 days of any change to certain contact information. Solar retailers are additionally required to notify the Department of changes related ownership or controlling persons.

Subchapter D. Exemptions

The adopted new §71.30, Exemptions, tracks statutory exemptions under Texas Occupations Code §1806.005 and details systems to which the chapter does not apply.

The adopted new §71.31, Exempt Agreements, clarifies that the chapter does not apply to solar contracts entered into before September 1, 2025, the effective date of SB 1036.

The adopted new §71.32, Exemption of Electrical Contractors and Employees, implements Texas Occupations Code §1806.004, and clarifies when and to what extent the chapter applies to licensed electrical contractors or to employees of the contractors, when those persons engage in conduct that would otherwise require registration as a solar retailer or solar salesperson.

Subchapter E. Requirements of Solar Contracts

The adopted new §71.40, Requirements of Solar Contract--General, consists of two subsections. Subsection (a) establishes standards for the form and format of solar contracts and requires the inclusion of certain substantive provisions to protect consumers. Subsection (b) sets forth when and how the executed contract must be delivered to the consumer. Based on the Commission's decision at its May 20, 2026, meeting, subsection (a)(1) from the proposed rule, which pertained to the required language in which the contract is written, was struck, and the remaining paragraphs in subsection (a) were renumbered in the adopted rule. Additionally, in the adopted rule, a correction was made to capitalization in subsection (a) for stylistic consistency.

The adopted new §71.41, Requirements of Contract--Disclosures, establishes requirements regarding the use of a disclosure form designed by the Department. The rule consists of five subsections. Subsection (a) requires the solar salesperson to complete all information on the form, to provide it to the consumer prior to the solar contract being signed, and to provide the form in the consumer's preferred language if the Department makes the form available in that language. Subsection (b) requires the form to be signed by both the consumer and the solar salesperson. Subsection (c) requires the information on the form to be accurate. Subsection (d) provides that the terms stated on the form are considered part of the contract. Subsection (e) specifies when the form must be provided in printed, rather than electronic, form.

The adopted new §71.42, Requirements of Contract--Right to Cancel, implements Texas Occupations Code §1806.156, which gives consumers a right to cancel solar contracts within five business days. The adopted rule establishes certain contract requirements pertaining to the right to cancel, clarifies how cancellation is communicated, and states how timeliness of cancellation is computed.

The adopted new §71.43, Educational Materials, implements Texas Occupations Code §1806.053. The rule clarifies that the Department will publish the required educational brochure on its website and that a solar salesperson must provide the brochure to a consumer at least 24 hours prior to the execution of a solar contract.

Subchapter F. Code of Conduct; Prohibited Acts

The adopted new §71.50, Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons, consists of eight subsections. Subsection (a) makes the code of conduct for solar salespersons also applicable to solar retailers, and requires solar retailers to comply with the Act, applicable rules, and orders of the Department. Subsection (b) establishes the duties of a solar retailer in supervising salespersons, including remedial measures the solar retailer must take in response to prohibited acts. Subsection (c) specifies a solar retailer's duties regarding the processing of a solar contract cancellation. Subsections (d) and (e) establish record retention and production responsibilities. Subsection (f) establishes responsibilities related to ceasing operations. Subsection (g) establishes duties regarding responses to consumer requests. Subsection (h) requires cooperation with Department investigations. In the adopted rule, corrections were made to capitalization under subsections (b) and (f) for stylistic consistency.

The adopted new §71.51, Code of Conduct for Solar Salespersons, consists of three paragraphs. Paragraph (1) requires general compliance with the Act, applicable rules, and orders of the Department. Paragraph (2) imposes requirements of honesty, integrity, and fair dealing. Paragraph (3) requires solar salespersons to provide certain contact and registration information to consumers upon request.

The adopted new §71.52, Prohibited Acts, applies to both solar retailers and solar salespersons. Subsection (a) relates to false and misleading statements. Subsections (b) and (c) relate to specific restricted or prohibited marketing and business practices. Subsection (d) prohibits solar salespersons from operating unless they are associated with a supervising solar retailer. Subsection (e) prohibits solar retailers from failing to comply with the terms of solar contracts.

Subchapter G. Fees

The adopted new §71.60, Fees, establishes fees for the program.

Subchapter H. Enforcement

The adopted §71.71, Enforcement Authority, cites to the statutory enforcement authority.

The adopted §71.72, Administrative Penalties and Sanctions, consists of three subsections. Subsection (a) sets forth in general that a person who violates the Act, this chapter, or related orders, is subject to administrative penalties and sanctions. Subsection (b) clarifies that a person who violates statutes or rules applicable to electricians and electrical contractors may be prosecuted under those provisions in addition to the Act and this chapter. Subsection (c) implements Texas Occupations Code §1806.203 and provides that the Department may consider whether a person harmed by a violation was elderly in determining the amount of an administrative penalty. In the adopted rule, a correction was made to capitalization under subsection (c) for stylistic consistency.

The adopted §71.73, Contract Recission and Refunds, implements Texas Occupations Code §1806.207 and contains provisions related to contract recission and refunds being ordered by the Commission or the Department's executive director in response to violations of the Act or rules. Due to the changes made to §71.2, Applicability, the text of proposed §71.73(a), concerning the effective date of the rule, was stricken as redundant, and the remaining subsections in §71.73 were re-lettered in the adopted rule.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on April 13, 2026. The Department received comments from 30 interested parties on the proposed rules. The public comments are summarized below.

A stakeholder workgroup consisting of representatives from various state agencies, industry groups, consumer interest groups, and an electric cooperative, assisted in the development of the proposed rules. The workgroup met on April 27, 2026, to review the public comments received, and the stakeholder workgroup members provided oral comments during that meeting. Following the meeting, a workgroup member who served as a representative of the Solar Energy Industry Association (SEIA) provided additional written comment. This comment recommended adoption of the proposed rules with changes and is addressed below together with SEIA's previously submitted written comments. The oral comments from the stakeholder workgroup meeting are separately summarized below.

Of the 30 written comments received, three expressed support for the proposed rules as written, 20 expressed support with requested changes, one comment expressed opposition to the entirety of the proposed rules, and six comments did not clearly state a position on the proposed rules. The twenty comments requesting changes included comments from the Texas Solar and Storage Association (TSSA), the Texas Elder Justice Coalition (TEJC), the Independent Electrical Contractors of Texas (IEC), the Solar Energy Industries Association (SEIA), the Southern Methodist University Dedman School of Law Civil Consumer Clinic (SMU), along with comments from three solar-related businesses and twelve individuals. Comments and the Department's responses are summarized below. In some cases, similar public comments are summarized together.

Comments in Support

Comment (from an individual): The commenter expressed strong support of the proposed rules, expressed that rules protecting individuals over age 65 are particularly important, and expressed that solar energy should be made readily available.

Department Response: The Department appreciates the comment in support of the proposed rules and makes no changes in response.

Comment (from two individuals): The commenters expressed support for the rules and advocated for additional legislation to protect consumers.

Department Response: The Department appreciates the comment in support of the proposed rules and makes no changes in response.

Comments Requesting Changes

Comment (TSSA): The proposed rules should be changed to require that the contract should be written in the language used in the sales presentation. Additionally, the proposed rules should permit contracts to be delivered through electronic means other than e-mail, such as web applications. The proposed rules' re-

quirements concerning delivery of printed contracts and disclosure forms are burdensome and electronic delivery should be considered sufficient. The 24-hour waiting period between the time the educational brochure is delivered and the contract is signed poses an unnecessary burden due to the fact that consumers now have five business days to cancel contracts. A requirement for a recorded welcome call should be added to the rules. Making and retaining a recording of the consumer being advised of the contract terms would help to eliminate uncertainty concerning allegations of misrepresentations. The language in §71.31 is confusing due to it appearing to exempt only contracts signed after September 1, 2025, which is the effective date of the statute but predates the date of proposed adoption of the rules. Lastly, the proposed rules should clarify the extent to which the Act and rules apply to battery storage systems.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department agrees that the language in §71.2 concerning the effective date of various rules and subchapters introduces the possibility of confusion, and has made clarifying changes to the adopted rule. The language in §71.31, however, directly tracks the statutory language in Texas Occupations Code §1806.005(a)(2)(C). The Department therefore declines to make changes to §71.31. Concerning the requirements of delivering printed contracts and disclosure forms, the restrictions on electronic completion of documents, and the required waiting period, the rules attempt to strike a necessary balance between protecting elderly and otherwise vulnerable consumers from confusion and exploitation, while not unduly burdening industry. After careful consideration and consultation with the stakeholder workgroup, the Department declines to make the requested changes. Concerning the recording of sales welcome calls, insufficient information currently exists concerning industry norms to justify the adoption of a rule at this time. Regarding battery storage systems, additional clarification may require statutory amendment. The Department declines to make changes at this time but may consider this topic for possible future rulemaking.

Comment (TEJC): The proposed rules should be strengthened through enhanced disclosure and transparency requirements, additional protections against high-pressure sales tactics, additional measures to ensure accountability and consumer affordability, and post-installation oversight. Specifically, the contracts should be provided in the language used in the sales presentation, additional requirements on font-size and simplicity of contract language should be added, the 24-hour waiting period following the educational brochure should be expanded to 72 hours, loopholes regarding electrical contractors should be closed, additional required contract terms should be added, the consumer's ability to afford the contract should be examined, and a requirement for financial counseling should be considered.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. The exemption provisions pertaining to electrical contractors track statutory language. Concerning the commenter's remaining requested changes, it is important to note that the rules seek to

strike a necessary balance between consumer protection and avoiding undue burden to industry.

Comment (IEC): The commenter expressed general support for the proposed rules, but requested changes in response to concerns that electrical contractors and electricians may be unfairly subject to sanctions under both the Act and Occupations Code, Chapter 1305.

Department Response: The Department appreciates the comment. The proposed rules in question are consistent with Occupations Code §1806.208. To protect consumers, it is necessary that electricians and electrical contractors, when engaged in residential solar retail, remain subject to all applicable statutory provisions. The Department therefore declines to make changes in response to the comment.

Comments (SEIA, written and oral comments): The contract should be written in the language used in the sales presentation. The rule provisions requiring a contract term that an accompanying loan be cancelled when the solar contract is cancelled within the five-day cancellation period are unfair because the solar retailer does not control the terms of third-party loans. The proposed rules' requirements regarding electronic transactions are unduly burdensome and conflict with the Uniform Electronic Transactions Act (UETA). The proposed requirements concerning delivery of paper copies of contracts and disclosure forms are also unnecessarily burdensome. The required language in the right-to-cancel notices should track that required by other statutes that provide consumers with rights to cancel sales transactions. The 24-hour waiting period following the delivery of the educational brochure is redundant and unnecessary. The requirements regarding cessation of operations may be unenforceable under bankruptcy law. The document retention requirements should be shortened. A rule concerning the recording of welcome calls should be considered. The registration requirements for solar retailers should contain a carve-out for when licensed contractors sell the systems. An increasing number of storage-only systems are being sold and the same policy problems apply to the sale of these systems as to the sale of traditional residential solar energy systems. The rules should contain a safe harbor provision that provides for solar retailers to be deemed in substantial compliance with the rules when they maintain reasonable policies, training, and verification procedures.

Department Response: The Department appreciates the comments. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. Although UETA prescribes minimum requirements for electronic transactions in general, UETA does not preclude the Department from imposing additional requirements by rule that are designed to protect elderly and otherwise vulnerable consumers. Texas Occupations Code §1806.051 specifically empowers the Department to adopt rules pertaining to the form and format of contracts and disclosures. Although federal bankruptcy law may in some cases preempt state law, the proposed rules concerning cessation of business go beyond the bankruptcy context and apply when a solar retailer decides, for whatever reason, to cease operations in this state. The exemptions in the proposed rules track those of statute. The Act does not appear to empower the Department to carve out additional exemptions. The required contract term concerning loan cancellation is necessary to give full effect to a consumer's right to cancel. The rules seek to strike

a necessary balance between consumer protection and avoiding undue burden to industry. Concerning the sale of storage-only systems, regulation of these transactions would likely require a statutory change. The Department therefore declines to make changes at this time in response to this portion of the comment. Lastly, a safe harbor provision like the one requested would likely dilute the effectiveness of the specific rule requirements. The Department therefore declines to make this requested change.

Comment (SMU): The exemption under the proposed rules for solar energy systems that are sold or leased in connection with new residential construction should be limited to homes built for the purpose of resale and should not include consumers who have their own homes built. This change is consistent with the purposes of SB 1036 and would help to protect consumers. The exemption for employees of licensed electrical contractors should be restricted to licensed electricians. Electrical contractors should not be allowed to circumvent the purposes of the act using the services of unlicensed helpers to act as solar salespersons. The sales contract should be written in the language used in the sales presentation. The statement concerning the right to cancel should be on the first page of the solar contract. The contract should include the date of the transaction, a link to the section of the department's website for filing a complaint, and instructions on how to file a complaint.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. The requested changes to the exemptions lack clear support from the language of the Act. The information concerning the right-to-cancel is required by the proposed rules to be in the disclosure form and to be prominently displayed in the contract. It does not appear necessary to further require the information to be on the first page of the contract. The other requested changes do not appear necessary at this time but may be considered for a future rulemaking.

Comment (from two solar-related businesses): The proposed rules should clarify that the rules do not apply to the sale of do-it-yourself kits. The Act was not intended to regulate the self-installation of solar energy systems. Because it is less expensive for a consumer to either self-install a system or choose the consumer's own installer than to use the installer suggested by a door-to-door salesperson, regulating the sale of do-it-yourself kits would increase costs to consumers.

Department Response: The Department appreciates the comment. The relevant definitions in the rules, including the definition of residential solar energy system, track the statutory language. The Act does not allow the Department to create additional exemptions. It appears that the requested changes would require a legislative change. For these reasons, the Department declines to make the requested changes.

Comment (from three individuals on behalf of a solar-related business): The insurance requirements in the proposed rules should be expanded to require errors and omissions coverage for solar salespersons.

Department Response: The Department appreciates the comment. The possibility of requiring this type of coverage was considered by the stakeholder workgroup. This type of policy generally excludes coverage for intentional acts. Because it is not

clear at this time that this type of coverage is necessary to protect consumers, the Department declines to make the requested change but may consider this for a future rulemaking.

Comment (from three individuals, two of whom commented on behalf of a solar-related business): The Department should use the services of a particular private company to perform background checks on applicants for solar salesperson registrations and to assist with other regulatory functions.

Department Response: The Department declines to make a change to the proposed rules in response to this comment. While the Department may at some point elect to contract for certain services, this does not need to be reflected in the program rules at this time.

Comment (from an individual): The proposed rules should require clarity concerning sales commissions.

Department Response: The Department appreciates the comment, but declines to make the requested change, as this does not appear necessary to protect consumers at this time. The Department may consider this for a future rulemaking if the need for this becomes apparent.

Comment (from two individuals): The commenters requested that the rules impose further requirements to ensure that warranties are properly honored.

Department Response: The Department appreciates the comment. The underlying Act does not focus on compliance with warranty terms, which are governed by other consumer protection statutes, but focuses on ensuring that transactions are conducted fairly and that consumers are adequately informed of their rights and responsibilities under the contracts. The proposed rules require that solar contracts clearly state the terms of any warranties, that solar retailers retain copies of the solar contract during and after the warranty period, and that current and former solar retailers provide the Department with contact information. These provisions are designed to enable consumers to understand and effectively exercise their warranty rights. In doing so, the rules attempt to track the purposes of the statute and pave the way for effective regulation. The Department therefore declines to make changes to these provisions.

Comment (from an individual): The rules should provide that if a solar retailer files for bankruptcy the lender will not be able to collect from the consumer.

Department's Response: The Department appreciates the comment. Although the rules do not go so far as the commenter suggests, the Department notes that Rule §71.40 requires that solar contracts include clauses that clearly set forth a consumer's remedies in the event of a default and that require the solar retailer to pay off an outstanding loan balance if cancellation is ordered by the Department after notice and a hearing. The rules attempt to strike a balance of protecting consumers while not unduly burdening industry. Therefore, the Department declines to make changes in response to this comment.

Comment (from an individual on behalf of a solar-related business): The Department should require all solar salespersons to hold a particular industry certification. The Department should additionally impose stronger background check requirements, standardize cost savings and production estimates, require recorded sales calls, require additional transparency surrounding sales commissions, require additional loan-related disclosures, create additional training requirements for salespersons, impose a mandatory installation delay beyond the five-day

cooling off period, provide for a balanced complaint system that incorporates arbitration, require a consumer "readiness check," and provide for additional accountability after installation.

Department Response: The Department appreciates the comment. Under the rules, consumers will be furnished mandatory Department-approved informational brochures and disclosure sheets. It is anticipated that the disclosure sheets will include information about financing. The rules attempt to strike a balance of protecting consumers while not unduly burdening industry. Therefore, the Department declines to make changes in response to this comment.

Comment in Opposition

Comment (from an individual): The proposed rules are detrimental to a consumer's right to choose a solar provider and impose unnecessary restrictions on businesses.

Department Response: The Department appreciates the comment. The proposed rules are necessary to implement legislation and reflect a balance between the need for consumer protection and the avoidance of unnecessary burdens. The Department declines to make changes in response to the comment.

Stakeholder Workgroup Member Comments

During the April 27, 2026, stakeholder workgroup meeting, oral comments were submitted by Pete Parsons of the Texas Solar Energy Society (TSES), Stephanie Mace of the American Association of Retired Persons (AARP), Mark Bench of SEIA, and Lauren McGee of the Office of Attorney General, Consumer Protection Division (OAG-CPD). Mr. Bench's comments on behalf of SEIA are included in the summary and response to SEIA's written comments, above.

Comment (TSES): The organization has received phone calls from concerned consumers with limited English proficiency who need help understanding contracts written in English. The contract should be made available in the consumer's preferred language. The organization also has concerns about fly-by-night installation companies who frequently change hands or take money before suddenly going out of business. The step of having to update the Department with contact information after ceasing operations is necessary to address these concerns. The organization believes that further legislative refinements may be needed to address a variety of issues, including consumer remedies against lenders.

Department Response: The Department appreciates the comments. The adopted rules include many safeguards to ensure consumers understand solar contracts and their rights under the Act. Although other consumer protection laws address the language in which contracts must be provided, the Commission declined to address this issue in the adopted rules, due to concerns of unintended consequences and regulatory burden.

Comment (AARP): The organization expressed an interest in further exploring industry standards for welcome calls and in assisting with the development of rules related to welcome calls in a future rulemaking. The organization expressed support for the provisions in the proposed rules that require printed contracts for certain elderly consumers. The organization requested that where a printed copy of a contract is required under the rules, the five-day right to cancel should not begin to run until the printed copy is delivered.

Department Response: The Department appreciates the comments and looks forward to working with all stakeholders in future

rulemakings, which may include rules to address requirements of welcome calls. Under Texas Occupations Code §1806.156, the five-day right to cancel begins when the contract is executed. Because the commencement of this period is statutory, the Department declines to deviate from this provision by rule.

Comment (OAG-CPD): The agency suggested a requirement that solar retailers make copies of contracts available on their websites in several languages.

Department Response: The Department appreciates the suggestion. Although such a rule could prove helpful to consumers, enforcement of such a rule would likely be cumbersome. The Department declines to make the requested change at this time but may consider it in a future rulemaking should it appear necessary.

Other Comments

Comment (from six individuals): The commenters generically advocated for robust regulations to protect consumers, without specifying requested changes to the proposed rules. Some of these commenters also advocated for legislative changes to increase consumer protections. Some of these commenters identified as current or former solar customers who experienced past difficulty in getting clear and straightforward information from solar retailers.

Department Response: The Department appreciates the comments. The adopted rules are designed to protect consumers, consistent with the Act, and attempt to strike a policy by doing so without unduly burdening industry. The Department is unable to make changes that require legislative changes. The Department therefore declines to make changes in response to these comments.

COMMISSION ACTION

At its meeting on May 20, 2026, the Commission adopted the proposed rules with changes to Subchapter A, §71.2 and §71.3; Subchapter C, §71.20 and §71.23; Subchapter E, §71.40; Subchapter F, §71.50; and Subchapter H, §71.72 and §71.73. These changes are explained in the Section-by-Section Summary.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §§71.1 - 71.4

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.2. *Applicability.*

(a) The provisions of Subchapters E, F, and H apply beginning September 1, 2026, the effective date of §1806.101, §1806.102, and Subchapter E of the Act.

(b) This chapter applies to an electrical contractor licensed under Texas Occupations Code, Chapter 1305, except as exempted by Subchapter D of this chapter or §1806.004 of the Act.

§71.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Act--Texas Occupations Code, Chapter 1806, the Residential Solar Retail Regulatory Act.

(2) Business days--The term means calendar days excluding weekends and legal holidays as defined by Texas Government Code §662.021.

(3) Commission--Texas Commission of Licensing and Regulation.

(4) Consumer--The term means:

(A) an individual who, for primarily personal, family, or household purposes:

(i) purchases or leases a solar energy system;

(ii) agrees to the installation of a solar energy system on the consumer's premises; or

(iii) purchases electricity generated by a solar energy system installed on the individual's premises under a power purchase agreement; or

(B) a person who would constitute a consumer under (A) if a solicited or proposed solar contract were executed.

(5) Controlling Person--The term has the meaning assigned by §1806.003 of the Act.

(6) Department--Texas Department of Licensing and Regulation.

(7) DTPA--Texas Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Texas Business and Commerce Code.

(8) Electric cooperative--The term has the meaning assigned by Texas Utilities Code §11.003.

(9) Electrical contractor--A person licensed as an electrical contractor under Texas Occupations Code, Chapter 1305.

(10) Installer--A person responsible for the installation of a residential solar energy system.

(11) Lease--With respect to residential solar energy systems, the term includes any arrangement in which a consumer agrees, for financial consideration, to the installation of a system on the consumer's premises without acquiring ownership of the system. The term includes a power purchase agreement.

(12) Municipally owned utility--The term has the meaning assigned by Texas Utilities Code §11.003.

(13) Person--An individual, corporation, organization, estate, trust, partnership, association, and any other legal entity.

(14) Power purchase agreement--An agreement between a consumer and a solar retailer for the consumer's purchase of electricity generated by a solar energy system not owned by the consumer, but located on the consumer's premises.

(15) Residential solar energy system--The term has the meaning assigned by §1806.002 of the Act.

(16) Residential solar retail--The term means:

(A) the sale or lease of, or an offer to sell or lease, a residential solar energy system; or

(B) a transaction involving any combination of the acts described by Paragraph (A).

(17) Solar contract--An agreement, subject to the Act, for the sale or lease of a residential solar energy system.

(18) Solar energy system--A system or configuration of solar energy devices that collects and uses solar energy to generate electricity.

(19) Solar retailer--A person who employs or otherwise contracts for the services of an individual to engage in residential solar retail on the person's behalf.

(20) Solar salesperson--An individual who engages in residential solar retail for compensation.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER C. REGISTRATION OF SOLAR RETAILERS AND SALESPERSONS

16 TAC §§71.20 - 71.25

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.20. Registration Requirements--Retailers.

(a) Unless registered as a solar retailer or exempt, a person must not employ or otherwise contract for the services of an individual to engage in residential solar retail on the person's behalf.

(b) To be eligible for registration as a solar retailer:

(1) the applicant must meet all applicable registration requirements of the department; and

(2) each controlling person must satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in 16 TAC, Chapter 60, Subchapter D.

(c) An applicant for a solar retailer registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire for each controlling person;

(3) the fee required under §71.60;

(4) proof of insurance required under §71.21, which may be in the form of an industry standard certificate of insurance;

(5) a phone number, mailing address, and e-mail address or website address at which consumers may reach the applicant with inquiries; and

(6) the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf, if known.

(d) A solar retailer registration may not be transferred.

§71.23. Registration Requirements--Solar Salespersons.

(a) A person must not engage in residential solar retail unless the person:

(1) is registered as a solar salesperson; and

(2) engages in solar retail on behalf of a registered solar retailer.

(b) To be eligible to register as a solar salesperson, a person must:

(1) be an individual;

(2) satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in Chapter 60, Subchapter D; and

(3) meet all applicable registration requirements of the department.

(c) An applicant for a solar salesperson registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

(d) A solar salesperson registration may not be transferred.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER D. EXEMPTIONS

16 TAC §§71.30 - 71.32

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

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SUBCHAPTER E. REQUIREMENTS OF SOLAR CONTRACTS

16 TAC §§71.40 - 71.43

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which au-

thorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.40. Requirements of Solar Contract--General.

(a) A solar contract must:

(1) be written in clear, understandable language that is easy to read; and understand;

(2) state the name, business address, registration number, business email address, and business phone number, of both the solar retailer and solar salesperson;

(3) prominently and in plain language set forth any energy production guarantees, the terms conditions of any warranty, and any provisions related to the rights and remedies of any party in the event of a default;

(4) provide that the installer will be a Texas-licensed electrical contractor;

(5) state the name and license number of the installer, or a list of names and license numbers of electrical contractors from which the installer will be selected;

(6) provide that the solar retailer or installer will obtain:

(A) any permit required by a government entity for the installation; and

(B) approval by the electric utility, electric cooperative, or municipally owned utility serving the person's residence of the interconnection of the residential solar energy system, if applicable;

(7) contain and prominently display all contract provisions and disclosures required by the Act and this chapter, including a statement of the consumer's right to cancel the transaction in accordance with §1806.156 of the Act and §71.42 of this chapter; and

(8) If the sale or lease of a residential solar energy system involves a third-party lender that is affiliated with or referred by the solar retailer or solar salesperson, the solar contract must include provisions:

(A) requiring the third-party lender to cancel any accompanying loan made by the third-party lender to the buyer or lessee upon the consumer's cancellation of the solar contract under §1806.156 of the Act; and

(B) requiring the solar retailer to pay the outstanding balance of the loan in the event a cancellation is ordered by the department or executive director after notice and a hearing, in accordance with §1806.207 of the Act.

(b) A solar salesperson must provide a copy of the executed solar contract to the consumer as follows.

(1) Except as provided in paragraph (2), the solar salesperson must provide a printed copy of the solar contract to the consumer at the time the contract is executed.

(2) If the contract is executed electronically, the solar salesperson may provide only an electronic copy of the contract to the consumer at the time of execution, if:

(A) the consumer provides an e-mail address for this purpose;

(B) the solar salesperson verifies that the consumer is able to access the e-mail account and view electronic documents, and;

(C) the consumer, in electronic form, consents to electronic delivery of the contract and waives the right to receive a printed copy of the contract at the time of execution.

(3) An electronic copy of a contract provided pursuant to paragraph (2) must be in portable document (.PDF) format.

(4) If a solar salesperson provides a consumer with a printed copy of the contract at the time of execution, the solar salesperson or solar retailer may also provide the consumer with an electronic courtesy copy and is not required to comply with the provisions of paragraph (2).

(5) A consumer who receives an electronic copy of the contract pursuant to paragraph (2) may later request a printed copy of the contract from the solar retailer. Upon such request, the solar retailer must deliver a printed copy of the contract to the consumer within:

(A) one business day, if the request is made within five business days of the date the contract is executed, or

(B) five business days, if the request is made at any other time.

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SUBCHAPTER F. CODE OF CONDUCT; PROHIBITED ACTS

16 TAC §§71.50 - 71.52

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.50. Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons.

(a) A solar retailer must comply with all provisions of §71.51, Code of Conduct for Solar Salespersons, all applicable requirements of the Act and this chapter, and all orders of the department or executive director issued in accordance with the Act or this chapter.

(b) A solar retailer must exercise reasonable supervision over all solar salespersons who perform services on the solar retailer's behalf, and must:

(1) ensure that the form and format of solar contracts prepared by the solar retailer:

(A) comply with the requirements of the Act and this chapter; and

(B) include all required disclosures required by the Act, this chapter, or other law;

(2) provide adequate training to solar salespersons to inform them of the requirements of the Act and this chapter;

(3) verify at the time of hire that all solar salespersons requiring a registration under the Act and this chapter are registered with the department; and

(4) take the following steps, where applicable in response to a violation by a solar salesperson of the Act or rules which becomes known to the solar retailer:

(A) promptly provide a consumer with accurate information to remedy false or misleading information provided by a solar salesperson; and

(B) promptly take corrective action, including at a minimum a written warning, to a solar salesperson in response to any violation, and provide remedial training reasonably necessary to prevent recurrence.

(c) When a consumer timely requests cancellation of a contract in accordance with the Act, a solar retailer must timely process the cancellation, arrange the removal of any installed equipment, and refund any monies advanced by the consumer.

(d) A solar retailer must maintain the following documents for the term of the solar contract, including the term of any warranty provided for in the solar contract, plus a period of five years:

(1) the signed disclosure form;

(2) the executed solar contract; and

(3) any documentation related to the installation of the solar energy system.

(e) A solar retailer must maintain records for each solar salesperson of the date of hire, the date of separation, and any written admonishment for a violation of the Act or this chapter during the salesperson's tenure and for five years after the salesperson's separation from the solar retailer. The solar retailer must produce the records to the department upon request.

(f) Prior to ceasing operations in this state, a solar retailer must designate a record keeper to maintain the records required by this chapter for the required time periods, designate a responsible party to honor any ongoing warranty or other obligations of the solar retailer under the original contract, if applicable, and provide the department with name

and contact information for the record keeper and designated responsible party.

(1) The solar retailer must notify the department within 30 days of any change in contact information for the designated record keeper or responsible party.

(2) The department will upon request furnish a member of the public with the record keeper and responsible party contact information provided under this subsection.

(g) Upon a request from a consumer, a solar retailer must:

(1) promptly respond to reasonable inquiries concerning a solar contract, including inquiries regarding the required cancellation procedures, installation, and the performance of other obligations under the contract;

(2) furnish the solar retailer's name and department-issued registration number and that of any solar salesperson who acts under the solar retailer's supervision; and

(3) furnish to the consumer or the consumer's designated representative, a copy of the solar contract.

(h) A solar retailer must cooperate with an investigation by the department by furnishing information or documents for inspection when directed to do so.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER G. FEES

16 TAC §71.60

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER H. ENFORCEMENT

16 TAC §§71.71 - 71.73

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.72. *Administrative Penalties and Sanctions.*

(a) If a person or entity violates any provision of the Act, any provision of this chapter, or any provision of an order of the executive director or department, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of the Act and Texas Occupations Code, Chapter 51.

(b) If a person or entity, including a licensed electrical contractor, engages in conduct that would subject the actor to disciplinary action both as provided under subsection (a), and under the provisions of Texas Occupations Code, Chapter 1305, or the rules at 16 TAC, Chapter 73 (Electricians), the person or entity is subject to disciplinary action under all applicable provisions.

(c) In accordance with §1806.203 of the Act, in determining the appropriate amount of an administrative penalty, the department may, in addition to any other factor permitted by law, consider whether any individual over the age of 65 at the time of the prohibited conduct was harmed by the conduct.

§71.73. *Contract Rescission and Refunds.*

(a) In accordance with §1806.207 of the Act, the commission or executive director may, after notice and a hearing and after finding that a violation of this chapter or a rule adopted under this chapter has occurred, order the cancellation of solar contract and the refund of any amount paid by the consumer under the solar contract.

(b) The amount of a refund ordered under this section may not exceed the amounts paid by the consumer under the solar contract.

(c) A proceeding under this section is a contested case under Texas Government Code, Chapter 2001.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 73. ELECTRICIANS

16 TAC §§73.10, 73.21, 73.26, 73.80, 73.110 - 73.112

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 73, §§73.26, 73.80, 73.110, and 73.111, regarding the Electricians program, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). These rules will not be republished.

The Commission also adopts amendments to existing rules at 16 TAC Chapter 73, §§73.10, 73.21, and a new rule at 73.112, regarding the Electricians program, with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 73, implement Texas Occupations Code, Chapter 1305, Electricians.

The adopted rules are necessary to address a shortage of journeyman electricians and do so by creating an accelerated pathway for graduates of an approved accelerated journeyman electrician education program ("JEEP program").

Under Texas Occupations Code §1305.155, to become a journeyman electrician, an applicant must have 8,000 hours of on-the-job training under the supervision of a master electrician and must pass an examination. The current rule at 16 TAC §73.10 defines "on-the-job training" narrowly to include only "electrical work," which is also defined restrictively by the rule. Historically, the first-time passage rate for the journeyman electrical examination has been less than 30 percent. The combined effect of the arduous on-the-job training requirements and examination policies have contributed to the current shortage of journeymen electricians. Current Department policy allows applicants to sit for the examination after completing 7,000 hours of the statutorily-required 8,000 hours of supervised on-the-job training.

Under Texas Occupations Code §51.4041(a), the Department has the authority to adopt alternative means of determining a person's eligibility for a license, including evaluating the person's education, training, or experience. Texas State Technical College has proposed to offer an intensive hands-on education program

gram to provide students with in-depth knowledge of the current National Electrical Code and to prepare them to take the journeyman electrician examination. Under the proposal, most of the instruction will occur in a laboratory setting under the direct supervision of qualified electricians. Because this type of instruction will be the functional equivalent of on-the-job training, the adopted rules redefine "on-the-job training" to include participation in this type of program. The precise number of hours each student spends to complete the program, including time practicing skills in a laboratory, will vary based on the time it takes the student to master the relevant skills.

Due to the intensive and focused nature of the instruction offered in the program, under the adopted rules, program graduates will ordinarily receive 4,000 hours of on-the-job training credit for JEEP program completion and may receive additional credit for electrical work performed for third parties in an optional cooperative education element.

Also, under the adopted rules, program graduates will be eligible to immediately sit for the journeyman electrical examination and the current policy of authorizing examination after 7,000 hours for other candidates is formalized in rule. Thus, by allowing early examination and providing on-the-job training credit for instruction received, the adopted rules provide an accelerated track to journeyman licensure under the Department's alternative qualification authority. Under the adopted rules, the Executive Director is empowered to extend the period of validity of examination results of JEEP program graduates if good cause is shown, so that the student will retain the benefit of early examination.

The adopted rules establish criteria for approval of a JEEP program and related curriculum, mechanisms for audit and inspection of programs, and set a fee for evaluation of a program for approval. Lastly, the adopted rules correct a statutory reference in a rule and make non-substantive clarifying and stylistic changes to existing rules.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §73.10, Definitions. The statutory reference in paragraph (3), pertaining to the definition of "career and technology education program" is corrected to Texas Occupations Code §1305.1575(a)(1). A definition of the term "Accelerated Journeyman Electrician Education Program" is provided in new paragraph (12). Existing paragraphs (12) through (30) are renumbered as (13) through (31), respectively. The definition of "on-the-job training," currently found in paragraph (23) is moved to paragraph (24) and a sentence is added to include hours earned in the JEEP program in the definition. Additionally, throughout the section, the word "licensee" is replaced with the term "license holder" and male pronouns are replaced with gender-neutral pronouns for stylistic consistency. Lastly, the word "while," in relation to the performance of electrical sign work, is inserted in the definition of Electrical Sign Apprentice currently found in paragraph (22) and moved to paragraph (23), for clarity. The adopted rules differ from the proposed rules by adding new paragraph (32) to include a reference to the statutory definition of apprenticeship training programs.

The adopted rules amend §73.21, Licensing Requirements--Examinations. Two new subsections, (b) and (c) are inserted, and existing subsection (b) is re-lettered as (d). New subsection (b) allows applicants to sit for the journeyman electrician examination after either completing 7,000 hours of on-the-job training or completing the JEEP program. New subsection (c) allows the Executive Director, for JEEP program graduates, to extend the

period that the test results are valid, if good cause is shown. The adopted rules differ from the proposed rules by inserting language into subsection (b)(2) to provide that graduates of certain apprenticeship programs may also sit immediately for the licensing examination.

The adopted rules amend §73.26, Documentation of Required On-The-Job Training. New subsection (e) is inserted to establish when and how an applicant will receive on-the-job training credit for completion of the JEEP program, including how electrical work performed under an optional cooperative program is treated. Language is added to existing subsection (a) to recognize the exception in new subsection (e). Stylistic changes are made to the language in subsections (b) and (c) for clarity and consistency.

The adopted rules amend §73.80, Fees. Subsection (f) is amended to reflect that a \$90 fee will be charged for the evaluation of a prospective JEEP program for approval. Subsection (g) is amended to reflect that the waiver of renewal fees, currently extended to instructors in career and technology education programs for residential wiremen, will now be also extended to instructors of JEEP programs.

The adopted rules amend §73.110, Career and Technology Education Program Requirements. The phrase "residential wiremen" is added to the title of the section for clarity. New subsection (a) is inserted, with language distinguishing the program from the new JEEP program and clarifying that certain restrictions under that section do not apply to the JEEP program. Existing subsections are re-lettered.

The adopted rules amend §73.111, Compliance with Career and Technology Education Program Requirements. The phrase "residential wiremen" is added to the section title for clarity. New subsection (a) is inserted, with language clarifying that the rule does not apply to the JEEP program. Existing subsections are re-lettered.

The adopted rules add new §73.112, Accelerated Journeyman Electrician Education Program. Subsection (a) states the authority for and applicability of the section, and cites to both program statutes and the Department's alternative qualification statute as sources of authority. Subsection (b) states general requirements for the program, including that both the curriculum and program must be approved by the Department. Subsection (c) provides information related to curriculum approval. Subsection (d) states required elements of a curriculum. Subsection (e) establishes hands-on instruction requirements. Subsection (f) establishes requirements for a program to apply for approval. Subsection (g) requires an approved program to notify the Department of changes related to the program. Subsection (h) provides for audits and inspections. Subsection (i) provides for rescission of approval. Subsection (j) clarifies that denial or rescission of approval does not constitute a contested case under the Administrative Procedure Act (Texas Government Code, Chapter 2001). Subsection (k) clarifies how approval will impact current students in a program. Subsection (l) establishes how credit will be awarded and gives the Executive Director authority to award greater credit than generally provided in the subsection. In the adopted version, language concerning minimum contact hours in subsection (e) is stricken from the proposed version, and language is added to clarify that the hands-on instruction requirements apply only to the technical training curriculum. Lastly, in the adopted version, the 3,000 hours of on-the-job training credit stated in the proposed version of subsection (l)(3) is replaced with 4,000 hours, based on the Commission's finding that this amount better aligns

with the quality of the training to be received through the program and the effort necessary to complete it.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on May 11, 2026.

The Department received comments from eleven interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on March 30, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. Subsequently, the Department received comments from 25 interested parties on the published proposed rules during the official public comment period and from thirteen interested parties after the public comment period.

In total, the Department received comments from 49 interested parties. The Department received 54 written comments. Nine oral comments were delivered by interested persons at the May 20, 2026 Commission meeting. The Department received multiple written comments from some commenters and received both oral and written comments from some commenters. Of the 49 commenters, thirteen expressed unconditional support for the proposed rules, six expressed support with requested changes, 29 expressed opposition to the proposed rules, and one comment did not express a position on the proposed rules. The commenters in support included the Texas Association of Business, Cicero Action (a public policy organization), Opportunity Austin, the Texas Association of Manufacturers, the Texas Chemistry Council, and individuals. The commenters expressing support with requested changes included Texas State Technical College (TSTC), Texas Association of Builders, Associated Builders and Contractors of Texas (ABCT), Brazosport College, Independent Electrical Contractors of Texas (IEC), and an electrical business. The commenters expressing opposition included the International Brotherhood of Electrical Workers (IBEW) Local 72, the Texas Electrical Safety Association (TESA), individuals, and an electrical business. In some cases, similar comments are combined for brevity. Because the comments received in response prior to publication of the proposed rules did not substantially differ from those received after publication, the comments will be addressed together. Comments and the Department's responses are summarized below.

Comments in Support

Comment (consolidation of oral and written comments from Texas Association of Business): Texas lacks enough licensed journeyman electricians to meet demand. Under the current system, there is a low passage rate due to candidates being inadequately prepared. The current definition of on-the-job training is too narrow and contributes to the shortage. The proposed rules are a smart, targeted reform and address the shortage without lowering safety standards.

Department Response: The Department appreciates the comments and makes no changes in response.

Comment (written from Cicero Action): The proposed rules address the shortage of qualified electricians and do not pose a risk to safety. Texas' current licensure requirements are stricter than other states. Research shows that stricter licensure requirements for electricians do not generally improve safety outcomes. The proposal will improve the building of infrastructure and consumer outcomes. Although the commenter expressed support for the rules as-is, the commenter suggested that the rules could be enhanced by establishing performance benchmarks as part of the approved JEEP curriculum, award on-the-job training credit to graduates of similar programs from out of state, and allowing a competency-exam pathway for graduates of other nontraditional programs.

Department Response: The Department appreciates the comments and makes no changes in response. The suggested enhancements do not appear necessary at this time, however, the Department may consider implementing them in a future rule-making if the need becomes apparent.

Comment (consolidation of similar written comments from two individuals): The addition of this program would be very beneficial in helping with the book learning needed to pass the examination.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (oral from Texas Association of Manufacturers): The proposed JEEP program addresses a vital workforce need. Manufacturing remains a cornerstone of the Texas economy. Texas manufacturing supports roughly 970,000 jobs and contributes \$338 billion in value to the Texas economy. Texas remains the number one manufacturing state in the United States. For Texas to remain competitive with other states, it is vital to keep up with necessary facility expansions to keep plant operations growing across the state. Shortages within the licensed electrical trade slow equipment installation, increase costs, and create uncertainty for maintenance and expansion projects. The proposed pathway addresses the shortage without lowering standards.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (consolidation of similar oral comments from two electrical businesses, written comments from an electrical business, and written comments from one individual): The proposed rules will help to maintain a skilled workforce and will increase examination pass rates. The proposed rules address the challenge posed by the current shortage of electricians in a practical and responsible way. Many additional journeyman electricians are needed due to data centers and other construction projects. The current pipeline of incoming electricians is insufficient to meet demand. TSTC has a proven track record of success. The proposed rules do not lower standards, but strengthen the pipeline of qualified individuals entering the profession.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (oral from Texas Chemistry Council): The petrochemical industry is a key driver of economic activity. Texas leads the nation in petrochemical manufacturing and exports \$50 billion of products around the world per year. The business of chemistry depends on a strong, qualified workforce. Chemical manufacturing facilities are complex, safety-critical environments that depend on the work of skilled electricians in order to expand

and safely operate. The current shortage of journeyman electricians delays plan improvements and expansions, drives up capital project costs, creates operational safety risks, and threatens the state's ability to attract investment and build the next generation of facilities. Workforce availability is one of the top factors a company will consider in choosing where to locate a facility. The JEEP program offers a responsible, structured solution and provides a meaningful accelerated pathway that will not compromise safety.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (written from Opportunity Austin): Demand for electricians in the Austin area has increased by 39 percent over the last five years and is projected to grow by an additional 20 percent by 2030. With increasing commercial construction across manufacturing, tech, data center, and other large-scale industry projects, in addition to residential construction, demand in the region may be even higher than this projection. Innovative solutions like the JEEP program are critical to addressing demand for electricians. The commenter specifically argued for an award of 3,000 hours of on-the-job training for JEEP program graduates, stating that this amount would align with the depth, structure, and outcomes of a high-quality accelerated program.

Department Response: The Department appreciates the comment and makes no changes in response. Although the proposed rules provided for a baseline of 3,000 hours of on-the-job training credit, the Commission determined at the May 20, 2026, meeting that an award of 4,000 hours would best align with quality of the training to be received through the program and the effort necessary to complete it.

Comments Requesting Changes

Comment (TSTC, consolidation of oral and written comments): The commenter expressed support for the proposed rules, but requested that the language in §73.112(e) be clarified. TSTC's proposed curriculum includes some academic and elective courses in addition to the technical training curriculum. The language in the proposed rules requiring that 80 percent of the curriculum include intensive hands-on learning should apply only to the technical training curriculum. Texas is facing a growing shortage of licensed electricians in the state. As a state agency, it is TSTC's duty to address the workforce needs of the state. Safety is a priority at TSTC, which is ensured by the supervised hands-on learning environment. The curriculum is industry-driven and overseen by an advisory committee. TSTC uses only qualified faculty. While it is true that electricians need time in the field to hone their craft, not all hours are created equal. The proposed rules are not about lowering standards but recognize the value of high-quality training.

Department Response: The Department agrees that the hands-on learning requirement should apply only to the technical training curriculum and makes a corresponding change in the adopted rules.

Comment (Texas Association of Builders): The commenter expressed general agreement with the proposed rules but requested that the amount of on-the-job training credit awarded to JEEP program graduates be expanded to 4,000 hours, and stated that doing so would better align with the depth of the program, enhance effectiveness, and recognize the value of competency-based education.

Department Response: The Department appreciates the comment. After consideration of this and all other comments, the Commission determined that the requested change should be made to generally provide JEEP program graduates with 4,000 instead of 3,000 hours of credit toward on-the-job training credit, as this amount more closely aligns with the quality of the training to be received through the program and the effort necessary to complete it.

Comment (consolidation of oral and written from ABCT): The comment mirrored that of the Texas Association of Builders and urged the award of 4,000 hours of on-the-job training credit for graduates of JEEP programs.

Department Response: The Department appreciates the comment. For the reasons cited above, the Department agrees to make the requested change.

Comment (Brazosport College): The comment requested that additional safeguards and structural enhancements be added to the rules pertaining to JEEP programs. The requested changes include a competency-based validation requirement, creating an intermediate license classification for electrical craftsmen, and incorporating additional program approval standards in rule.

Department Response: The Department appreciates the comment. The Department believes the requested changes are unnecessary at this time. The rules require intensive hands-on learning to be included in the curriculum and provide the Department with needed flexibility in approving or modifying the model curriculum based on circumstances existing at the time. The Department therefore declines to make changes in response to this comment.

Comment (IEC): The commenter requested that the proposed rules be modified to require JEEP program participants to obtain real-world experience on job sites and demonstrate that they are able to apply code and safety requirements in real-world conditions.

Department Response: The Department appreciates the comment, but declines to make changes in response to the comment at this time. Under the framework of the proposed rules, program participants will receive substantial real world on-the-job training in addition to the education they receive through the program.

Comments in Opposition

Comment (from an individual): The proposed rules provide for insufficient field experience. The purpose of field experience goes beyond knowledge of the National Electrical Code (NEC).

Department Response: The Department appreciates the comment. The JEEP program pathway provided for in the proposed rules seeks both to familiarize students with the NEC and to provide them with relevant practical skills to apply the code to real life situations. The pathway will still require extensive supervised field experience, striking a necessary policy balance. The Department therefore declines to make changes in response to this comment.

Comment (consolidation of similar comments from 22 individuals and one electrical business): Classroom instruction cannot replace the thousands of hours required to safely master the trade. Correctly applying the NEC in real world environments requires muscle memory and years of supervision. The proposed rules incentivize trade schools to flood the market with underqualified graduates, jeopardizing the public trust in the gold standard of a Texas journeyman electrician license. If the JEEP program

pathway is adopted, additional safe rails should be included in the rules, such as capping the on-the-job training credit at 1,000 hours, mandating the curriculum meet the standards applied by the United States Department of Labor to apprenticeship programs, requiring the programs to be supervised by a master electrician with five years of verifiable field experience, auditing JEEP programs and requiring, as a condition of continued approval, that program graduates meet certain benchmarks for examination pass rates.

Department Response: The Department appreciates the comment. The Department finds the proposed rules necessary to address the current shortage of journeyman electricians and low examination passage rates. It is within the Department's power under Texas Occupations Code §51.4041(a) to prescribe alternative methods of qualification. Safeguards in the proposed rules include: a requirement for each JEEP program to apply for approval and meet the Department's curriculum standards, a requirement for extensive hands-on supervision, a requirement that the instructors be licensed electricians and that any hands-on electrical work be generally supervised by a licensed master electrician, and a requirement that JEEP programs are subject to audit. The Department believes that the safeguards incorporated to the proposed rules are sufficient to protect against the potential harms identified by the commenters. The Department therefore declines to make changes in response to this comment.

Comment (from an individual): The commenter opposed the proposed rules for the reasons cited in the previous comment, and proposed two alternative solutions to address the shortage of journeyman electricians: requiring two years of formal education or setting a maximum number of years a person can hold an apprentice license without attempting to advance to the journeyman level.

Department Response: See the response to the previous comment. The Department appreciates the comment and the proposed alternatives, but notes that these alternatives would likely require legislative changes, as they impose additional qualifications beyond those prescribed by statute. The Department believes that the JEEP program pathway is the best means to address the current shortage of journeyman electricians, but is open to possibly exploring additional solutions in a future rule-making. The Department therefore declines to make changes in response to this comment.

Comment (from an individual): The proposed rules create a two-tier system, producing electricians with inconsistent skill levels and weakening industry standards. Texas already has a proven pathway through registered apprenticeship programs that combine instruction with hands-on training. The Department should address the shortages by expanding these programs.

Department Response: The Department appreciates the comment. Given the prerequisites for a JEEP program to obtain approval, which include curriculum standards and extensive hands-on training from qualified instructors, combined with the requirement for JEEP program graduates to obtain additional on-the-job training post-graduation, the Department does not agree that program graduates will be less capable than those of apprenticeship programs. The Department therefore declines to make changes in response to this comment. The Department agrees that registered apprenticeship programs provide a very valuable pathway for prospective journeyman electricians. In the adopted rules, graduates of such apprenticeship programs are also eligible to immediately sit for the journeyman electrician

examination, consistent with the treatment that JEEP program graduates will receive. The Department is open to considering, in a future rulemaking, additional measures to encourage the development of apprenticeship programs.

Comment (from three individuals): The proposed definition of "on-the-job training" is too expansive. Sitting in a classroom should not be accepted as a substitute for on-the-job training.

Department Response: Under the proposed rules, participants in the JEEP program will do far more than sit in a classroom. The program will require extensive hands-on instruction under an approved curriculum. The program is expected to impart real world skills, comparable to those one would gain at a job site, in addition to teaching the NEC. Due to the quality and characteristics of the instruction and the time and effort needed to complete the program, completion of the program falls within a reasonable definition of on-the-job training. The Department therefore declines to make changes in response to this comment.

Comment (from an individual who identified as a union member): The commenter raised the same safety and credential dilution concerns as identified by other commenters. The commenter additionally questioned what the minimum standards for JEEP program approval would be, how TDLR will enforce quality control, and how JEEP programs will be held accountable if they produce underqualified graduates.

Department Response: See the responses to above comments pertaining to safety and credential dilution concerns. The Department appreciates the comment. Under the proposed rules, the Department will prescribe minimum curriculum requirements, oversee the approval process, may conduct audits and investigations, and has the power to revoke program approval if the circumstances so warrant. The Department believes that these safeguards are appropriate to ensure adequate quality of the education experience and declines to make changes in response to this comment.

Comment (oral from TESA): There is no substitute for on-the-job training. The NEC requires that electrical work be performed by qualified persons, which are defined as individuals who have the skills, knowledge, and safety training to perform the work safely and recognize hazards. These skills cannot be gained through the classroom alone. Real competency is built through hands-on, on-the-job experience. Lowering standards to address a temporary shortage would risk weakening public safety and the integrity of the profession and would be a mistake. Instead, the Commission should consider creating a new special journeyman license for apprentices with eight years of field experience and should waive examination for those individuals. Similar systems previously existed in Texas prior to the Department's regulation of the profession.

Department Response: The Department appreciates the comment. It is important to note that hands-on instruction under qualified supervision are required elements of the proposed JEEP program. Additionally, although JEEP program graduates will receive some on-the-job training credit, they will still be required to complete substantial on-the-job training outside of the program. As such, the proposed rules strike an important balance of responsibly addressing the shortage of qualified electricians without compromising safety or quality standards. The examination serves an important purpose of ensuring that applicants are adequately familiar with and able to apply the NEC. The Department therefore declines to make changes in response to this comment.

Other Comments

Comment: The commenter mentioned having worked for fifteen years in the cell tower industry and not having received on-the-job training credit toward his journeyman electrician license. The commenter indicated that the experience is comparable to other types of electrical work.

Department Response: Although the proposed rules do seek to redefine on-the-job training for purposes of ensuring that JEEP program participants receive credit for work completed under the program, the proposed rules do not otherwise alter the scope of what types of work constitute acceptable on-the-job training. Because the requested change is beyond the intended scope of this rulemaking, the Department declines to make changes in response to this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The topics of the proposed JEEP program and the application of the Department's alternative qualification power were discussed at the Electrical Safety and Licensing Advisory Board meetings held on January 29, 2026, and February 25, 2026. The proposed rules were developed with assistance of the education and examination workgroup and the rules workgroup assigned by the presiding officer of the advisory board. Due to time constraints, the proposed rules were not presented to the full advisory board for recommendation prior to publication in the *Texas Register* for public comment.

The Electrical Safety and Licensing Advisory Board met on May 12, 2026, to discuss the proposed rules and the public comments received. The Advisory Board did not recommend that the Commission adopt the proposed rules as published in the *Texas Register*, with or without changes.

At its meeting on May 20, 2026, the Commission adopted the proposed rules with changes to §§73.10, 73.21, and 73.112 as published in the *Texas Register*. These changes are explained in the Section-by-Section Summary.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 1305, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1305. No other statutes, articles, or codes are affected by the adopted rules.

§73.10. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Assumed name--A name used by a business as defined in the Business and Commerce Code.

(2) Business affiliation--The business organization to which a master license holder's license may be assigned.

(3) Career and technology education program--An educational program, defined in Texas Occupations Code §1305.1575(a)(1), focused on electrical training and either:

(A) offered by a public high school under Subchapter F, Chapter 29, Education Code; or

(B) offered by a private high school or institution of higher education and determined by the department to be similar to a program described by subparagraph (A) of this paragraph.

(4) Employee--An individual who performs tasks assigned by the individual's employer. The employee is subject to the deduction of social security and federal income taxes from the employee's pay. An employee may be full time, part time, or seasonal.

(5) Employer--One who employs the services of employees, pays their wages, deducts the required social security and federal income taxes from the employee's pay, and directs and controls the employee's performance.

(6) Filed--A document is deemed to have been filed with the department on the date that the document has been received by the department or, if the document has been mailed to the department, the date a postmark is applied to the document by the U.S. Postal Service.

(7) General Supervision--Exercise of oversight by a master electrician on behalf of an electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical license holders of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

(8) On-Site Supervision--Exercise of supervision of electrical work or electrical sign work by a licensed individual other than an electrical apprentice. Continuous supervision of an electrical apprentice is not required, though the on-site supervising license holder is responsible for review and inspection of the electrical apprentice's work to ensure compliance with any applicable codes or standards.

(9) Electrical Contractor--A person or entity, licensed as an electrical contractor, that is in the business of performing "Electrical Contracting" as defined by Texas Occupations Code, §1305.002(5).

(10) Master Electrician--An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(11) Journeyman Electrician--An individual, licensed as a journeyman electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(12) Accelerated Journeyman Electrician Education Program--A program approved by the department as provided under §73.112 of this chapter, designed to prepare an individual to pass the required examination and for rapid entry into the profession of journeyman electrician.

(13) Electrical Apprentice--An individual, licensed as an apprentice who works under the on-site supervision of a master electrician, journeyman electrician, or residential wireman, on behalf of an electrical contractor or employing governmental entity performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(14) Electrical Sign Contractor--A person, or entity, licensed as an electrical sign contractor, that is in the business of performing "Electrical Sign Contracting" as defined by Texas Occupations Code, §1305.002(9).

(15) Institution of higher education--An "institution of higher education" or a "private or independent institution of higher education," as those terms are defined by §61.003, Education Code.

(16) Master Sign Electrician--An individual, licensed as a master sign electrician, who, on behalf of an electrical sign contractor, performs "Electrical Sign Work" as defined in paragraph (21).

(17) Journeyman Sign Electrician--An individual, licensed as a journeyman sign electrician, who works under the general supervision of a master electrician or a master sign electrician, on behalf of an electrical sign contractor, while performing "Electrical Sign Work" as defined in paragraph (21).

(18) Residential Wireman--An individual, licensed as a residential wireman, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing electrical work that is limited to electrical installations in single family and multifamily dwellings not exceeding four stories, as defined by Texas Occupations Code, §1305.002(13).

(19) Maintenance Electrician--An individual, licensed as a maintenance electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity while performing "Electrical Maintenance Work" as defined in paragraph (20).

(20) Electrical Maintenance Work--The replacement, or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. All replacements or repairs must be of the same rating and type as the existing installation. No improvements may be made that are necessary to comply with applicable codes under Texas Occupations Code, Chapter 1305. Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

(21) Electrical Sign Work--Any labor or material used in manufacturing, installing, maintaining, extending, connecting or re-connecting an electrical wiring system and its appurtenances, apparatus or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation.

(22) Work Involved in the Manufacture of Electrical Equipment--Work involved in the manufacture of electrical equipment includes on and off-site manufacture, commissioning, testing, calibration, coordination, troubleshooting, evaluation, repair or retrofits with components of the same ampacity, maintenance and servicing of electrical equipment within their enclosures performed by authorized employees, or authorized representatives of electrical equipment manufacturers and limited to the type of products they manufacture.

(23) Electrical Sign Apprentice--An individual, licensed as an electrical sign apprentice who works under the on-site supervision of a master electrician, a master sign electrician, or a journeyman sign electrician, on behalf of an electrical sign contractor while performing "Electrical Sign Work" as defined by this chapter.

(24) On-the-job Training--Training or experience gained under the supervision of an appropriate license holder, as prescribed by Texas Occupations Code Chapter 1305, while performing electrical work as defined by Texas Occupations Code, §1305.002(11). The term includes hours earned toward on-the-job training requirements through an accelerated journeyman electrician education program, where permitted by rule.

(25) Residential Appliance Installer--An individual, licensed as a residential appliance installer, who on behalf of a residential appliance installation contractor, performs electrical work that is limited to residential appliance installation including residential pool-related electrical installation and maintenance as defined by Texas Occupations Code, §1305.002(12-b).

(26) Residential Appliance Installation Contractor--A person or entity licensed as a residential appliance installation contractor, that is in the business of residential appliance installation including pool-related electrical installation and maintenance as defined by Texas Occupations Code §1305.002(12-d).

(27) Residential Appliance--Electrical equipment that performs a specific function, and is installed as a unit in a dwelling by direct connection to an existing electrical circuit, such as water heaters, kitchen appliances, or pool-related electrical device. The term does not include general use equipment such as service equipment, other electrical power production sources, or branch circuit overcurrent protection devices not installed in the listed appliance or listed pool-related electrical device.

(28) Offer to perform--To make a written or oral proposal, to contract in writing or orally to perform electrical work or electrical sign work, to advertise in any form through any medium that a person or business entity is an electrical contractor, electrical sign contractor, or residential appliance installation contractor or that implies in any way that a person or business entity is available to contract for or perform electrical work, electrical sign work, or residential appliance installation work.

(29) Electro Mechanical Integrity--The condition of an electrical product, electrical system, or electrical equipment installed in accordance with its intended purpose and according to standards at least as strict as the standards provided by the National Electrical Code, the manufacturer's specifications, any listing or labeling on the product, and all other applicable codes or ordinances.

(30) Journeyman Lineman--An individual who engages in electrical work involving the maintenance and operation of equipment associated with the transmission and distribution of electricity from the electricity's original source to a substation for further distribution.

(31) Journeyman Industrial Electrician--An individual who engages in electrical work exclusively at a business that operates a chemical plant, petrochemical plant, refinery, natural gas plant, natural gas treating plant, pipeline, or oil and gas exploration and production operation.

(32) Apprenticeship training program--has the meaning assigned by Texas Occupations Code §1305.002(1-b).

§73.21. Licensing Requirements--Examinations.

(a) To obtain a license by examination issued under this chapter:

(1) An individual applicant must submit a completed application, all necessary documentation, and appropriate fees to the Texas Department of Licensing and Regulation for review and determination of examination eligibility.

(2) An individual applicant must achieve a passing score on an examination approved by the executive director of the Texas Department of Licensing and Regulation.

(b) To be eligible to sit for examination as a journeyman electrician, an applicant must:

(1) Complete 7,000 hours of the on-the-job training required under Texas Occupations Code §1305.155; or

(2) Have completed an approved accelerated journeyman electrician education program under §73.112 or an apprenticeship training program and submitted an application on a form prescribed by the department to establish eligibility.

(c) The Executive Director may for good cause shown extend the expiration period under §60.56 of the validity of examination results of an applicant who is approved to take an examination under subsection (b)(2) of this section.

(d) To obtain a license without examination, an applicant must have been licensed for the preceding year by a municipality or regional licensing authority that has terminated its licensing program and have applied for a state issued license within ninety days of the date the program stopped issuing or renewing licenses.

§73.112. *Accelerated Journeyman Electrician Education Program.*

(a) Authority and Applicability. This section is adopted under the authority of Texas Occupations Code, §§51.4041(a), 1305.102, and 1305.152. This section applies to approved programs, to students in these programs, and to prospective programs seeking approval as an accelerated journeyman electrician education program.

(b) General Requirements. Applicants for licensure as journeymen electricians may receive credit toward the on-the-job training requirements of Texas Occupations Code §1305.155 under this section for completion of an accelerated journeyman electrician education program approved by the department under this section. Both the individual program and the curriculum must be approved by the department. The department may consult with the advisory board in determining whether to approve a program or curriculum.

(c) Department approval of curriculum. The department may approve a generally required curriculum for use by programs under this section. Upon approval of a curriculum, the department will publish the curriculum on the department's website. The department may revise the curriculum at any time and, in evaluating a program for approval, may approve variations from the generally approved curriculum.

(d) Required elements of curriculum. The curriculum must include extensive training on the current National Electrical Code, electrical safety, methods of electrical work, and compliance with Texas Occupations Code, Chapter 1305 and this chapter. All instruction must be provided by a qualified journeyman or master electrician licensed in this state.

(e) Hands-on training. The curriculum must include intensive hands-on training in a laboratory or similar environment. At least 80 percent of the technical training curriculum must incorporate a significant hands-on training element. Any hands-on training must be generally supervised by a master electrician licensed in this state.

(f) Approval of program required. A person seeking to offer a program under this section must request approval by:

- (1) submitting the request in a manner prescribed by the department;
- (2) providing copies of course materials requested by the department;
- (3) providing the names and license numbers of all electricians who will be supervising or instructing students; and
- (4) paying the applicable fee.

(g) An approved program must immediately notify the department of any substantial change to the program.

(h) The department may audit an approved program, inspect the facility in which instruction occurs, and demand the production of

records related to the instruction of students. Failure of a program to cooperate with an audit or inspection is grounds for a finding that the program no longer complies with department requirements.

(i) Upon a finding that an approved program does not substantially comply with department requirements, the department may rescind its approval.

(j) A determination or decision under this section is not a contested case under Texas Government Code, Chapter 2001, and may not be appealed.

(k) Effect of program approval. Unless otherwise ordered by the Executive Director, the approval of a program under this section applies to all students enrolled in the program, including those who began participation prior to program approval.

(l) Credit toward on-the-job training requirements.

(1) The Executive Director may order the award of on-the-job training credit hours in a manner that exceeds the amount otherwise prescribed by this section.

(2) Unless otherwise ordered by the Executive Director, applicants who begin but fail to complete a program will not receive credit for program hours completed. This exclusion does not apply to properly supervised electrical work performed in an optional cooperative program under the auspices of a program under this section.

(3) A graduate of a program established under this section will receive credit of 4,000 hours toward the on-the-job training requirements of Texas Occupations Code §1305.155. The department will credit these hours both toward the journeyman license application and any subsequent applications for a master electrician license.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

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Deanne Rienstra

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Texas Department of Licensing and Regulation

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Proposal publication date: April 10, 2026

For further information, please call: (512) 463-7750



CHAPTER 97. MOTOR FUEL METERING AND QUALITY

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of an existing rule at 16 Texas Administrative Code (TAC), Chapter 97, Subchapter A, §97.1, new rules at Subchapter A, §97.1; Subchapter B, §97.32; Subchapter C, §97.44 and §97.45; and Subchapter D, §97.61, and amendments to existing rules at Subchapter A, §97.2 and §97.3; Subchapter B, §97.29 and §97.30; Subchapter C, §§97.40, 97.42, 97.43; Subchapter D, §97.58 and §97.59; and Subchapter E, §97.71, regarding the Motor Fuel Metering and Quality program, without changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 805). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 97, implement Texas Occupations Code, Chapter 2310, Texas Business and Commerce Code, Chapters 607 and 607A, and Texas Government Code, Chapter 426.

The adopted rules are necessary to implement Senate Bill (SB) 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and House Bill (HB) 4690, 89th Legislature, Regular Session (2025), which amend state law regarding motor fuel quality and testing standards, stop-sale orders, and skimmer reporting requirements for service technicians.

SECTION-BY-SECTION SUMMARY

The adopted rules repeal existing §97.1, Authority. The provisions in this repealed rule have been updated and supplemented under new §97.1, Authority.

The adopted rules add new §97.1, Authority. This new rule includes provisions from existing §97.1, which is being repealed, and updates and supplements the existing authority by adding Texas Business and Commerce Code, Chapter 607A, and Texas Government Code, Chapter 426, to the list of applicable statutes authorizing the rules under Chapter 97.

The adopted rules amend §97.2, Definitions, by adding a definition for "Center"; amending the definitions for "Device," "Operator," and "Test standard" to remove references to "weighing" and "weight"; amending the definition for "Tamper-evident security" to correct punctuation; adding a definition for "Electronic terminal;" amending the definition for "Skimmer" to reference newly passed legislation, and renumbering the remaining provisions accordingly.

The adopted rules amend §97.3, Adoption of Standards by Reference, by removing and adding standards adopted by reference to bring the rules in line with the requirements of HB 4690; noting statutory exceptions to motor fuel quality standards; adopting standards for the collecting, sampling, and handling of motor fuel; and renumbering sections accordingly.

The adopted rules amend §97.29, Detection and Reporting of Skimmers, by removing the term "Payment Card" from the section title so that it reads "Detection and Reporting of Skimmers." The adopted rules also clarify that the section applies to skimmers on or in devices as defined by the adopted rules.

The adopted rules amend §97.30, Unauthorized Removal of Skimmers Prohibited, to clarify that the section applies to skimmers on or in devices as defined by the adopted rules.

The adopted rules add new §97.32, Device Specifications and Tolerances, to set the specifications and tolerances for devices under these adopted rules to be the same as the most recently adopted National Institute of Standards and Technology (NIST) standards, as required by HB 4690.

The adopted rules amend §97.40, Distributor, Supplier, Wholesaler--Certificate of Compliance, by removing the term "Jobber" from the section title so that it reads "Distributor, Supplier, Wholesaler--Certificate of Compliance" and removing the term "jobber" from the rule text.

The adopted rules amend §97.42, Stop-Sale Order; Appeal; Remediation, by revising the section title from "Stop-Sale Order" to "Stop-Sale Order; Appeal; Remediation"; amending subsection (a) to allow the Department, with the approval of the executive director, to issue a stop-sale order; amending subsection (b) to include offering to sell motor fuel as an act prohibited by a

stop-sale order and to clarify that a stop-sale order is lifted if a dealer or operator prevails in an appeal of the order; and adding new subsection (c) to clarify the process for issuance of a remediation plan to violators following a stop-sale order and to explain the factors the Department may consider when lifting a stop-sale order.

The adopted rules amend §97.43, Fuel Delivery Records, to remove the term "jobbers" from the rule text.

The adopted rules add new §97.44, Methods and Procedures for Collecting, Sampling, and Handling Motor Fuel. The adopted new rule requires the Department or an authorized representative of the Department to collect, sample, and handle motor fuel following the methods and procedures set out in the applicable standards as prescribed under new §97.3(5) and subject to the needs of the Department.

The adopted rules add new §97.45, Methods and Procedures for Testing Motor Fuel Quality. The adopted new rule requires the Department or an authorized representative of the Department to test motor fuel according to the applicable standards as prescribed by §97.3(2).

The adopted rules amend §97.58, Test Standards and Laboratories, by revising the section title from "Test Standards" to "Test Standards and Laboratories"; and adding new subsection (d) to provide that a metrology laboratory certified by the NIST is approved by the Department to inspect and correct the standards for motor fuel used to perform device maintenance activities.

The adopted rules amend §97.59, Inspection for Skimmers, by removing the term "Payment Card" from the section title so that it reads "Inspection for Skimmers."

The adopted rules add new §97.61, Reporting Skimmers on Electronic Terminals. The adopted new rule requires service technicians, or the service company that employs them, to notify owners or operators of the presence of skimmers on electronic terminals and report the skimmer to the Financial Crimes Intelligence Center (FCIC).

The adopted rules amend §97.71, Distributor, Wholesaler, and Supplier Fees, by removing the term "jobber" from the section title so that it reads "Distributor, Wholesaler, and Supplier Fees"; removing the term "jobber" from the rule text; and renumbering the remaining provisions accordingly.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 805). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on March 16, 2026. The Department received comments from one interested party on the proposed rules. The public comment is summarized below.

Comment: The Texas Food and Fuel Association (TFFA) commented to suggest: (1) alternate language to adopt standards by reference; (2) reduction of the time a retailer must wait before removing a skimmer; and (3) various revisions to §97.42 relating to stop-sale orders, including limiting their scope, adding evidentiary requirements, allowing additional proof of compliance, and removing the proposed remediation provision.

Department Response: The Department appreciates TFFA's comments but disagrees and declines to make changes. (1) The proposed standards-by-reference language is necessary to implement statutory requirements for adoption of applicable ASTM standards and related testing provisions. (2) The Department declines to revise the skimmer removal timeframe because the existing requirement supports coordination with law enforcement and preservation of evidence, and the requested change is outside the scope of this rulemaking. (3) The Department declines to revise §97.42 because the proposed rule is consistent with Texas Occupations Code §2310.060, which authorizes stop-sale orders for violations involving motor fuel or motor fuel metering devices, and the requested changes would conflict with statute, add limitations not found in statute, or unnecessarily restrict the Department's enforcement authority. After consultation with the Motor Fuel Metering and Quality Advisory Board, the Department did not make any changes to the proposed rules in response to the comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Motor Fuel Metering and Quality Advisory Board met on April 8, 2026, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*.

At its meeting on May 20, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §97.1

STATUTORY AUTHORITY

The adopted repeal is adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeal are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted repeal is adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted repeal.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 10, 2026.

TRD-202602382

Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
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Proposal publication date: February 13, 2026
For further information, please call: (512) 463-7750

16 TAC §§97.1 - 97.3

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra
General Counsel
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For further information, please call: (512) 463-7750

SUBCHAPTER B. MOTOR FUEL METERING DEVICES

16 TAC §§97.29, 97.30, 97.32

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER C. SALE, DELIVERY, AND QUALITY OF MOTOR FUEL

16 TAC §§97.40, 97.42 - 97.45

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER D. SERVICE COMPANIES AND SERVICE TECHNICIANS

16 TAC §§97.58, 97.59, 97.61

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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SUBCHAPTER E. FEES

16 TAC §97.71

STATUTORY AUTHORITY

The adopted rule is adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rule are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rule is to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rule.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



CHAPTER 118. LASER HAIR REMOVAL

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 118, Subchapter A, §118.3; Subchapter B, §118.12 and §118.13; Subchapter C, §§118.26, 118.28, and 118.29; Subchapter F, §118.50; and Subchapter H, §118.70, regarding the Laser Hair Removal program, without changes to the proposed text as published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1364). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 118, implement Health and Safety Code Chapter 401.

The adopted rules are necessary to implement Senate Bill (SB) 748, 89th Legislature, Regular Session (2025), specifically, Section 2. These adopted rules also include grammatical changes and other changes recommended by Department staff during the Department's four-year rule review of Chapter 118.

The adopted rules remove size and font size requirements from the warning signs required to be posted at laser hair removal facilities and remove the requirement that the signage include verbiage about the hazards of electromagnetic radiation.

The adopted rules also clarify that an applicant for an apprentice-in-training certification must submit proof of successful completion of a training program approved by the department covering the topics listed in §118.26(a)(3) in addition to §118.26(a)(2).

Finally, the adopted rules amend a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The adopted rules amend §118.3, Definitions. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter B. Laser Hair Removal Facility

The adopted rules amend §118.12, LHR Facility--Responsibilities; and §118.13, LHR Facility--Consulting Physician. The adopted rules amend §118.12(k) by removing size and font size requirements from the warning signs required to be posted at laser hair removal facilities. The adopted rules also remove the

requirement that the signage include verbiage about the hazards of electromagnetic radiation and update the Department's current contact phone number for complaints.

The adopted rules also correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter C. Laser Hair Removal Individual Certification

The adopted rules amend §118.26, LHR Individual Certification--Apprentice-in-Training; §118.28, LHR Individual Certification--Senior LHR Technician; and §118.29, LHR Individual Certification--LHR Professional. The adopted rules amend §118.26(b) by clarifying that an applicant for an apprentice-in-training certification must submit proof of successful completion of a training program approved by the department covering the topics listed in §118.26(a)(3) in addition to §118.26(a)(2).

The adopted rules also correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter F. Laser Hair Removal Devices

The adopted rules amend §118.50, LHR Devices--General and Operating Requirements. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter H. Fees

The adopted rules amend §118.70, Fees. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1364). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on April 6, 2026.

The Department received comments from one interested party in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on February 19, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department did not receive any comments from interested parties on the published proposed rules during the official public comment period.

Comments in Response to the Posted Summary

Comment: The first comment, submitted by an individual, was in favor of the proposed rules. The comment requested that the "postings" remain visible indicating the potential risks. This commenter also requested that individuals performing laser hair removal be licensed and certified in the state in which those individuals perform procedures.

Department Response: The Department appreciates this comment in support of the proposed rules. In its review of this comment, the Department observes that (1) it is not clear which section of the rule package the comment refers to in regards to "post-

ings," as this term does not appear in the proposed rules; and (2) all individuals performing laser hair removal procedures in the state of Texas must be licensed and certified (subject to certain specific exceptions). Thus, the Department did not make any changes to the proposed rules because of this comment.

COMMISSION ACTION

At its meeting on May 20, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §118.3

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 748, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER B. LASER HAIR REMOVAL FACILITY

16 TAC §118.12, §118.13

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 748, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER C. LASER HAIR REMOVAL INDIVIDUAL CERTIFICATION

16 TAC §§118.26, 118.28, 118.29

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 748, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER F. LASER HAIR REMOVAL DEVICES

16 TAC §118.50

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those

set forth in Health and Safety Code, Chapter 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 748, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

TRD-202602371

Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

Effective date: July 1, 2026

Proposal publication date: March 6, 2026

For further information, please call: (512) 463-7750



SUBCHAPTER H. FEES

16 TAC §118.70

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 748, 89th Legislature, Regular Session (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

TRD-202602372

Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

Effective date: July 1, 2026

Proposal publication date: March 6, 2026

For further information, please call: (512) 463-7750



TITLE 25. HEALTH SERVICES

PART 9. TEXAS DIABETES COUNCIL

CHAPTER 651. CONDUCT OF COUNCIL MEETINGS

25 TAC §§651.1 - 651.5

The Texas Diabetes Council (TDC) adopts amendments to §651.1, concerning Introduction; §651.2, concerning Applicability of Texas Open Meetings Act; §651.3, concerning Notice of Meetings; §651.4, concerning Transaction of Business; and §651.5 concerning Public Participation.

Sections 651.1 - 651.5 are adopted without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1792). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are make necessary updates to the rules that were identified during the rule review required by Texas Government Code Chapter §2001.039. The amendments include updating the reference of appropriate statute, clarifying the role DSHS has in providing administrative support, specifying voting eligibility, and updating public participation best practice.

COMMENTS

The 31-day comment period ended April 20, 2026.

During this period, the TDC did not receive any comments regarding the proposed amendments.

STATUTORY AUTHORITY

The amendments are authorized by Texas Health and Safety Code Chapter 103, which provides the TDC will adopt rules for the conduct of its meetings.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 10, 2026.

TRD-202602353

Chris Carmona

Texas Diabetes Council Chair

Texas Diabetes Council

Effective date: June 30, 2026

Proposal publication date: March 20, 2026

For further information, please call: (512) 695-3846



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 57. FISHERIES

SUBCHAPTER A. HARMFUL OR POTENTIALLY HARMFUL FISH, SHELLFISH, AND AQUATIC PLANTS

31 TAC §57.114, §57.129

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 26, 2026, adopted amendments to 31 TAC §57.114 and new §57.129, concerning Harmful or Potentially Harmful Exotic Fish, Shellfish, and Aquatic Plants. Section 57.129 is adopted with changes to the proposed text as published in the December 19, 2025, issue of the *Texas Register*

(50 TexReg 8167) and will be republished. Section 57.114 is adopted without change and will not be republished.

The change to §57.129 enlarges the proposed exclusion zone delineated in proposed subsection (a)(2) and adds new subsection (e) to create an annual inspection requirement for facilities permitted to culture dotted duckweed. Following expert testimony during deliberation of the rules, the commission determined that it would be prudent to strengthen measures intended to minimize the risk of escapement of dotted duckweed from permitted facilities. The rule as proposed delineated an exclusion zone within which permit issuance would be prohibited, consisting of that part of the state that is both south of State Highway 21 and east of Interstate Highway 35. The commission determined that the exclusion zone should be enlarged to encompass that part of the state located east of U.S. Highway 83, which is intended to provide additional assurance that facilities culturing dotted duckweed are located only in regions of the state with low abundance of small water bodies at risk for harmful impacts should escapement and colonization occur. Additionally, the commission directed the imposition of a yearly inspection requirement (in addition to the possibility of random inspections already provided by current rule), which is intended to provide additional oversight and a further assurance that cultivation of dotted duckweed is conducted as prescribed by rule. Finally, the change corrects an erroneous internal reference in subsection (b)(2).

The rules authorize the issuance of permits for the possession, cultivation, sale, and transport of dotted duckweed (*Landoltia punctata*) under specific conditions. Under current rule (§57.112(3)(C)(i)), dotted duckweed is designated a prohibited harmful or potentially harmful exotic aquatic plant and cannot be possessed or cultivated for commercial purposes. The department recently received a petition for rulemaking requesting the alteration of current rules to create an exception allowing the commercial cultivation of dotted duckweed under the existing commercial aquaculture permit. After comprehensive analysis of all significant parameters, the department determined that dotted duckweed can be safely cultivated, provided all culture and handling occurs in fully enclosed facilities under appropriate biosecurity standards. Dotted duckweed is a small, floating exotic aquatic plant native to Australia and Southeast Asia that is distributed easily via multiple transport pathways, has a high growth and propagation rate, and is known to outcompete some native plant species. Climate match analysis indicates it could survive and become established in public waters throughout most of Texas should it escape culture, and it is deemed likely to have potential to become particularly problematic in smaller water bodies where conditions are most conducive to formation of dense mats capable of suppressing native plants and potentially degrading sportfish habitat and impeding recreational or agricultural access. Dotted duckweed can be easily transported to new water bodies by waterfowl, watercraft, and aquarium dumping, presenting a high spread potential should it escape. Notwithstanding, based on careful consideration of biosecurity risks associated with the proposed activity and escapement risk mitigation feasibility, staff has determined that under appropriate biosecurity and monitoring provisions there is an acceptably minimal, though not zero, risk of escape.

The amendment to §57.114, concerning Controlled Exotic Species Permit, provides for the issuance of a commercial aquaculture facility permit for the possession, culture, sale, and transport of dotted duckweed.

New §57.129, concerning Special Provisions--Dotted Duckweed, establishes facility and processing standards that specifically apply to the cultivation of dotted duckweed.

New subsection (a)(1) stipulates that the provisions of the new section are in addition to the minimum facility requirements already imposed by the subchapter, which is necessary to prevent confusion or misunderstanding. The new section also defines the term "culture pond" as "any reservoir of water used as media for the cultivation and harvest of dotted duckweed in a facility permitted to do so under this subchapter," which is necessary to provide an unambiguous meaning of that term for purposes of compliance, administration, and enforcement.

New subsection (a)(2) provides that the department will not issue a permit under the section for a facility located in that part of the state east of U.S. Highway 83. The provision is necessary to preclude cultivation of dotted duckweed in that part of the state that has high abundance of small public lakes and private ponds and regularly experiences, has experienced, or is at risk of experiencing inundation and/or high winds during severe meteorological events, which could result in escapement of dotted duckweed to surrounding aquatic systems.

New subsection (b) sets forth the requirements for water handling within facilities permitted to culture dotted duckweed to minimize escape risks. New subsection (b)(1) prohibits the draining of any water from culture ponds unless it has been chemically treated in accordance with applicable law to kill all dotted duckweed that may be present. The provision is necessary, in concert with the provisions of subsection (b)(2), to ensure that water leaving any facility is free of viable dotted duckweed. New subsection (b)(2) requires all water leaving a facility to be passed through equipment that reduces plant material to a size of 100 micrometers or smaller (based upon seed size), which must be maintained to meet the regulatory standard at all times. The department has determined that the combination of chemical and physical treatments of culture media result in reasonable confidence that viable dotted duckweed will not escape from facilities as a result of pond draining activities. New paragraph (b)(3) explicitly states that it is an offense for any person to allow or cause culture pond water to drain into any ditch, storm drain, channel, conduit, stream, or other pathway that drains into or could drain into public water, which is intended to provide an additional layer of confidence that viable dotted duckweed will not be spread to public waters. The department wishes to make absolutely and unmistakably clear that failure to contain dotted duckweed as a result of pond draining procedures is a crime.

New subsection (c) establishes infrastructure standards for facilities where dotted duckweed is authorized to be cultured. New subsection (c)(1) requires all facilities and infrastructure used for the culture, harvesting, and packaging of dotted duckweed to be completely enclosed within a permanent, department-approved structure. The provision is necessary to ensure that there is a physical barrier at all times between viable dotted duckweed and the external environment. New subsection (c)(2) requires all points of entry or access to structures containing viable dotted duckweed to be kept closed except for immediate use for ingress or egress of personnel, equipment, or machinery. The provision is necessary to minimize, to the greatest extent practicable, the opportunity for waterfowl or other vectors to transport dotted duckweed from facilities to the external environment.

New subsection (d) prescribes best practices for the processing and transport of dotted duckweed. New subsection (d)(1) stipulates that the processing of dotted duckweed occur only within

permitted facilities, and reiterates that allowing dotted duckweed to leave a facility except as provided by rule is a criminal offense. The provision is necessary to make it abundantly clear that dotted duckweed cannot be removed or allowed to leave a facility except as specifically provided by rule.

New subsection (d)(2) prohibits the removal of dotted duckweed and any byproducts of the processing of dotted duckweed from a facility unless it has been passed through at least one department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers, and for all such equipment to be constantly maintained to achieve this standard. As noted previously in this preamble, the department has determined that physical treatment of organic material to render it non-viable is necessary to provide reasonable confidence that viable dotted duckweed will not be spread to the environment from facilities where it is cultivated.

New subsection (d)(3) specifically authorizes the possession, transport, sale, and export of non-viable dotted duckweed remnants and plant material byproducts. The department has determined that upon satisfaction of the various provisions of the rules, there is no longer a need to regulate the possession of materials that are incapable of negative impacts to native ecosystems.

New subsection (e) requires a permittee to satisfactorily demonstrate to the department, during annual facility inspections, that activities authorized under this subchapter are conducted in compliance with the requirements of this subchapter and the facility is maintained in such a way as to prevent escape or release of dotted duckweed. The provision is necessary to provide for additional oversight of a potentially problematic species during cultivation activities.

New subsection (f) requires permittees to ensure that all water and wastewater discharges at a facility are compliant with applicable rules of the Texas Commission on Environmental Quality, which is necessary because such requirements may differ from animal aquaculture wastewater discharge authorization requirements applicable to other permitted aquaculture facilities.

The department received 19 comments opposing adoption of the rules as proposed. Of those comments, eight provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

Three commenters opposed adoption and stated, in different ways, that because the public bears the costs associated with the impacts of invasive species on native systems and those costs can be significant and in some cases permanent, it is unwise to allow commercial interests to possess and cultivate exotic species without being financially responsible for the costs for remediation and control efforts should escapement occur. The department agrees in part with the comments but disagrees that absolute binary opposition of risk potential should be the standard for determining whether dotted duckweed can be safely cultivated. The department responds that extensive risk-assessments and consultation with experts in the field provided what the department determined to be acceptable assurance that dotted duckweed, cultivated in compliance with the rules as adopted, is a low-risk threat for escape and establishment. No changes were made as a result of the comments. One commenter opposed adoption and stated that anything requiring the use of pesticides to keep it from spreading is bad for the environment and should not be lawful to propagate. The department disagrees

with the comment and responds that the use of pesticides approved for aquatic use, applied in accordance with label requirements, are deemed safe for use in greenhouses. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the department's mission does not include facilitating business opportunities involving non-native species that are known to be environmentally destructive. The department disagrees with the comment and responds that Chapter 134 of the Agriculture Code applies to the department and expressly regulates the commercial aquaculture of exotic species such as dotted duckweed. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that there is no way to be 100 percent certain that dotted duckweed will not escape from facilities, irrespective of measures intended to prevent it from occurring. The department agrees with the comments but disagrees that absolute binary opposition of risk probability should be the standard for determining whether dotted duckweed can be safely cultivated. The department's risk assessments and consultation with outside experts have provided reasonable assurance that dotted duckweed, cultivated in compliance with the rules as adopted, is a low-risk threat for escape and establishment. No changes were made as a result of the comments.

One commenter opposed adoption and stated that "low-margin" commercial interests will not sacrifice profit to maintain regulatory compliance, which creates unacceptably high risk of escapement. The department disagrees with the comment and responds that the rules as adopted contain reporting and inspection requirements that the department believes provide sufficient confidence that any escapement will be readily detected and remedied. No changes were made as a result of the comment.

The department received 25 comments supporting adoption of the rules as proposed.

The Honorable Wes Virdell, State Representative for House District 53; Sid Miller, Texas Agriculture Commissioner; the Honorable Charlie Bradley, Schleicher County Judge; Ronnie D. Hawkins Jr., President of Angelo State University; Ryan Charles Sartor, PhD, Assistant Professor, North Carolina State University; Eric Lam, PhD, Distinguished Professor, Rutgers, State University of New Jersey; Robert Martienssen, PhD FRS, Cold Spring Harbor Lab; and Danya Hakeem, CEO, Elemental Impact commented in support of adoption of the rules as proposed.

Texas Backcountry Hunters and Anglers Association commented in opposition to adoption of the rules as proposed.

The amendments and new rule are adopted under the authority of Parks and Wildlife Code, §66.007, which authorizes the department to make rules necessary to authorize the import, possession, sale, or introduction of harmful or potentially harmful exotic fish.

§57.129. Special Provisions--Dotted Duckweed.

(a) General.

(1) In addition to the requirements of the provisions of §57.119 of this title (relating to Minimum Facility Requirements), the provisions of this section apply to facilities permitted to culture dotted duckweed under the provisions of this subchapter. For the purposes of this section, a culture pond is any reservoir of water used as media for

the cultivation and harvest of dotted duckweed in a facility permitted to do so under this subchapter.

(2) The department will not approve a permit under this section for any facility located in a part of the state that is east of US Highway 83.

(b) Culture ponds.

(1) Water may not be drained from a culture pond until all dotted duckweed in the culture pond has been killed in accordance with applicable law by application of pesticides or other chemicals approved for aquatic use by the U.S. Environmental Protection Agency and Texas Department of Agriculture.

(2) No water from a culture pond may be allowed to exit a greenhouse or other such confinement structure unless all culture pond water and plant material have been passed through at least one macerator pump or similar department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers. All equipment required by this subsection shall be maintained to ensure the particle size limit established by this subparagraph is not exceeded at any time.

(3) It is an offense for any person to allow or cause culture pond water to drain into any ditch, storm drain, channel, conduit, stream, or other pathway that drains into or could drain into public water.

(c) Facility requirements.

(1) All culture ponds and harvesting equipment (including but not limited to conveyor belts, transport infrastructure, processing infrastructure, and all other equipment or infrastructure associated with culture, harvest, and transport of dotted duckweed) within a facility shall be fully enclosed within a permanent, department-approved structure such as a greenhouse or other enclosure that the department determines is sufficient to prevent the escape of dotted duckweed.

(2) All doors and access points to greenhouses or structures used to enclose culture ponds and all access points to infrastructure used to transport dotted duckweed shall remain closed at all times except for purposes of immediate use for ingress or egress of personnel, equipment, or machinery.

(d) Processing requirements.

(1) Dotted duckweed may be processed only within a permitted aquaculture facility. Except as provided for drainwater under subsection (a) paragraphs (1) and (2) of this section or paragraph (2) of this subsection, it is an offense for any person to allow or cause dotted duckweed to leave a facility for any reason.

(2) No plant material, including dotted duckweed and any byproducts or remnants of processing operations, may be removed from the permitted facility for any reason unless it has been passed through at least one macerator pump or similar department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers. All equipment required by this subparagraph shall be maintained to ensure the particle size limit established by this subparagraph is not exceeded at any time.

(3) Dotted duckweed remnants and plant material byproducts that have been rendered non-viable in accordance with the provisions of subparagraph (B) of this paragraph may be possessed, transported, sold, or exported without a controlled exotic species permit.

(e) A permittee shall satisfactorily demonstrate to the department, during annual facility inspections, that activities authorized under this section are conducted in compliance with the requirements of

this subchapter and that the facility is maintained in such a way as to prevent escape or release of dotted duckweed.

(f) Wastewater discharge. A permittee shall ensure that all discharge of wastewater from a permitted facility occurs in compliance with all applicable regulatory requirements of the Texas Commission on Environmental Quality.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Parks and Wildlife Department

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CHAPTER 65. WILDLIFE

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 26, 2026, adopted amendments to 31 Texas Administrative Code §§65.3, 65.42, 65.64 and 65.66, concerning the Statewide Hunting Proclamation, without changes to the proposed text as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1020). The rules will not be republished.

The amendment to §65.3, concerning Definitions, modifies the definition of "muzzleloader" with respect to references on how the firearm is loaded. The change clarifies that the term "muzzleloader" applies to any firearm designed such that the bullet or projectile can be loaded only through the muzzle. Modern muzzleloading technology features various design changes that have caused confusion regarding use of this new technology and its legality under the current definition of muzzleloader. The amendment is intended to eliminate ambiguity and expand hunting opportunities during muzzleloader season.

The amendment to §65.42, concerning Deer, increases the number of "doe days" in 21 counties located in the Post Oak Savannah ecoregion. The department manages deer populations by the deer management unit (DMU) concept, which organizes the state into specific areas that share similar soil types, vegetative communities, land-use practices, and deer population characteristics. In this way, deer seasons, bag limits, and special provisions can be more effectively analyzed to monitor the efficacy of management strategies on deer populations within each DMU. In some DMUs characterized by fragmented habitat, high hunting pressure, and large numbers of small acreage properties, the department protects the reproductive potential of the population by restricting the time during which antlerless deer may be taken with a firearm, known colloquially as "doe days." The department has determined that a 16-plus doe-day structure that begins the second Saturday of November and closes the Sunday following Thanksgiving Day can be implemented in 21 counties that currently have four doe days. Department population and harvest data indicate that deer densities are increasing within the affected DMUs and that antlerless harvest is less than half of the total harvest, which is resulting in a skewed sex ratio that is undesirable. The amendment is intended to provide addi-

tional hunting opportunities within the tenets of sound biological management, and address resource concerns such as increasing deer densities and habitat degradation.

The amendment to §65.64, concerning Turkey, prohibits the harvest of unbearded hens statewide. The department has observed significant declines in turkey populations over the past 10 years in Texas, as indicated by United States Geodetic Survey (USGS) Breeding Bird Survey results. Recent research suggests that hen abundance during the nesting season is the most impactful variable to long-term sustainability. The department believes the change will reduce overall hen harvest in the state and, potentially, improve recruitment. The amendment to §65.64 also closes turkey seasons in Matagorda and Wharton counties. Mandatory harvest reporting has been in place in these counties since 2022. In the past three years, no turkey harvest has been reported in Matagorda County, and only one--a banded bird released under a Trap, Transport, and Transplant (TTT) permit--has been reported in Wharton County. Additionally, turkey distribution surveys indicate that Matagorda County has no or minimal turkey populations, and the data for Wharton County indicates turkeys in one area near a previous TTT release site. With the closures, the department will explore opportunities to restock turkeys in these areas, focusing on private lands where landowners are interested and suitable habitat exists.

The amendment to §65.66, concerning Chachalaca, opens the chachalaca hunting season on the first day in November and closes it on the last day in February. The amendment makes chachalaca season concurrent with quail season, which is intended to maintain consistency and simplify hunting regulations across the state. The department has determined that the change will have no biological impact on chachalaca populations.

The department received 77 comments opposing adoption of the proposed amendment to §65.3, concerning Definitions. Of the 77 comments, 15 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

Two commenters opposed adoption and stated that the proposed definition of muzzleloader allowed weapons that are not "primitive weapons." The department neither agrees nor disagrees with the comments and responds that Texas does not have a "primitive weapon" season and therefore the weapons used in muzzleloader season do not have to be considered "primitive weapons." No changes were made as a result of the comments.

One commenter opposed adoption and stated the proposed definition of muzzleloader was, "cheating." The department disagrees with the comment and responds that under the amendment as adopted, any hunter can use the modern muzzleloader technology and therefore no hunter is cheating or getting an advantage over any other. No changes were made as a result of the comment.

Three commenters opposed adoption and stated modern muzzleloaders are as accurate and easy to use as normal rifles and should not be allowed outside of the normal hunting season. The department disagrees with the comments and responds that although modern muzzleloaders utilize new technology, they are still not as effective as a centerfire firearm. No changes were made as a result of the comments.

Five commenters opposed adoption and stated in some form or fashion that traditional muzzleloaders are sufficient and there is

no need to allow modern muzzleloaders. The department neither agrees nor disagrees with the comments and responds that the modern muzzleloaders provide additional hunting opportunity and have the additional benefit of being safer, because they allow the gun to be safely unloaded by opening the breech and removing the charge, if needed. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the proposed change to the definition of muzzleloader would, "take away from the sport and heritage of the muzzleloading rifle." The department neither agrees nor disagrees with the comment and responds that the amendment simply expands the available options and does not preclude the use of traditional muzzleloaders. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department does not have the authority to change the definition of muzzleloader because it does not have the authority to change the law. The department disagrees with the comment and responds that the legislature has delegated authority to the commission to regulate the means, methods, and places in which it is lawful to hunt game animals and game birds, and that the rules as adopted were promulgated in accordance with applicable statutory provisions governing state agency rulemaking. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the muzzleloader season is not needed. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the rule as proposed did not contemplate elimination of muzzleloader seasons, and in any case, muzzleloader seasons are not intended to function as a critical component of harvest strategy but as an opportunity for muzzleloader enthusiasts to enjoy a period of time when effort is restricted to muzzleloaders only. No changes were made as a result of the comment.

One commenter opposed adoption and stated muzzleloader season should overlap with archery season instead of being later in the year. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment as the rule as proposed did not contemplate relocation of muzzleloader seasons. No changes were made as a result of the comment.

The department received 380 comments supporting adoption of the amendment as proposed.

The department received 32 comments opposing adoption of the proposed amendment to §65.42, concerning Deer. Of those comments, 17 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption of the rule as proposed and stated that the entirety of Victoria County should be included. The department disagrees with the comment and responds that deer populations in the portion of Victoria County north of U.S. Highway 59 are managed differently than deer populations south of U.S. 59. Habitat quality is better and deer densities are higher south of U.S. 59, which requires more aggressive harvest rules to prevent overpopulation and maintain sex ratios. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that there should be one harvest regulation for antlerless deer across the entirety of the Post Oak Savannah and that buck

harvest should be liberalized to remove bucks with undesirable antler characteristics. The department disagrees with the comment and responds that, as explained in the proposal preamble, the department manages deer populations under the deer management unit (DMU) concept, which organizes the state into specific areas that share similar soil types, vegetative communities, land-use practices, and deer population characteristics. Although the Post Oak Savannah is a well-known geographical area, the DMU approach manages deer populations at much higher resolutions and provides much greater analytical benefits than management at the general ecoregion scale. With respect to buck harvest, the rule as proposed did not contemplate changes to buck harvest regulations because the department has determined that buck management strategies in the affected DMUs are appropriate and effective at the current time. No changes were made as a result of the comment.

Four commenters opposed adoption of the rule as proposed and stated that because of increased land fragmentation in the affected counties, the rule will result in excessive harvest to the detriment of the population because of intense hunting pressure on small acreages. The department disagrees with the comments and responds that harvest and population data indicate that the populations within the affected DMUs can withstand additional harvest pressure, which is desirable because it should result in better habitat quality and improved sex ratios. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that the harvest of antlerless deer should be regulated by property size. The department disagrees with the comment and responds that because of the wide variability of habitat quality and land use in any given DMU, property size by itself is not an appropriate component of responsible population management. The department further notes that management strategies at the level of individual properties are best left to individual landowners and land managers within the constraints of harvest regulations intended to prevent depletion or waste. No changes were made as a result of the comment.

Two commenters opposed adoption of the rule as proposed and stated that antlerless populations in Lavaca County have declined significantly and the populations cannot withstand additional harvest. The department disagrees with the comments and responds that harvest and population data indicate expanding populations of antlerless deer in the affected DMUs and additional harvest is desirable to prevent overpopulation and improve habitat quality and availability. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that the deer populations in the affected areas have declined and fawn mortality seems to be at an all-time high. The department disagrees with the comment and responds that department harvest and population data indicate that populations in the affected areas are stable or increasing, and that fawn mortality in and of itself does not appear to be negatively influencing the overall population. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that increased opportunity will result in more pressure on the reproductive segment of the deer herd and result unintended long-term consequences, particularly in areas where habitat conditions, weather variability, and localized hunting pressure already influence herd stability. The department disagrees with the comment and responds that in general, the expected

increase in harvest will be beneficial to populations and habitat, but that such decisions are ultimately made by property owners and resource managers within the constraints established by department harvest rules. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the department should implement full-season either-sex harvest with a special late season. The department disagrees with the comment and responds that full-season either-sex hunting, given the current indices of land use, habitat quality, hunting pressure, and population dynamics, would likely result in undesirable if not unacceptable population impacts in the affected DMUs. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that antlerless harvest should be allowed for the entirety of the season and that current antlerless harvest regulations have resulted in population declines. The department disagrees with the comment and responds that it appears to both favor and oppose adoption of the rule as proposed. In any case, as noted in a previous response, full-season either-sex hunting, given the current indices of land use, habitat quality, hunting pressure, and population dynamics, would likely result in undesirable if not unacceptable population impacts in the affected DMUs. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is widespread disregard for mandatory harvest reporting required under current rule. The department neither agrees nor disagrees with the comment and responds that persons who choose to consciously disregard regulations of the commission will be cited for such violations and held accountable. The department also encourages any person with knowledge of such violations to contact department law enforcement personnel or report the violation via the Operation Game Thief hotline. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the bag limit is two antlerless deer so the department should not care when a hunter harvests antlerless deer, provided the bag limit is not exceeded. The department disagrees with the comment and responds that the purpose of "doe days" is to provide antlerless harvest opportunity where possible in places where a huntable surplus exists but biological data indicate that full-season either-sex is not appropriate. "Doe days" facilitate enforcement of bag composition regulations by confining such harvest to a narrow timeframe. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the 16 "doe days" should be implemented on a weekend basis. The department disagrees with the comment and responds that a season structure that oscillates between antlerless harvest by permit only and antlerless harvest without a permit would be problematic in terms of enforcement and likely to confuse hunters and land managers. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that department data are insufficient data to support the proposal. The department disagrees with the comment and responds that the proposal is supported by department biological data indicating that an increased antlerless harvest in the affected DMUs is not only appropriate, but in fact desirable, and should be beneficial. The department further notes that the data

upon which the proposal is based are a public record and department staff are happy to explain the data and the biological justification for the proposal at a more granular level at the request of any interested party. No changes were made as a result of the comment.

The department received 497 comments supporting adoption of the amendment as proposed.

The department received 134 comments opposing adoption of the proposed amendment to §65.64, concerning Turkey. Of the 134 comments, 50 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated the amendments are an unjustified restriction on property rights and ignores the conservation efforts of private landowners. The department disagrees with the comment and responds that wild turkeys are the property of the state of Texas, and the department has the statutory responsibility and authority to manage wild turkeys for the people of Texas. No changes were made as a result of the comment.

One commenter opposed adoption and stated there are plenty of turkey on private lands. The department neither agrees nor disagrees with the comment and responds that turkey populations have declined to a 30-year low, which the department is concerned about and is in the process of addressing, via research, harvest regulations, and stocking initiatives. No changes were made as a result of the comment.

Two commenters opposed adoption and stated there was no publicly available data on the decline of turkey populations. The department disagrees with the comments and responds that the department has collected harvest, occupancy, and recruitment data across Texas for many years, which is freely available to the public upon request. Furthermore, USGS Breeding Bird Survey data, collected since 1966, illustrates a 30-year low in wild turkey observations in Texas. No changes were made as a result of the comments.

One commenter opposed adoption and stated that hunting is not the reason the turkey population is declining and the department should lower the bag limit to one instead of completely closing Matagorda and Wharton counties. The department neither agrees nor disagrees with the comment and responds that the bag limit is irrelevant in counties where turkey populations are basically non-existent, and that closure of the season allows the department to explore opportunities to restore turkey populations by working with private landowners in these counties. No changes were made as a result of the comment.

One commenter opposed adoption and stated the season should be reduced but not closed in Matagorda and Wharton counties. The department disagrees with the comment and responds that there is no benefit to retaining seasons in counties where turkey populations are for all practical purposes non-existent, and that closure of the season allows the department to explore opportunities to restore turkey populations by working with private landowners in these counties. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should keep Wharton County open. The department disagrees with the comment and responds that there is no benefit to retaining a season in a county where turkey populations are for all practical purposes non-existent, and that closure of the season

allows the department to work with private landowners to explore opportunities to restore populations. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should keep the turkey season closed in Matagorda and Wharton counties until the turkey population returns. The department agrees with the comment and responds that the closures will be maintained until populations are restored and capable of sustaining harvest. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that spring season opens on April 1, which provides very little time to inform hunters. The department disagrees with the comments and responds that the rule as adopted will go into effect for the 2027 spring season, which will provide a generous amount of time for department messaging and outreach. No changes were made as a result of the comments.

Three commenters opposed adoption and stated that additional research and alternative options should be considered rather than rulemaking. The department disagrees with the comments and responds that data indicate the necessity for restoration efforts and season closure is the most effective way to expedite that restoration, which will be conducted according to the best available science and research. No changes were made as a result of the comments.

One commenter opposed adoption and stated that rain would help turkey populations more than anything else. The department neither agrees nor disagrees with the comment and responds that with respect to the rules as proposed, Matagorda and Wharton Counties are part of the Gulf Coast Prairies and Marshes ecoregion and receive abundant rainfall annually. With respect to statewide populations generally, rainfall patterns fluctuate significantly; however, hen populations at the beginning of the nesting season are a primary driver in annual recruitment. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the turkey population is a nuisance and harvesting hens is the only way to control it. The department disagrees with the comment and responds that the rules as adopted are intended to address documented, long-term turkey population declines, not nuisances. The department further states that nuisance status is a subjective determination and that there are many effective methods for addressing nuisance turkeys (including lawful hunting). No changes were made as a result of the comment.

One commenter opposed adoption and stated that tagging turkey harvest is good enough. The department neither agrees nor disagrees with the comment and responds that the best available data and science is being utilized to inform management decisions, including tagging and reporting requirements. No changes were made as a result of the comment.

Eighteen commenters opposed adoption and all essentially stated that certain counties have plenty of turkeys and the hen harvest restrictions should be county specific. The department disagrees with the comments and responds that documented long-term declines of turkey population across the state indicate protection of the hen segment population is warranted to slow or arrest that trend. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the take of hens in the fall reduces pressure on toms and keeps the population in balance. The department disagrees with the comment

and responds that research suggests that hen abundance during the nesting season is the most impactful variable to long-term sustainability. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that prohibiting the harvest of unbearded hens would penalize hunters for identification mistakes and hunters should be given a one-hen grace limit. The department disagrees with the comments and responds that the bag limit is currently restricted to "gobblers-only" or "gobblers and bearded hens" during the spring season; thus, field identification is already required. The department believes that it is incumbent upon an ethical hunter to be able to identify birds that are lawful to hunt. No changes were made as a result of the comments.

One commenter opposed adoption and stated that Texans should be able to take whatever bird they want. The department disagrees with the comment and responds that harvest limits ensure wild turkey populations will remain available and healthy for current and future Texans to harvest. No changes were made as a result of the comment.

Three commenters opposed adoption and stated that the harvest of hens should be stopped completely. The department disagrees with the comments and responds that bearded hens make up approximately 3% of the hen population in Texas. Research has shown that removal of less than 5% of the hen population annually is sustainable. No changes were made as a result of the comments.

Six commenters opposed adoption and stated that bag limits should be lowered instead of prohibiting the harvest of unbearded hens. The department disagrees with the comments and responds that department data indicate 92% of turkey hunters harvest less than the four-bird annual bag limit. Additionally, Texas has one of the most liberal fall seasons and a substantial number of hens are harvested during the fall season. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the bag limit should be lowered, but with a differential limit for residents and non-residents. The department disagrees with the comment and responds that Texas has some of the lowest male harvest rates in the country at 13%. Of those hunters who successfully bag a wild turkey in Texas, 92% harvest three or fewer birds. Reducing the annual bag limit on male wild turkeys would have little impact on population sustainability or growth. Additionally, implementing a differential bag limit for residents and nonresident, especially in the absence of a tangible conservation necessity or benefit, would create unnecessary administration, compliance, and enforcement issues. No changes were made as a result of the comment.

One commenter opposed adoption and stated there should be an option to buy a tag to hunt hens. The department disagrees with the comment and responds that the purpose of the rule is to curtail or truncate hen harvest in general; allowing additional harvest of hens confounds that goal and, in any case, introduces unnecessary complexity to processes. No changes were made as a result of the comment.

One commenter opposed adoption and stated that Bell County east of I35 should be open to turkey harvest along with the rest of the county. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the only closures contemplated did

not involve Bell County. No changes were made as a result of the comment.

The department received 828 comments supporting adoption of the amendment as proposed.

The department received 25 comments opposing adoption of the proposed amendment to §65.66, concerning Chachalaca. Of the 25 comments, five provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated the season should stay the same as it was previously. The department disagrees with the comment and responds that the change will maintain consistency and simplify hunting regulations across the state. No changes were made as a result of the comment.

One commenter opposed adoption and stated the best time for hunting chachalaca was February, especially later in the month. The department neither agrees nor disagrees with the comment and responds that the rule as adopted results in a season lasting the entirety of February. No changes were made as a result of the comment.

One commenter opposed adoption and stated that quail and chachalaca seasons should open at the same time but retain the winter dates from the previous year. The department disagrees with the comment and responds that the change results in a season that is similar to previous years but adds more opportunity at the end of February. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the quail season should start a few weeks earlier to avoid an overlap with deer season. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the rules as proposed did not contemplate changes to quail seasons. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should leave the quail season dates alone. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as no changes to quail seasons were proposed. No changes were made as a result of the comment.

The department received 384 comments supporting adoption of the amendment as proposed.

SUBCHAPTER A. STATEWIDE HUNTING PROCLAMATION

DIVISION 1. GENERAL PROVISIONS

31 TAC §65.3

The amendment is adopted under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 11, 2026.

TRD-202602411

James Murphy

General Counsel

Texas Parks and Wildlife Department

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Proposal publication date: February 20, 2026

For further information, please call: (512) 389-4775



DIVISION 2. OPEN SEASONS AND BAG LIMITS

31 TAC §§65.42, 65.64, 65.66

The amendments are adopted under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 6. LICENSE TO CARRY HANDGUNS

SUBCHAPTER B. ELIGIBILITY AND APPLICATION PROCEDURES FOR A LICENSE TO CARRY A HANDGUN

37 TAC §6.11, §6.16

The Texas Department of Public Safety (the department) adopts amendments to §6.11 and §6.16, concerning Eligibility and Application Procedures for a License To Carry a Handgun. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2615) and will not be republished.

The amendments provide that an applicant for a new or renewal license to carry a handgun must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.197, which authorizes the director of the department to adopt rules to administer Subchapter H, License to Carry a Handgun.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602417

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER C. QUALIFIED HANDGUN INSTRUCTOR LICENSE

37 TAC §6.46

The Texas Department of Public Safety (the department) adopts the amendment to §6.46, concerning Renewal of Qualified Handgun Instructor Certification. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2617) and will not be republished.

The amendment provides that an applicant for a renewal qualified handgun instructor certification must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.197, which authorizes the director of the department to adopt rules to administer Subchapter H, License to Carry a Handgun.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 10. IGNITION INTERLOCK DEVICE

SUBCHAPTER B. VENDOR AUTHORIZATION

37 TAC §10.11

The Texas Department of Public Safety (the department) adopts amendments to §10.11, concerning Application; Renewal. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2618) and will not be republished.

The amendments provide that an applicant for a new or renewal ignition interlock device vendor authorization must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and vendor authorization process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.2476, which authorizes the department to establish by rule the minimum standards for vendors of ignition interlock devices who conduct business in this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 12, 2026.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 12. COMPASSIONATE-USE/LOW-THC CANNABIS PROGRAM

SUBCHAPTER B. APPLICATION AND RENEWAL

37 TAC §§12.12, 12.13, 12.16

The Texas Department of Public Safety (the department) adopts amendments to §§12.12, 12.13, and 12.16, concerning Application and Renewal. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2620) and will not be republished.

The amendments provide that an applicant for a new or renewal registration under the Compassionate-Use/Low-THC Cannabis Program must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and registration process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Health and Safety Code, §487.052, which authorizes the director of the department to adopt any rules necessary for the administration and enforcement of Chapter 487.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 15. DRIVER LICENSE RULES

SUBCHAPTER B. APPLICATION REQUIREMENTS--ORIGINAL, RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES

37 TAC §15.25

The Texas Department of Public Safety (the department) adopts amendments §15.25, concerning Address. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2621) and will not be republished.

The amendment provides that an applicant for a renewal qualified handgun instructor certification must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521; and Senate Bill 523, 89th Leg., R.S. (2025) and House Bill 16, 89th Leg., 2d C.S. (2025).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 23. VEHICLE INSPECTION

SUBCHAPTER A. VEHICLE INSPECTION STATION AND VEHICLE INSPECTOR CERTIFICATION

37 TAC §23.1, §23.3

The Texas Department of Public Safety (the department) adopts amendments to §23.1 and §23.3, concerning Vehicle Inspection Station and Vehicle Inspector Certification. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2623) and will not be republished.

These amendments provide that an applicant for a new or renewal vehicle inspection station certification or a vehicle inspector certificate must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the

residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 35. PRIVATE SECURITY

SUBCHAPTER B. LICENSING

37 TAC §§35.21, 35.22, 35.30

The Texas Department of Public Safety (the department) adopts amendments to §§35.21, 35.22, and 35.30, concerning Licensing. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2626) and will not be republished.

These amendments provide that an applicant for a new or renewal private security license must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qual-

ifications of company license holders, individual license holders, and commissioned security officers.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER F. COMMISSIONED SECURITY OFFICERS

37 TAC §35.81, §35.83

The Texas Department of Public Safety (the department) adopts amendments to §35.81 and §35.83, concerning Commissioned Security Officers. Section 35.81 is adopted with a change to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2628) and will be republished. Omitted punctuation at the end of §35.81(a)(9)(K) has been added. Section 35.83 is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2628) and will not be republished.

These amendments provide that an applicant for a new or renewal security officer commission must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This proposal is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qualifications of company license holders, individual license holders, and commissioned security officers.

§35.81. *Application for a Security Officer Commission.*

(a) A complete security officer commission application must be submitted on the most current version of the form provided by the department. The application must include:

- (1) The required application fee;

- (2) Fingerprints in form and manner approved by the department;

- (3) The required criminal history check fee;

- (4) A copy of the applicant's Level II certificate of completion;

- (5) A copy of the applicant's Level III certificate of completion;

- (6) Non Texas residents must provide a copy of an identification card issued by the state of the applicant's residence, or other government issued identification card;

- (7) Non United States citizens must submit a copy of their current alien registration card. Non-resident aliens must also submit documents establishing the right to possess firearms under federal law;

- (8) Proof of completion of the Minnesota Multiphasic Personality Inventory on the department-prescribed form. The form must be signed by the administering psychologist or psychiatrist and must reflect the psychologist's or psychiatrist's interpretation of the results and the determination that the applicant is not disqualified from the license by reason of a mental health condition; and

- (9) Proof that the applicant is eligible for a security officer commission under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 by providing one of the following documents verified through the United States Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Program:

- (A) a valid, unexpired REAL ID-compliant driver license or identification certificate issued by a state or territory of the United States;

- (B) a valid, unexpired United States passport book or passport card;

- (C) a valid, unexpired foreign passport with a visa with a valid I-94;

- (D) an original or certified copy of a birth certificate issued by a state bureau of vital statistics or equivalent agency from a United States state, territory, or the District of Columbia;

- (E) an original or certified copy of a Consular Report of Birth Abroad, Certification of Birth Abroad, or Certification of Report of Birth issued by the United States Department of State (form FS-240, FS-545, or DS-1350);

- (F) a United States Certificate of Naturalization or Certificate of Citizenship with identifiable photo (form N-550, N-560, N-561, N-570, or N-578);

- (G) a United States Citizen Identification Card (form I-179 or I-197);

- (H) a valid, unexpired Permanent Resident Card (form I-551);

- (I) a Machine Readable Immigrant Visa with temporary I-551 language and an Alien Documentation, Identification and Telecommunications System (ADIT) stamp;

- (J) a valid, unexpired Employment Authorization Document (EAD) (form I-776); or

- (K) any other documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(b) Incomplete applications will not be processed and will be returned for clarification or missing information.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER J. SPECIAL COMPANY LICENSE QUALIFICATIONS

37 TAC §§35.121 - 35.124

The Texas Department of Public Safety (the department) adopts amendments to §§35.121 - 35.124, concerning Special Company License Qualifications. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2630) and will not be republished.

The amendments provide that an applicant for an investigations company license, a guard company license, a locksmith company license, or an alarm company and alarm training school license must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qualifications of company license holders, individual license holders, and commissioned security officers.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 36. METALS RECYCLING ENTITIES

SUBCHAPTER B. CERTIFICATE OF REGISTRATION

37 TAC §36.11, §36.16

The Texas Department of Public Safety (the department) adopts amendments to §36.11 and §36.16, concerning Certificate of Registration. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2633) and will not be republished.

These amendments provide that an applicant for a new or renewal metals recycling entity certificate of registration must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956, including rules establishing minimum requirements for registration.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202602426

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER E. DISCIPLINARY
PROCEDURES AND ADMINISTRATIVE
PROCEDURES

37 TAC §36.51

The Texas Department of Public Safety (the department) adopts the amendment to §36.51 concerning Denial of Application for Certificate of Registration. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2635) and will not be republished.

The amendments update this section to include rule text noting the department may deny an application for a certificate of registration if any applicant is found to have violated any provision of the Act or this chapter. This amendment provides conformity with other sections in this chapter and incorporates the most recent revisions found in §36.11 and §36.16 as a reason for denial.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956, including rules establishing minimum requirements for registration.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202602427

D. Phillip Adkins
General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



PART 16. TEXAS CIVIL COMMITMENT
OFFICE

CHAPTER 810. CIVIL COMMITMENT
SUBCHAPTER A. CIVIL COMMITMENT
GENERAL PROVISIONS

37 TAC §810.122

The Texas Civil Commitment Office (TCCO) adopts amendments to Title 37, Part 16, Chapter 810, Subchapter A General

Provisions §810.122 concerning Definitions without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2243). The rule will not be republished.

Reasoned Justification

The amendment removes definitions of chemical restraints, clinical examiner, income, indigent and mechanical restraints. These definitions relate to rules that are being repealed following an agency rule review conducted pursuant to Texas Government Code §2001.039. This amendment will increase clarity and efficiency of the rules. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the amendment.

Statutory Authority

The amended rule is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this amendment.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602429

Jessica Marsh
Deputy Director

Texas Civil Commitment Office

Effective date: July 2, 2026

Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



SUBCHAPTER B. CIVIL COMMITMENT

37 TAC §810.153

The Texas Civil Commitment Office (TCCO) adopts amendments to Title 37, Part 16, Chapter 810, Subchapter B Civil Commitment §810.153 concerning Tiered Treatment and Supervision Program without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2244). The rule will not be republished.

Reasoned Justification

The amendment removes subsections (1) and (2). These subsections were determined to be no longer necessary following a review of agency rules conducted pursuant to Texas Government Code §2001.039. This amendment will increase clarity and efficiency of the rules. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the amendment.

Statutory Authority

The amended rule is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this amendment.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602430

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

Effective date: July 2, 2026

Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



37 TAC §§810.154 - 810.156

The Texas Civil Commitment Office (TCCO) adopts the repeal of Title 37, Part 16, Chapter 810, Subchapter B Civil Commitment §§810.154 - 810.156 without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2245). The rules will not be republished.

Reasoned Justification

These rules are being repealed because they were determined to be no longer necessary following an agency rule review conducted pursuant to Texas Government Code §2001.039. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the repeal.

Statutory Authority

The rule repeals are adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by these repeals.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202602431

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

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Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



SUBCHAPTER E. MISCELLANEOUS PROVISIONS

37 TAC §810.273

The Texas Civil Commitment Office (TCCO) adopts repeal of Title 37, Part 16, Chapter 810, Subchapter E Miscellaneous Provisions §810.273 without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2246). The rules will not be republished.

Reasoned Justification

This rule is being repealed because it was determined to be no longer necessary following an agency rule review conducted pursuant to Texas Government Code §2001.039. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the repeal.

Statutory Authority

The rule repeal is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this repeal.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202602432

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

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For further information, please call: (512) 341-4421



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION SUBCHAPTER F. ADVISORY COMMITTEES

40 TAC §702.513, §702.515

The Department of Family and Protective Services (DFPS) adopts amended rules 40 TAC §702.513 and §702.515 in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapter F, relating to the Parent Collaboration Group (PCG) and the Youth Leadership Council (YLC) advisory committees. The proposal was published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2636). The amended rules are adopted with minimal non-substantive changes to the proposed text and will be republished.

BACKGROUND AND JUSTIFICATION

In 2016, DFPS adopted rules establishing the Youth Leadership Council and the Parent Collaboration Group advisory committees which had already existed, although not uniformly established in rule. Since adoption in 2016, the needs of the agency have evolved with the expansion of community-based care and amendments are needed to ensure the committees continue to serve their intended purpose. Additionally, the committees are set to expire in 2026 and amendments are needed to extend their duration so these committees can continue to provide input to DFPS.

COMMENTS

The 30-day comment period ended May 24, 2026. During this period, DFPS received two comments regarding the amended rules from the Texas Alliance of Child and Family Services and the Partners for Children and Families Committee. A summary of comments and DFPS's responses follows:

Comment: Why is there a 10-year expiration limit to the Youth Leadership Council and the Parent Collaboration Group advisory committees? Partners for Children and Families Committee.

Response: DFPS understands and agrees with the importance of the question. In 2015, the Sunset Advisory Commission recommended that advisory committees be promulgated in state agency rules. It further recommended that the use of a 10-year expiration limit would be an appropriate term for DFPS advisory committees. Government Code section 2110.008 provides that the state agency which has established an advisory committee may designate the date on which the committee will automatically be abolished. The designation must be by rule. The committee may continue in existence after that date only if the agency amends the rule to provide for a different abolishment date. Unless the state agency designates a different date, the advisory committee is automatically abolished the day after the fourth anniversary of the date of its creation. This rule ensures that advisory committees do not remain indefinitely without a clear end date, promoting fiscal responsibility and efficiency in state agency operations. The commentor did not suggest any rule changes, nor did they approve or disapprove of this rule, therefore DFPS will not be making any additional changes to the rule.

Comment: The Texas Alliance of Child and Family Services commented as follows:

Section 702.513 (Parent Collaboration Group- PCG):

Suggest adding the following language to subsections (b), (c)(1), and (d)(2) to broaden the audience for the recommendations and ensure SSCCs are aware of the input of the parents involved in the PCG so they may take action within their catchment areas based on their knowledge of and experience in those specific communities:

(b) Purpose. The purpose of the PCG is to provide a forum for individuals who have had involvement with the child welfare system as parents to discuss their experiences and make recommendations to the Department and the Single Source Continuum Contractors (SSCCs) for improving the system.

(c) Tasks. The PCG performs the following tasks:

(1) Makes recommendations to the Department and the SSCCs through regularly scheduled meetings and to Department and SSCC staff, as determined by the individual SSCCs, assigned to support the committee;

(d) Reporting requirements and Department action.

(1) the Department will gather information on the PCG activities to compile an annual report.

(2) The annual report may guide Department and/or SSCC policy or practice.

Suggest changing "may" to "shall" in subsection (e)(2) to ensure the SSCCs are engaged in decisions regarding parent members from their respective catchment areas:

Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

If the PCG is solely to provide input on Child Protective Services cases (beyond investigations which did not lead to an open Family Based Safety Services or Conservatorship case), suggest including language in a new subsection which contemplates the PCG being administered through an independent 3rd party contractor rather than DFPS as the state completely transitions to Community Based Care:

The PCG may be administered by an independent third-party contractor responsible for supporting the PCG.

Section 702.515 (State Youth Leadership Council)

Suggest adding the following language to subsections (b), (c)(1), and (d)(2) to broaden the audience for the recommendations and ensure SSCCs are aware of the input of the youth and young adults involved in the State Youth Leadership Council so they may take action

within their catchment areas based on their knowledge of and experience in those specific communities:

(b) Purpose. The State Youth Leadership Council provides a forum for youth and young adults who are currently or were formerly in foster care to discuss their experiences with the Texas foster care system and make recommendations to the Department and the Single Source Continuum Contractors (SSCCs) for improving the system.

(c) Tasks. The State Youth Leadership Council performs the following tasks:

(1) Makes recommendations to the Department and SSCCs through scheduled meetings based on the availability of the youth or young adults currently or formerly in foster care;

(d) Reporting requirements and Department action.

(1) The Department will gather information on the State Youth Leadership Council's activities to compile an annual report.

(2) The annual report may guide Department and SSCC policy and practice.

Suggest adding the following language in subsection (e)(3) to ensure the SSCCs are engaged in decisions regarding youth and young adult members from their respective catchment areas:

(C) Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

Suggest amending language in (f) to promote better alignment and coordination between DFPS and SSCC efforts to support youth and young adults with living experience:

(f) Meetings. The State Youth Leadership Council shall convene at a minimum annually. All statewide meeting shall include re-

gional youth leadership group representatives from both Department regions and Single Source Continuum Contractor catchment areas.

Suggest adding a new subsection to allow for the State Youth Leadership Council to be administered through an independent 3rd party contractor rather than DFPS as the state completely transitions to Community Based Care:

The State Youth Leadership Council may be administered by an independent third-party contractor responsible for supporting the council.

Response: DFPS agrees to the change "may" to "shall" as it relates to Regional Directors consulting with an SSCC when making appointments in a Community Based Care catchment area. With this change, DFPS does not see a need to make any other changes for the following reasons. First, SSCCs are represented through community advisory councils. Texas Family Code Section 264.155 requires the SSCC community engagement plans to include communication and collaboration with local stakeholders through a community advisory committee. DFPS includes findings and recommendations from that SSCC advisory committee in its performance review, corrective action plan and applicable improvement measures. Second, a state agency formed advisory committee is statutorily required to advise and make recommendations to that state agency. Third, DFPS is requiring the State Youth Leadership Council to hold one meeting annually that includes council members and local stakeholders from DFPS (regional) groups and SSCC regional committees. Finally, an independent third-party contractor to support the advisory committee is not statutorily permissible. It is the statutory responsibility of the state agency that established the advisory committee to have such a relationship with the committee to evaluate its work, its usefulness, and its costs including those related to the agency's support efforts.

STATUTORY AUTHORITY

The amendments are adopted under Texas Human Resources Code §40.030 which permits the DFPS Commissioner or designee to appoint advisory committees in accordance with Texas Government Code Chapter 2110. Chapter 2110 requires state agency advisory committees to be established by rule and to include provisions on the purpose, tasks, reporting requirements, and duration of each committee. Chapter 2110 also addresses committee composition, presiding officer selection, evaluation, and reporting requirements. Human Resources Code §40.030 permits DFPS to adopt rules governing advisory committee size, membership, appointments, and compliance with Open Meetings.

The amendments are also adopted under Human Resources Code §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

§702.513. *Parent Collaboration Group.*

(a) Establishment. The Parent Collaboration Group ("PCG") is established.

(b) Purpose. The purpose of the PCG is to provide a forum for individuals who have had involvement with the child welfare system as parents to discuss their experiences and make recommendations to the Department for improving the system.

(c) Tasks. The PCG performs the following tasks:

(1) Makes recommendations to the Department through regularly scheduled meetings and Department staff assigned to the committee; and

(2) Performs other tasks consistent with its purpose and by-laws.

(d) Reporting requirements and Department action.

(1) The Department will gather information on the PCG activities to compile an annual report.

(2) The annual report may guide Department policy or practice.

(e) Membership.

(1) The PCG consists of no more than 24 members.

(2) Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

(3) Membership requirements:

(A) All members must have previously been involved in the child welfare system as parents.

(B) In general, the member's Child Protective Services case must have been closed for one year; the Regional Director or Single Source Continuum Contractor in a Community Based Care catchment area may make exceptions to this rule if the parent is otherwise qualified.

(4) Except as may be necessary to stagger terms, a PCG member serves for a two-year term and may be appointed for additional terms, not to exceed three terms.

(f) Meetings. The PCG will meet a minimum of three times per year.

(g) Decision-making. The committee will make decisions by consensus.

(h) Abolition. The PCG is abolished, and this section expires, August 31, 2036.

(i) The PCG is not a "governmental body" for purposes of the Open Meetings Act, Texas Government Code Chapter 551.

§702.515. *State Youth Leadership Council.*

(a) Establishment. The State Youth Leadership Council is established.

(b) Purpose. The State Youth Leadership Council provides a forum for youth and young adults who are currently or were formerly in foster care to discuss their experiences with the Texas foster care system and make recommendations to the Department for improving the system.

(c) Tasks. The State Youth Leadership Council performs the following tasks:

(1) Makes recommendations to the Department through scheduled meetings based on the availability of the youth or young adults currently or formerly in foster care; and

(2) Performs other tasks consistent with its purpose.

(d) Reporting requirements and Department action.

(1) The Department will gather information on the State Youth Leadership Council's activities to compile an annual report.

(2) The annual report may guide Department policy and practice.

(e) Membership.

(1) The State Youth Leadership Council consists of no more than 24 members.

(2) Members for the State Youth Leadership Council are comprised of regional youth leadership group members from both Department regions and Single Source Continuum Contractor catchment areas, Regional Youth Specialists, Preparation for Adult Living staff, or other individuals familiar with the youth or young adults currently or formerly in foster care.

(3) Membership requirements:

(A) Members should be chosen so that the statewide council represents all regions of the state including Community Based Care catchment areas.

(B) Members must be youth or young adults who are currently or were formerly in foster care and who are at least age 16 but under the age of 21 when appointed.

(f) Meetings. The State Youth Leadership Council shall convene at a minimum annually. At least one statewide meeting shall include regional youth leadership group representatives from both Department regions and Single Source Continuum Contractor catchment areas.

(g) Decision-making. The State Youth Leadership Council will make decisions by consensus.

(h) Abolition. The State Youth Leadership Council is abolished, and this section expires, on August 31, 2036.

(i) The State Youth Leadership Council is not a "governmental body" for purposes of the Open Meetings Act, Texas Government Code Chapter 551.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 15, 2026.

TRD-202602445

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

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For further information, please call: (512) 945-5978



PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 800. GENERAL ADMINISTRATION SUBCHAPTER E. ADVISORY COMMITTEES

40 TAC §§800.170 - 800.172

The Texas Workforce Commission (TWC) adopts the following new sections to Chapter 800, relating to General Administration:

Subchapter E. Advisory Committees, §§800.170 - 800.172

New §§800.170 - 800.172 are adopted without changes to the proposal, as published in the April 10, 2026, issue of the *Texas*

Register (51 TexReg 2344), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 800 rule change is to establish by rule abolishment dates for TWC's advisory committees in accordance with Texas Government Code, Chapter 2110.

Under the statute, unless prohibited by another state law or federal law or regulation, an advisory committee is automatically abolished on the fourth anniversary of its creation date, unless the state agency by rule designates the date on which the committee will automatically be abolished. The committee may continue in existence after that date only if the agency amends the rule to provide for a different abolishment date.

This rulemaking sets specific abolishment dates for the following TWC advisory committees that are subject to Texas Government Code, Chapter 2110:

--Industry-Based Certifications Advisory Council;

--Jobs and Education for Texans Advisory Committee; and

--Lone Star Workforce of the Future Advisory Board.

Chapter 800, Subchapter E, does not apply to TWC advisory committees that are exempt from the provisions of Texas Government Code, Chapter 2110, because of another state law or a federal law or regulation.

In the development of the proposed rules, TWC's Office of General Counsel consulted the points of contact for each advisory committee affected by this rulemaking.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER E. ADVISORY COMMITTEES

TWC adopts new Subchapter E, as follows:

§800.170. Definition

New §800.170 defines "Advisory Committee" as it is defined by Texas Government Code, §2110.001.

§800.171. Creation and Duration of Advisory Committees Created by the Commission

New §800.171 provides the abolishment date of an advisory committee created by TWC in accordance with Texas Government Code, §2110.008(b).

§800.172. Duration of Advisory Committees

New §800.172 sets specific abolishment dates for the applicable TWC advisory committees.

PART III. PUBLIC COMMENTS

The comment period ended on May 11, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

The new rules are adopted under:

--Texas Government Code, §2110.008, which requires a state agency to set by rule an advisory committee abolishment date if the agency chooses to designate such a date.

--Texas Labor Code, §301.0015, which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The new rules relate to Title 4, Texas Labor Code, particularly Chapter 312, and Title 3, Texas Education Code, particularly Chapter 134 and Chapter 134A.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 9, 2026.

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Les Trobman

General Counsel

Texas Workforce Commission

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For further information, please call: (737) 301-9662



CHAPTER 806. PURCHASES OF PRODUCTS AND SERVICES FROM PEOPLE WITH DISABILITIES

SUBCHAPTER J. TRANSITION AND RETENTION PLANS

40 TAC §§806.100 - 806.104

The Texas Workforce Commission (TWC) adopts the repeal of the following sections of Chapter 806, relating to Purchases of Products and Services from People with Disabilities, as follows:

Subchapter J. Transition and Retention Plans, §§806.100 - 806.104

Repealed §§806.100 - 806.104 are adopted without changes to the proposal, as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2346), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 806 rulemaking is to repeal Subchapter J, Transition and Retention Plans, because the statute on which the rules in Subchapter J are based expired September 1, 2023.

The Purchasing from People with Disabilities (PPD) program encourages Texas state agencies and political subdivisions to give preference to purchasing products and services offered by community rehabilitation programs (CRPs) that employ people with disabilities, helping them achieve and maintain their independence through gainful employment.

Texas Human Resources Code, §122.0076, requires any CRP participating in the PPD program to pay each worker with a disability who is employed by the CRP at least the federal minimum wage.

Expired Texas Human Resources Code, §122.0075, as set forth by Senate Bill 753, 86th Texas Legislature, Regular Session, 2019, required CRPs that were paying their workers with disabilities less than the federal minimum wage to develop a plan to increase those wages to at least the federal minimum wage in order to continue participating in the PPD program. This statute expired on September 1, 2023, and, consequently, so did the rules under Chapter 806, Subchapter J, which the Commission

adopted for the purpose of implementing the CRP minimum wage transition planning requirement.

TWC ensures CRP compliance with the minimum wage requirement under Texas Human Resources Code, §122.0076, through compliance monitoring, which, among other requirements in Chapter 806, requires each participating CRP to file a quarterly employee wage and hour report and for the CRP to recertify for continued PPD program participation every three years.

TWC informed CRPs currently participating in the PPD program of the proposed action to repeal Chapter 806, Subchapter J in its entirety.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER J. TRANSITION AND RETENTION PLANS

TWC adopts the repeal of Subchapter J, in its entirety, as follows:

§806.100. Scope and Purpose

§806.101. Requirements for Transition and Retention Plans

§806.102. Extensions for Transition and Retention Plans

§806.103. Withdrawal from the Program

§806.104. New CRPs during the TRP Period

PART III. PUBLIC COMMENTS

The comment period ended on May 11, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

The repeals are adopted under the authority of:

--Texas Human Resources Code, §122.0075(h), which set a September 1, 2023, expiration date for §122.0075;

--Texas Human Resources Code, §122.013, which grants the Commission authority to adopt rules for the administration of Texas Human Resources Code, Chapter 122; and

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals relate to Title 8, Texas Human Resources Code, Chapter 122.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Workforce Commission

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For further information, please call: (737) 301-9662



CHAPTER 838. TEXAS INDUSTRY-RECOGNIZED APPRENTICESHIP GRANT PROGRAM

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 838, relating to the Texas Industry-Recognized Apprenticeship Grant Program:

Subchapter A. General Purpose and Definitions, §838.2

Subchapter B. Grant Program, §838.12

Subchapter C. Program Administration, §838.21 and §838.24

The amendments to §§838.2, 838.12, 838.21, and 838.24 are adopted without changes to the proposed text, as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1034), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 838 rule change is to implement the provisions of House Bill 3260 (HB 3260), enacted by the 89th Texas Legislature, Regular Session, 2025, relating to the Texas Industry-Recognized Apprenticeship (TIRA) Grant Program.

HB 3260 amended Texas Labor Code, Chapter 302, Subchapter I, Texas Industry-Recognized Apprenticeship Programs Grant Program, to enable TWC to respond better to workforce needs by more efficiently using the TIRA Grant Program and encouraging employers to participate in growing the state's skilled workforce.

Amended Texas Labor Code, §302.256, allows TWC to issue partial reimbursement payments to an eligible grant recipient as a program participant achieves on-the-job training and employment milestones instead of after the participant has completed the program.

Amended Texas Labor Code, §302.257, requires the Commission to adopt rules establishing a process for and criteria by which the Commission recognizes apprenticeable occupations and certifies training programs. It also requires rules for setting performance metrics and making aggregated performance data available via TWC's website.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS

TWC adopts the following amendments to Subchapter A:

Section 838.2. Definitions

Section 838.2 is amended to add definitions for "Recognized Occupation" and "TIRA Application and Implementation Guide."

The definition of "Texas Industry-Recognized Apprenticeship" is also amended to clarify that TWC determines which occupations are apprenticeable and that TWC certifies training programs as TIRAs, and that TIRA training programs must pay participants at least the Tri-Agency self-sufficiency wage instead of the local workforce development area's self-sufficiency wage.

SUBCHAPTER B. GRANT PROGRAM

TWC adopts the following amendments to Subchapter B:

Section 838.12. Notice of Grant Availability and Application

Section 838.12 is amended to add that the TIRA Application and Implementation Guide and links to TWC-approved apprenticeable occupations will be published on TWC's website.

Section 838.12 is also amended to add existing §838.24(2), relating to performance as a factor in determining funding eligibility, as new §838.12(b)(4).

SUBCHAPTER C. PROGRAM ADMINISTRATION

TWC adopts the following amendments to Subchapter C:

Section 838.21. Texas Industry-Recognized Apprenticeship Grants

Section 838.21(a) is amended to clarify the TIRA program's training and employment completion requirements.

Section 838.21 is also amended to add §838.21(c), which states that eligible TIRA grant recipients may receive reimbursements as training program participants achieve established milestones. Additionally, §838.21(c) states that the grant recipient must repay any milestone reimbursements received for any participant who does not complete the training program, including employment requirements, in a manner specified in the grant agreement.

Section 838.24. Performance

Section 838.24 is amended to add the performance requirements set forth in HB 3260.

Section 838.24 is also amended to remove §838.24(2), which is added as new §838.12(b)(4).

PART III. PUBLIC COMMENTS

The comment period ended on March 23, 2026.

TWC received comments from the following:

--AT&T

--MasTec

--Tekscend Photomask Round Rock Inc.

--Texas AFL-CIO and Texas State Building and Construction Trades Council

--State Representative Chris Turner

COMMENT: Tekscend Photomask Round Rock Inc. (Tekscend) expressed support for the proposed rule changes, specifically the removal of the requirement to use the targeted occupations list and the continuation of TWC's discretion to certify occupations outside the state's top 25 targeted occupations and the US Department of Labor's (DOL) Registered Apprenticeship list.

RESPONSE: The Commission appreciates Tekscend's support for the proposed rule changes. No changes were made in response to this comment.

COMMENT: AT&T expressed support for TWC's efforts to expand apprenticeship opportunities, particularly in broadband-related fields, but raised concerns about proposed §838.21(c). They noted that requiring employers to repay milestone reimbursements when apprentices resign voluntarily, or are terminated for cause, conflicts with the intent of milestone-based funding and may discourage participation. AT&T recommended revising the rule to exempt situations outside an employer's control while preserving accountability where appropriate.

RESPONSE: The Commission appreciates the commenter's support for expanding apprenticeship opportunities, including those that strengthen the broadband workforce. The Commission acknowledges the concerns raised regarding potential

repayment of milestone-based reimbursements. However, Texas Labor Code, §302.256 limits the Commission to awarding partial-award grants as reimbursements for the cost of training industry-recognized apprenticeship program participants only when both of the following conditions are met:

- Completion of an eligible program; and
- Suitable employment maintained for at least 12 consecutive months.

These statutory requirements include provisions governing milestone-based payments and repayment obligations. Accordingly, no changes were made in response to this comment.

The Commission also recognizes that the statute does not require the 12 months of consecutive employment to be with the grantee. Agency staff will therefore clarify in the TIRA Application and Implementation Guide that post-training employment must be in the industry in which the apprentice was trained, which may include--but is not limited to--employment with the grantee. No changes were made in response to this comment.

COMMENT: State Representative Chris Turner expressed his support for TWC's efforts to expand apprenticeship opportunities and emphasized the importance of the TIRA Grant Program in meeting the state's skilled-worker needs. Representative Turner highlighted his legislative support for HB 2784 and HB 3260, noting that the latter strengthened reporting and transparency requirements for apprenticeship programs. Representative Turner urged the Commission to fully implement these reporting and public-transparency provisions to ensure accountability and program effectiveness. Representative Turner also thanked the Commission for its continued commitment to apprenticeship expansion.

RESPONSE: The Commission appreciates Representative Turner's support for expanding apprenticeship opportunities in Texas and its recognition of the importance of the TIRA Grant Program. The Commission also acknowledges his emphasis on the reporting and transparency provisions enacted by the legislature. As the agency responsible for implementing the statutory requirements of HB 3260, the Commission remains committed to ensuring that performance metrics, reporting timelines, and public transparency measures are fully carried out as directed. No changes were made in response to this comment.

COMMENT: The Texas AFL-CIO and Texas State Building and Construction Trades Council jointly submitted comments emphasizing the long-standing role of Registered Apprenticeship Programs (RAPs) as the national benchmark for high-quality workforce training.

The commenters raised concerns that allowing lower-quality programs to use the "apprenticeship" label without comparable oversight creates confusion for workers and employers and undermines the credibility of established apprenticeship pathways. They urged TWC to ensure that any program designated as an apprenticeship meets strong, transparent standards consistent with federal regulations, as required by HB 3260.

The commenters stated it was "important to emphasize the implementation and enforcement of the transparency guidelines outlined in HB 3260." The commenters further added that this includes public reporting of completion rates, retention outcomes, and wage data for participants supported with state funds. They recommended that the Commission adopt clear rules for data reporting, including:

- Annual public data release within 90 days of the TIRA program year's end;
- Retention outcomes measured 12 months after completion;
- Wage data at entry, completion, and post-completion;
- Program-level data disaggregated by the grant recipient; and
- Publication in accessible, searchable, and machine-readable formats.

The commenters stated that public transparency is essential for evaluating program effectiveness and ensuring taxpayer dollars support training that leads to real skills, stable employment, and long-term career pathways.

RESPONSE: The Commission appreciates the comments submitted. The Commission recognizes the commenters' concerns regarding potential confusion if programs that do not meet comparable quality and oversight standards are permitted to use the "apprenticeship" label. The Commission agrees that program performance information is essential for evaluating state investments and ensuring that training leads to meaningful skills, stable employment, and long-term career pathways. As part of the annual report required under this chapter, the Commission will consider these recommendations and include any legislative or programmatic changes, as authorized by statute, to help increase the state's return on investment. No changes were made in response to this comment.

COMMENT: MasTec expressed support for the expansion of high-quality apprenticeship opportunities under the TIRA program. The company emphasized that Texas faces significant telecommunications workforce shortages and urged TWC to adopt a broad, inclusive approach when certifying apprenticeable occupations under §838.11. MasTec recommended recognizing the full range of broadband-related roles--from entry-level craft positions to advanced technical and supervisory jobs--and encourages ongoing stakeholder engagement and regular updates to ensure the certified occupations list reflects evolving workforce needs.

MasTec also noted that telecommunications training requires substantial employer investment and that training programs are designed to move workers quickly into the field. MasTec stated that requiring 12 consecutive post-training months of employment before reimbursement does not align with industry realities, limits employer control over retention, and may discourage TIRA participation. MasTec recommended revising §838.21(b) to allow training time to count toward the 12-month requirement or reverting to the prior, more flexible standard, along with clearer guidance on compliance and documentation.

Additionally, MasTec expressed concerns about the proposed requirement that employers repay milestone reimbursements when participants do not complete training or meet post-training employment requirements, even when departures are voluntary or for cause. MasTec argues that such an approach conflicts with statute, creates uncertainty, and could deter employer participation. MasTec recommended revising §838.21(c) so that employers would retain milestone reimbursements when they have met training obligations, with repayment required only when the employer fails to provide required training or terminates a participant without cause. MasTec suggested clarifying language and appropriate record-keeping requirements to support this approach.

RESPONSE: The Commission appreciates the comments regarding the need for a broad and flexible approach to certifying apprenticeable occupations under §838.11. The Commission, consistent with legislative intent, recognizes the significant workforce demands associated with broadband deployment and the importance of ensuring that the TIRA Grant Program reflects current and emerging labor market needs. This priority is underscored by the 89th Texas Legislature's additional \$5 million appropriation to support broadband-related apprenticeship training and engineering and construction occupations.

The Commission acknowledges MasTec's concerns regarding the proposed 12-month consecutive post-training employment requirement and the unique workforce dynamics within the telecommunications sector. The Commission understands that training investments are substantial and that project-based work can affect employment continuity. The Commission also appreciates the request for clearer compliance guidance and will outline these programmatic details in the TIRA Application and Implementation Guide.

The Commission appreciates the comments on the proposed repayment provisions and recognizes concerns that requiring repayment when participants leave voluntarily or for cause may create uncertainty for employers. However, Texas Labor Code, §302.256 limits the Commission to awarding partial award grants as reimbursements only when both of the following conditions are met:

- Completion of an eligible program; and
- Suitable employment maintained for at least 12 consecutive months.

These statutory requirements govern milestone-based payments and repayment obligations.

The Commission also notes that the statute does not require the 12 months of employment to be with the grantee. TWC staff will clarify in the TIRA Application and Implementation Guide that post-training employment must be in the industry in which the apprentice was trained, which may include--but is not limited to--employment with the grantee.

No changes were made as a result of these comments.

SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS

40 TAC §838.2

PART IV. STATUTORY AUTHORITY

The rule is adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Les Trobman

General Counsel

Texas Workforce Commission

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For further information, please call: (737) 301-9662



SUBCHAPTER B. GRANT PROGRAM

40 TAC §838.12

The rule is adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 9, 2026.

TRD-202602335

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: June 29, 2026

Proposal publication date: February 20, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER C. PROGRAM ADMINISTRATION

40 TAC §838.21, §838.24

The rules are adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement

payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rules relate to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 9, 2026.

TRD-202602336

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: June 29, 2026

Proposal publication date: February 20, 2026

For further information, please call: (737) 301-9662



TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of Information Resources

Rule Transfer

During the 89th Legislative Session, the Texas Legislature passed House Bill 150, which repealed the Department of Information Resources' rulemaking authority regarding cybersecurity previously found in Government Code Chapter 2054, established Texas Cyber Command, and transferred cybersecurity-related powers and duties from the Department of Information Resources to Texas Cyber Command by adding Chapter 2063 to the Government Code. Accordingly, the Department of Information Resources' substantive rules in Texas Administrative Code, Title 1, Part 10, Chapter 202 (Information Security Standards) are transferred to Texas Cyber Command under Texas Administrative Code, Title 1, Part 19, Chapter 477 (Information Security Standards).

The rules will be transferred in the Texas Administrative Code effective August 1, 2026.

The following table outlines the rule transfer:

Figure: 1 TAC Chapter 202

TRD-202602468

Texas Cyber Command

Rule Transfer

During the 89th Legislative Session, the Texas Legislature passed House Bill 150, which repealed the Department of Information Resources' rulemaking authority regarding cybersecurity previously found in Government Code Chapter 2054, established Texas Cyber Command, and transferred cybersecurity-related powers and duties from the Department of Information Resources to Texas Cyber Command by adding Chapter 2063 to the Government Code. Accordingly, the Department of Information Resources' substantive rules in Texas Administrative Code, Title 1, Part 10, Chapter 202 (Information Security Standards) are transferred to Texas Cyber Command under Texas Administrative Code, Title 1, Part 19, Chapter 477 (Information Security Standards).

The rules will be transferred in the Texas Administrative Code effective August 1, 2026.

The following table outlines the rule transfer:

Figure: 1 TAC Chapter 202

TRD-202602469

Figure: 1 TAC Chapter 202

Current Rules Title 1. Administration Part 10. Department of Information Resources Chapter 202. Information Security Standards	Move to Title 1. Administration Part 19. Texas Cyber Command Chapter 477. Information Security Standards
Subchapter A. Definitions	Subchapter A. Definitions
§202.1. Applicable Terms and Technologies for Information Security Standards.	§477.1. Applicable Terms and Technologies for Information Security Standards.
§202.2. Institution of Higher Education.	§477.2. Institution of Higher Education.
§202.3. State Agency.	§477.3. State Agency.
§202.4. Responsibilities of the State’s Chief Information Security Officer.	§477.4. Responsibilities of the State’s Chief Information Security Officer.
§202.5. Texas Risk and Authorization Management Program Responsibilities and Minimum Standards.	§477.5. Texas Risk and Authorization Management Program Responsibilities and Minimum Standards.
Subchapter B. Information Security Standards for State Agencies	Subchapter B. Information Security Standards for State Agencies
§202.20. Responsibilities of the Agency Head.	§477.20. Responsibilities of the Agency Head.
§202.21. Responsibilities of the Information Security Officer.	§477.21. Responsibilities of the Information Security Officer.
§202.22. Staff Responsibilities.	§477.22. Staff Responsibilities.
§202.23. Security Reporting.	§477.23. Security Reporting.
§202.24. Agency Information Security Program.	§477.24. Agency Information Security Program.
§202.25. Managing Security Risks.	§477.25. Managing Security Risks.
§202.26. Security Control Standards Catalog.	§477.26. Security Control Standards Catalog.
§202.27. Texas Risk and Authorization Management Program for State Agencies.	§477.27. Texas Risk and Authorization Management Program for State Agencies.
Subchapter C. Information Security Standards for Institutions of Higher Education	Subchapter C. Information Security Standards for Institutions of Higher Education
§202.70. Responsibilities of Institution Head.	§477.70. Responsibilities of Institution Head.
§202.71. Responsibilities of Information Security Officer.	§477.71. Responsibilities of Information Security Officer.
§202.72. Staff Responsibilities.	§477.72. Staff Responsibilities.
§202.73. Security Reporting.	§477.73. Security Reporting.
§202.74. Institution Information Security Program.	§477.74. Institution Information Security Program.
§202.75. Managing Security Risks.	§477.75. Managing Security Risks.
§202.76. Security Control Standards Catalog.	§477.76. Security Control Standards Catalog.

§202.77. Texas Risk and Authorization Management Program for Institutions of Higher Education.	§477.77. Texas Risk and Authorization Management Program for Institutions of Higher Education.
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REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Office of the Governor

Title 1, Part 1

The Criminal Justice Division of the Office of the Governor, operating as the Public Safety Office, files this notice of intention to review 1 TAC Chapter 3, concerning the Public Safety Office. The review is being conducted in accordance with Texas Government Code §2001.039.

An assessment will be made by the Public Safety Office as to whether the reasons for initially adopting the rules continue to exist. Each rule will be reviewed to determine whether to readopt, readopt with amendments, or repeal the rule.

Comments may be submitted for 30 days following the date of publication of this notice by mail to Angie Martin, Office of the Governor, Public Safety Office, P.O. Box 12878 or by email to angie.martin@gov.texas.gov with the subject line "PSO Rule Review."

TRD-202602413
Andrew Friedrichs
Executive Director, Public Safety Office
Office of the Governor
Filed: June 11, 2026



Texas State Library and Archives Commission

Title 13, Part 1

The Texas State Library and Archives Commission files this notice of its intent to review Texas Administrative Code, Title 13, Part 1, Chapter 10, Archives and Historical Resources, in accordance with Texas Government Code §2001.039.

During the review, the Texas State Library and Archives Commission will assess whether the original reasons for adopting these rules continue to exist and determine whether each rule should be readopted as is, amended, or repealed.

The Texas State Library and Archives Commission will accept comments regarding this review for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review

may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, 1201 Brazos Street, P.O. Box 12927, Austin, Texas 78711-2927 or to rules@tsl.texas.gov with the subject line "Rule Review."

TRD-202602367
Sarah Swanson
General Counsel
Texas State Library and Archives Commission
Filed: June 10, 2026



Texas Department of Motor Vehicles

Title 43, Part 10

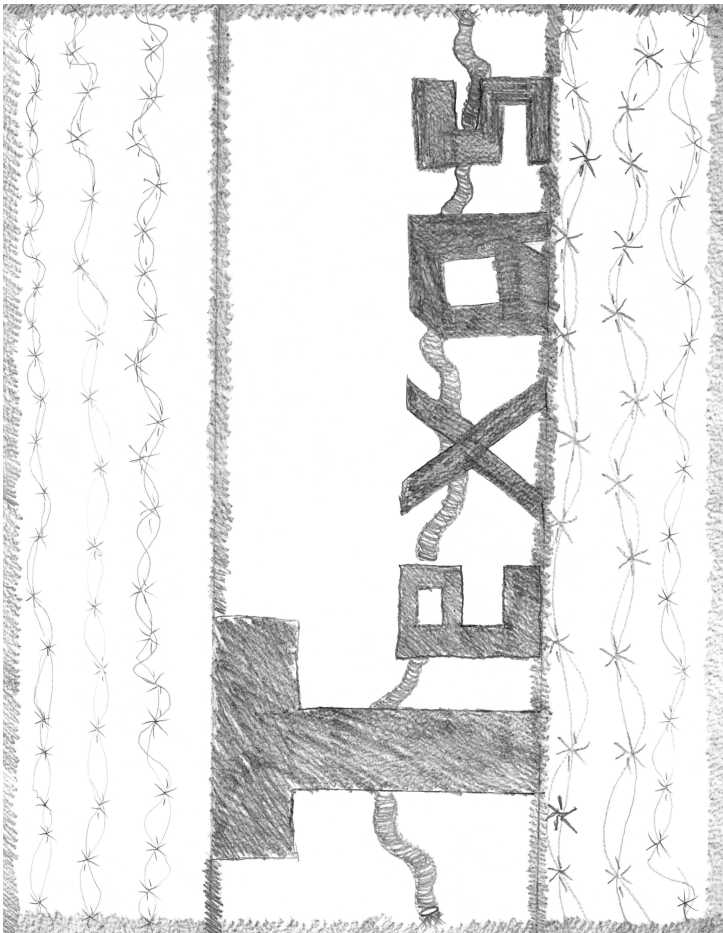
The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 217, Vehicle Titles and Registration. This review is being conducted pursuant to Government Code, §2001.039.

The board will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. CDT on July 27, 2026. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

TRD-202602388
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: June 11, 2026





IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Texas State Affordable Housing Corporation

Public Comment Needed: Draft 2027 Multifamily Bond Program Guidelines, Policies and Request for Proposals

The Texas State Affordable Housing Corporation (TSAHC) Draft Guidelines, Scoring Criteria, and Targeted Housing Needs for the allocation of Qualified Residential Rental Project Tax-Exempt Bond Volume Cap under the Multifamily Housing Private Activity Bond Program Request for Proposals, as well as the Draft 501(c)(3) Bond Program Policies for Calendar Year 2027, are now available for public comment.

A copy of the draft policies may be found on TSAHC's website at www.tsahc.org.

Please submit public comments via email to DevFinance@tsahc.org with the subject line: "**2027 Multifamily Bond Program Public Comment.**"

Comments must be received by August 10, 2026, at 5:00 p.m. to be considered.

Comments will also be accepted by USPS at the offices of the Corporation sent to:

Texas State Affordable Housing Corporation

Attn: Development Finance Programs

6701 Shirley Avenue

Austin, Texas 78752-3517

TRD-202602466

David Long

President

Texas State Affordable Housing Corporation

Filed: June 16, 2026



Public Comment Needed: FY2027 Texas Foundations Fund Disaster Recovery Guidelines

The Texas State Affordable Housing Corporation (TSAHC) FY2027 Texas Foundations Fund Draft Disaster Recovery Guidelines are now available for public comment.

A copy of the FY2027 Texas Foundations Fund Draft Disaster Recovery Guidelines may be found on the Corporation's website at www.tsahc.org.

Please submit public comments via email to Anna Orendain-Chavez at: aorendain-chavez@tsahc.org with the subject line: "**FY2027 Texas Foundations Fund Public Comment.**"

Public comment must be submitted for consideration by July 17, 2026, at 5:00 p.m.

TRD-202602467

David Long

President

Texas State Affordable Housing Corporation

Filed: June 16, 2026



Alamo Area Metropolitan Planning Organization

Request for Proposals - Carpool

The Alamo Area Metropolitan Planning Organization (AAMPO) is seeking proposals from qualified firms to provide an online, real-time carpool matching service and a viable and accurate method of gathering data on vehicle miles saved and emissions reductions achieved through carpooling and alternative transportation modes (non-single occupancy vehicles) related to the Alamo Commutes program and its members' activity.

A copy of the Request for Proposals (RFP) may be obtained by downloading the RFP and attachments from AAMPO's website at www.alamoareampo.org or calling Sonia Jimenez, Deputy Director, at (210) 230-6904. Funding for this program is \$72,000 annually and is contingent upon the availability of Federal transportation planning funds. Proposals will be accepted as one electronic document (PDF), less than 8 MB, emailed to jimenez@alamoareampo.org. All proposals are due by 12:00 p.m. (noon, CDT), Monday, July 20, 2026.

TRD-202602446

Sonia Jimenez

Deputy Director

Alamo Area Metropolitan Planning Organization

Filed: June 15, 2026



Comptroller of Public Accounts

Notice of General Meeting of the Multistate Tax Commission

Pursuant to Tax Code, §141.003, the comptroller provides notice of the general meeting of the Multistate Tax Commission.

The annual meeting of the commission will be held in person and virtually at 8:30 a.m., Thursday, July 30, 2026.

The in-person meeting will be held at the For Pontchartrain Hotel, 2 Washington Blvd, Detroit, Michigan 48226. Registration information for the Annual Meeting may be found at: <https://www.mtc.gov/events-training/59th-annual-meetings/>

For questions, please contact Shannon Brandt, Tax Policy Counsel, at shannon.brandt@cpa.texas.gov

Issued in Austin, Texas, on June 15, 2026.

TRD-202602447

Jenny Burleson

General Counsel/Director, Tax Policy

Comptroller of Public Accounts

Filed: June 15, 2026

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/22/26 - 06/28/26 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/22/26 - 06/28/26 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 07/01/26 - 07/31/26 is 6.75%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202602480

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: June 17, 2026

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 27, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **July 27, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550.

The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Alon USA, LP; DOCKET NUMBER: 2025-1883-AIR-E; IDENTIFIER: RN100250869; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: petrochemical plant; PENALTY: \$104,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$52,375; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2024-0327-MWD-E; IDENTIFIER: RN102343175; LOCATION: Livingston, Polk County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$102,862; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(3) COMPANY: BUCKHORN GOLF II, LTD.; DOCKET NUMBER: 2026-0203-WR-E; IDENTIFIER: RN112355482; LOCATION: Comfort, Kendall County; TYPE OF FACILITY: golf course; PENALTY: \$1,551; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(4) COMPANY: Blanchard Refining Company LLC; DOCKET NUMBER: 2020-1568-AIR-E; IDENTIFIER: RN102535077; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$182,265; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$72,906; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: Blanchard Refining Company LLC; DOCKET NUMBER: 2026-0315-AIR-E; IDENTIFIER: RN102535077; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$107,045; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$42,818; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: Blanchard Refining Company LLC; DOCKET NUMBER: 2026-0316-AIR-E; IDENTIFIER: RN102535077; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$333,775; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$166,887; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: Blanchard Refining Company LLC; DOCKET NUMBER: 2026-0318-AIR-E; IDENTIFIER: RN102535077; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$22,613; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$9,045; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2024-1040-AIR-E; IDENTIFIER: RN102320850; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petrochemical manufacturing plant; PENALTY: \$22,750; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(9) COMPANY: City of Ackerly; DOCKET NUMBER: 2026-0378-PWS-E; IDENTIFIER: RN101174985; LOCATION: Ackerly, Dawson County; TYPE OF FACILITY: public water supply; PENALTY: \$5,700; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: City of Alba; DOCKET NUMBER: 2024-1684-MWD-E; IDENTIFIER: RN101721405; LOCATION: Alba, Wood County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$23,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$23,625; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(11) COMPANY: City of Aledo; DOCKET NUMBER: 2022-1171-MWD-E; IDENTIFIER: RN101720738; LOCATION: Aledo, Parker County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$15,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$12,600; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: City of Boyd; DOCKET NUMBER: 2024-0494-MWD-E; IDENTIFIER: RN101721652; LOCATION: Boyd, Wise County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$76,562; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$76,562; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: City of Earth; DOCKET NUMBER: 2025-1401-PWS-E; IDENTIFIER: RN101187995; LOCATION: Earth, Lamb County; TYPE OF FACILITY: public water supply; PENALTY: \$5,762; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,762; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of Georgetown; DOCKET NUMBER: 2025-0966-EAQ-E; IDENTIFIER: RN112172226; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; PENALTY: \$31,500; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: City of Jacksonville; DOCKET NUMBER: 2024-0875-MWD-E; IDENTIFIER: RN101613180; LOCATION: Jacksonville, Cherokee County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$52,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$52,500; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: City of Jewett; DOCKET NUMBER: 2022-1519-MWD-E; IDENTIFIER: RN101607125; LOCATION: Jewett, Leon County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$10,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$8,700; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(17) COMPANY: City of Lubbock; DOCKET NUMBER: 2025-1558-MWD-E; IDENTIFIER: RN107010530; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$38,813; SUPPLEMENTAL ENVI-

RONMENTAL PROJECT OFFSET: \$31,051; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(18) COMPANY: City of Stanton; DOCKET NUMBER: 2024-1143-MSW-E; IDENTIFIER: RN102000114; LOCATION: Stanton, Martin County; TYPE OF FACILITY: Type I-Arid Exempt land-fill; PENALTY: \$58,963; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$47,171; ENFORCEMENT COORDINATOR: Ramya Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(19) COMPANY: City of West Tawakoni; DOCKET NUMBER: 2022-1038-MWD-E; IDENTIFIER: RN102333671; LOCATION: West Tawakoni, Hunt County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$25,412; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$25,412; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: City of Winters; DOCKET NUMBER: 2022-1282-PWS-E; IDENTIFIER: RN101387850; LOCATION: Winters, Runnels County; TYPE OF FACILITY: public water supply; PENALTY: \$14,015; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$11,212; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: Conduit Tolco, LLC; DOCKET NUMBER: 2026-0204-AIR-E; IDENTIFIER: RN111718532; LOCATION: Tarzan, Martin County; TYPE OF FACILITY: fossil fuel electric power generating site; PENALTY: \$16,575; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: DDM Materials, Inc.; DOCKET NUMBER: 2024-0889-MLM-E; IDENTIFIER: RN111842027; LOCATION: Justin, Denton County; TYPE OF FACILITY: mulching operation facility; PENALTY: \$48,118; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(23) COMPANY: E & M Equity Holdings, LLC.; DOCKET NUMBER: 2026-0196-PWS-E; IDENTIFIER: RN102323557; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: \$1,908; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(24) COMPANY: EL CAMPO MEMORIAL HOSPITAL; DOCKET NUMBER: 2026-0436-PST-E; IDENTIFIER: RN101857928; LOCATION: El Campo, Wharton County; TYPE OF FACILITY: underground storage tank system; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Jocelyn Cruz, (512) 239-2545; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(25) COMPANY: EagleClaw Midstream Ventures, LLC; DOCKET NUMBER: 2025-0810-AIR-E; IDENTIFIER: RN107106411; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$11,250; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(26) COMPANY: Energy Transfer GC NGL Fractionators LLC; DOCKET NUMBER: 2025-1106-AIR-E; IDENTIFIER: RN107858045; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: natural gas fractionation plant; PENALTY: \$8,650; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$3,460; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(27) COMPANY: Enterprise Products Operating LLC; DOCKET NUMBER: 2026-0108-AIR-E; IDENTIFIER: RN102984911; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: hydrocarbon refining plant; PENALTY: \$19,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$7,950; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(28) COMPANY: Formosa Plastics Corporation, Texas; DOCKET NUMBER: 2025-1846-AIR-E; IDENTIFIER: RN100218973; LOCATION: Point Comfort, Calhoun County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,250; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(29) COMPANY: Forterra Pipe & Precast, LLC; DOCKET NUMBER: 2025-1874-WQ-E; IDENTIFIER: RN100564210; LOCATION: Grand Prairie, Dallas County; TYPE OF FACILITY: industrial chemical manufacturing plant; PENALTY: \$27,791; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(30) COMPANY: Frank Bartel Transportation Inc.; DOCKET NUMBER: 2026-0070-AIR-E; IDENTIFIER: RN104988134; LOCATION: Whitesboro, Rockwall County; TYPE OF FACILITY: concrete batch plant; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(31) COMPANY: GPM Southeast, LLC; DOCKET NUMBER: 2025-1909-PST-E; IDENTIFIER: RN102347630; LOCATION: Garland, Dallas County; TYPE OF FACILITY: operator; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(32) COMPANY: Gemco Helotes Storage, LLC; DOCKET NUMBER: 2025-1643-EAQ-E; IDENTIFIER: RN112253646; LOCATION: Helotes, Bexar County; TYPE OF FACILITY: self-storage facility; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(33) COMPANY: Gulf Coast Fractionators; DOCKET NUMBER: 2026-0239-AIR-E; IDENTIFIER: RN100229319; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: natural gas liquids processing plant; PENALTY: \$19,875; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(34) COMPANY: Hill Sand Company, Inc.; DOCKET NUMBER: 2025-0657-MSW-E; IDENTIFIER: RN102777059; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: Type IV landfill;

PENALTY: \$11,363; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(35) COMPANY: INEOS OLIGOMERS USA LLC; DOCKET NUMBER: 2024-0445-AIR-E; IDENTIFIER: RN108783614; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$66,750; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(36) COMPANY: James Stanley; DOCKET NUMBER: 2024-0521-MSW-E; IDENTIFIER: RN111836086; LOCATION: Livingston, Polk County; TYPE OF FACILITY: unauthorized municipal solid waste disposal site; PENALTY: \$3,937; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(37) COMPANY: Karina Salazar; DOCKET NUMBER: 2026-0465-WOC-E; IDENTIFIER: RN112425368; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: landscape irrigation business; PENALTY: \$500; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(38) COMPANY: LION ELASTOMERS ORANGE, LLC; DOCKET NUMBER: 2025-1678-AIR-E; IDENTIFIER: RN100224468; LOCATION: Orange, Orange County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$22,200; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$8,880; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(39) COMPANY: MRIDHA ENTERPRISES INC.; DOCKET NUMBER: 2024-1891-PST-E; IDENTIFIER: RN102718269; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$8,118; ENFORCEMENT COORDINATOR: Celicia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(40) COMPANY: National Oilwell Varco, L.P.; DOCKET NUMBER: 2025-1550-IWD-E; IDENTIFIER: RN100211457; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$20,000; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(41) COMPANY: OXY USA WTP LP; DOCKET NUMBER: 2026-0212-AIR-E; IDENTIFIER: RN102578002; LOCATION: Snyder, Scurry County; TYPE OF FACILITY: petroleum tank battery; PENALTY: \$3,658; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(42) COMPANY: Oil States Industries, Inc.; DOCKET NUMBER: 2026-0240-AIR-E; IDENTIFIER: RN105761456; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: oil and gas offshore equipment manufacturing facility; PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(43) COMPANY: Pilot Thomas Logistics LLC; DOCKET NUMBER: 2025-0041-PST-E; IDENTIFIER: RN102222155; LOCATION: Iraan, Pecos County; TYPE OF FACILITY: operator; PENALTY: \$2,625;

ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(44) COMPANY: Redline Cattle, LLC; DOCKET NUMBER: 2026-0244-PWS-E; IDENTIFIER: RN111655734; LOCATION: Amarillo, Randall County; TYPE OF FACILITY: public water supply; PENALTY: \$4,030; ENFORCEMENT COORDINATOR: Katherine Mckinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(45) COMPANY: Riley Permian Operating Company, LLC; DOCKET NUMBER: 2025-0505-AIR-E; IDENTIFIER: RN110995875; LOCATION: Plains, Yoakum County; TYPE OF FACILITY: oil and natural gas production facility; PENALTY: \$17,348; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(46) COMPANY: Riley Permian Operating Company, LLC; DOCKET NUMBER: 2025-0940-AIR-E; IDENTIFIER: RN110995883; LOCATION: Allred, Yoakum County; TYPE OF FACILITY: oil and natural gas production facility; PENALTY: \$7,975; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(47) COMPANY: River Acres Water Supply Corporation; DOCKET NUMBER: 2026-0479-PWS-E; IDENTIFIER: RN101222966; LOCATION: Robstown, Nueces County; TYPE OF FACILITY: public water supply; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(48) COMPANY: SA Velocity Ops LLC; DOCKET NUMBER: 2026-0517-PST-E; IDENTIFIER: RN102370905; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: underground storage tank system; PENALTY: \$3,125; ENFORCEMENT COORDINATOR: Julie Nieto, (512) 239-2545; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(49) COMPANY: SDC AUSTIN LLC; DOCKET NUMBER: 2026-0105-IHW-E; IDENTIFIER: RN111478590; LOCATION: Round Rock, Williamson County; TYPE OF FACILITY: data center; PENALTY: \$75; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(50) COMPANY: Select Stop 4 Holding, LLC; DOCKET NUMBER: 2025-1212-PST-E; IDENTIFIER: RN111459533; LOCATION: Converse, Bexar County; TYPE OF FACILITY: operator; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(51) COMPANY: Shelly's RV Park, LLC; DOCKET NUMBER: 2026-0306-PWS-E; IDENTIFIER: RN112334297; LOCATION: Rockport, Aransas County; TYPE OF FACILITY: public water supply; PENALTY: \$375; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(52) COMPANY: Silver Spur Energy Services, Inc.; DOCKET NUMBER: 2025-1504-MLM-E; IDENTIFIER: RN111756664; LOCATION: Ackerley, Howard County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$12,026; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(53) COMPANY: Southwestern Bell Telephone Company, LLC; DOCKET NUMBER: 2025-0758-PST-E; IDENTIFIER: RN102404654; LOCATION: Bridge City, Orange County; TYPE OF FACILITY: operator; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(54) COMPANY: Targa Downstream LLC; DOCKET NUMBER: 2025-0594-AIR-E; IDENTIFIER: RN100222900; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$9,700; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(55) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-0592-AIR-E; IDENTIFIER: RN110224060; LOCATION: Stanton, Martin County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$16,250; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(56) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-1358-AIR-E; IDENTIFIER: RN106787237; LOCATION: Garden City, Glasscock County; TYPE OF FACILITY: natural gas compressing site; PENALTY: \$17,814; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(57) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2025-0140-AIR-E; IDENTIFIER: RN108744558; LOCATION: Rankin, Upton County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$11,250; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(58) COMPANY: Top Rocks, LLC; DOCKET NUMBER: 2026-0137-WQ-E; IDENTIFIER: RN112310511; LOCATION: Avinger, Marion County; TYPE OF FACILITY: operator; PENALTY: \$6,875; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(59) COMPANY: TotalEnergies Petrochemicals & Refining USA, Inc.; DOCKET NUMBER: 2025-1343-AIR-E; IDENTIFIER: RN102457520; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$21,900; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$8,760; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(60) COMPANY: United Dirt Contractors, Inc.; DOCKET NUMBER: 2022-0870-AIR-E; IDENTIFIER: RN111107793; LOCATION: Lawn, Runnels County; TYPE OF FACILITY: rock crusher; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(61) COMPANY: Webb County; DOCKET NUMBER: 2024-0342-PWS-E; IDENTIFIER: RN102698719; LOCATION: Rio Bravo, Webb County; TYPE OF FACILITY: public water supply; PENALTY: \$3,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFF-

SET: \$3,375; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(62) COMPANY: Wilbarger Creek Municipal Utility District No. 2; DOCKET NUMBER: 2024-0794-MWD-E; IDENTIFIER: RN102178811; LOCATION: Manor, Travis County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$54,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$43,500; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202602456

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 16, 2026



Enforcement Orders

An agreed order was adopted regarding Liquid Solution LLC, Docket No. 2022-0226-MLM-E on June 16, 2026 assessing \$11,026 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding W & R Corporation dba Lakeview Grocery, Docket No. 2022-0502-PST-E on June 16, 2026 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CHEVRON PHILLIPS CHEMICAL COMPANY LP, Docket No. 2022-0852-AIR-E on June 16, 2026 assessing \$12,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PJD AMERICAN LLC. dba Save & Smile, Docket No. 2024-0701-PST-E on June 16, 2026 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding SR Square Enterprises LLC, Docket No. 2024-1316-PST-E on June 16, 2026 assessing \$2,625 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KM Liquids Terminals LLC, Docket No. 2024-1815-AIR-E on June 16, 2026 assessing \$7,425 in administrative penalties with \$1,485 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Memorial Health System of East Texas, Docket No. 2024-1883-PST-E on June 16, 2026 assessing \$7,126 in administrative penalties with \$1,425 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding J. R. SIMPLOT COMPANY, Docket No. 2024-1902-AIR-E on June 16, 2026 assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding U.S.A. Technologies, Inc., Docket No. 2024-1932-AIR-E on June 16, 2026 assessing \$1,625 in administrative penalties with \$325 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Olmos Park Chevron, Inc., Docket No. 2024-1955-PST-E on June 16, 2026 assessing \$3,118 in administrative penalties with \$623 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Daniel R. Garcia Ghinis, Docket No. 2025-0109-WQ-E on June 16, 2026 assessing \$2,375 in administrative penalties with \$475 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding John Beckham and Lana G. Beckham, Docket No. 2025-0155-OSS-E on June 16, 2026 assessing \$262 in administrative penalties with \$52 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nora Padilla, Docket No. 2025-0330-MSW-E on June 16, 2026 assessing \$3,937 in administrative penalties with \$787 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Department of Transportation, Docket No. 2025-0411-PST-E on June 16, 2026 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WYLY RENTAL PROPERTIES, LLC, Docket No. 2025-0801-PWS-E on June 16, 2026 assessing \$3,213 in administrative penalties with \$642 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Norit Americas, Inc., Docket No. 2025-0871-AIR-E on June 16, 2026 assessing \$7,650 in administrative penalties with \$1,530 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Buena Vista Water Supply Corporation, Docket No. 2025-0946-PWS-E on June 16, 2026 assessing \$2,725 in administrative penalties with \$545 deferred. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of New Deal, Docket No. 2025-1002-PWS-E on June 16, 2026 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NATIONAL INSTRUMENTS CORPORATION, Docket No. 2025-1217-EAQ-E on June 16, 2026 assessing \$6,500 in administrative penalties with \$1,300 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding A & L Partnership, LLC, Docket No. 2025-1222-PWS-E on June 16, 2026 assessing \$3,500 in administrative penalties with \$700 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Synthomer Adhesive Technologies LLC, Docket No. 2025-1245-AIR-E on June 16, 2026 assessing \$10,082 in administrative penalties with \$2,016 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Wolfforth, Docket No. 2025-1284-WQ-E on June 16, 2026 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Cynthia Sidoa, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas Environmental, LLC, Docket No. 2025-1330-WQ-E on June 16, 2026 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding US Sand & Gravel, LLC, Docket No. 2025-1363-MLM-E on June 16, 2026 assessing \$10,500 in administrative penalties with \$2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2025-1426-PWS-E on June 16, 2026 assessing \$1,000 in administra-

tive penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Methodist Healthcare System of San Antonio, Ltd., L.L.P. dba Southwest Texas Methodist Hospital, Docket No. 2025-1433-PST-E on June 16, 2026 assessing \$4,687 in administrative penalties with \$937 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Alpine Silica, LLC, Docket No. 2025-1449-MLM-E on June 16, 2026 assessing \$10,813 in administrative penalties with \$2,162 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SEABOARD WATER SUPPLY CORPORATION, Docket No. 2025-1463-PWS-E on June 16, 2026 assessing \$5,265 in administrative penalties with \$1,053 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Smart SA Properties, LLC and L and B TRADING INC, Docket No. 2025-1490-PST-E on June 16, 2026 assessing \$11,102 in administrative penalties with \$2,220 deferred. Information concerning any aspect of this order may be obtained by contacting Ramya Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Matthew Carter, Docket No. 2025-1547-WR-E on June 16, 2026 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ACOUSTIC CLEAN, INC. dba Dry Clean Super Center, Docket No. 2025-1592-DCL-E on June 16, 2026 assessing \$938 in administrative penalties with \$187 deferred. Information concerning any aspect of this order may be obtained by contacting Ramya Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Terrell County Water Control and Improvement District 1, Docket No. 2025-1600-PWS-E on June 16, 2026 assessing \$3,127 in administrative penalties with \$625 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ash Grove Cement Company, Docket No. 2025-1607-AIR-E on June 16, 2026 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Deyma Davila dba Dey's RV and Mobile Park, Docket No. 2025-1627-PWS-E on June 16, 2026

assessing \$2,282 in administrative penalties with \$456 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Matthew Carter, Docket No. 2025-1701-WR-E on June 16, 2026 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hailiang Copper Texas Inc, Docket No. 2025-1702-IWD-E on June 16, 2026 assessing \$8,925 in administrative penalties with \$1,785 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TIDWELL WASTEWATER UTILITY, L.L.C., Docket No. 2025-1711-MWD-E on June 16, 2026 assessing \$1,325 in administrative penalties with \$265 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GLENDALE WATER SUPPLY CORPORATION, Docket No. 2025-1724-PWS-E on June 16, 2026 assessing \$1,085 in administrative penalties with \$217 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The San Antonio Refinery LLC, Docket No. 2025-1727-AIR-E on June 16, 2026 assessing \$7,905 in administrative penalties with \$1,581 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Union Carbide Corporation, Docket No. 2025-1755-AIR-E on June 16, 2026 assessing \$5,050 in administrative penalties with \$1,010 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Quadvest, L.P., Docket No. 2025-1775-MWD-E on June 16, 2026 assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Beasley, Docket No. 2025-1864-MWD-E on June 16, 2026 assessing \$5,600 in administrative penalties with \$1,120 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DS Carrizo Properties, LLC, Docket No. 2025-1890-PWS-E on June 16, 2026 assessing \$1,950 in administrative penalties with \$390 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Countryside Acres Homeowners Association, Inc., Docket No. 2025-1926-PWS-E on June 16, 2026 assessing \$4,000 in administrative penalties with \$4,000 deferred. Information concerning any aspect of this order may be obtained by contacting Ryan Fukawa, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding St. Alphonsa Syro-Malabar Catholic Church, Austin, Texas, Inc. of St. Thomas Syro-Malabar Catholic Diocese of Chicago, Docket No. 2026-0036-EAQ-E on June 16, 2026 assessing \$1,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas

An agreed order was adopted regarding South Houston Green Power, LLC, Docket No. 2026-0142-AIR-E on June 16, 2026 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Pilot Travel Centers LLC, Docket No. 2026-0336-PST-E on June 16, 2026 assessing \$1, 875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kensington Mikulenko, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602486

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 17, 2026



Enforcement Orders

An agreed order was adopted regarding the City of Taylor, Docket No. 2021-1188-MWD-E on June 17, 2026 assessing \$6,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS OLIGOMERS USA LLC, Docket No. 2022-0103-AIR-E on June 17, 2026 assessing \$380,600 in administrative penalties with \$76,120 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of McGregor, Docket No. 2022-0780-MWD-E on June 17, 2026 assessing \$31,500 in administrative penalties with \$6,300 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding UMBARGER COMMUNITY WATER SUPPLY CORPORATION, Docket No. 2022-1521-PWS-E on June 17, 2026 assessing \$1,500 in administrative penalties. Infor-

mation concerning any aspect of this order may be obtained by contacting Mihir Kulkarni, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding the City of Trinity, Docket No. 2023-0310-MWD-E on June 17, 2026 assessing \$178,400 in administrative penalties with \$35,680 deferred. Information concerning any aspect of this order may be obtained by contacting Derek Osborn, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SAJIDA CORPORATION dba Beach Chevron, Docket No. 2023-0380-PST-E on June 17, 2026 assessing \$24,136 in administrative penalties with \$4,827 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Energy Transfer GC NGL Fractionators LLC, Docket No. 2023-0674-IWD-E on June 17, 2026 assessing \$22,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Bodhi Partners, LLC, Docket No. 2023-1237-PWS-E on June 17, 2026 assessing \$12,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding Duval County Conservation and Reclamation District, Docket No. 2023-1547-PWS-E on June 17, 2026 assessing \$80,025 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Godley, Docket No. 2023-1741-MWD-E on June 17, 2026 assessing \$56,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Crandall, Docket No. 2024-0397-MWD-E on June 17, 2026 assessing \$43,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Troy L. Williams dba Bell and Ford Marina Campground, Docket No. 2024-1264-PWS-E on June 17, 2026 assessing \$3,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting A'twar Wilkins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding the City of Nacogdoches, Docket No. 2024-1291-MWD-E on June 17, 2026 assessing \$73,160 in administrative penalties with \$14,632 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545,

Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Bonham, Docket No. 2024-1295-MWD-E on June 17, 2026 assessing \$20,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Bethany Batchelor, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shoreline Plumbing & Construction, Co., Docket No. 2024-1966-SLG-E on June 17, 2026 assessing \$14,062 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KM Liquids Terminals LLC, Docket No. 2025-0007-IWD-E on June 17, 2026 assessing \$13,500 in administrative penalties with \$2,700 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Edinburg, Docket No. 2025-0367-MWD-E on June 17, 2026 assessing \$68,725 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LCY ELASTOMERS LP, Docket No. 2025-0780-IWD-E on June 17, 2026 assessing \$58,175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Sarah Castillo, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Derek Osburn Construction Co., Docket No. 2025-0819-WQ-E on June 17, 2026 assessing \$18,000 in administrative penalties with \$3,600 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Poteet, Docket No. 2025-0901-MWD-E on June 17, 2026 assessing \$23,626 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Roma, Docket No. 2025-0964-PWS-E on June 17, 2026 assessing \$7,697 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Arcanum Infrastructure, LLC, Docket No. 2025-1164-AIR-E on June 17, 2026 assessing \$42,900 in administrative penalties with \$8,580 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Fallbrook Utility District, Docket No. 2025-1232-MWD-E on June 17, 2026 assessing \$32,625 in administrative penalties with \$6,525 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Products Operating LLC, Docket No. 2025-1352-AIR-E on June 17, 2026 assessing \$9,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Exxon Mobil Corporation, Docket No. 2025-1412-AIR-E on June 17, 2026 assessing \$25,000 in administrative penalties with \$5,000 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Fort Worth, Docket No. 2025-1499-AIR-E on June 17, 2026 assessing \$18,058 in administrative penalties with \$3,611 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Salt Creek Midstream, LLC, Docket No. 2025-1541-PWS-E on June 17, 2026 assessing \$5,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chevron Phillips Chemical Company LP, Docket No. 2025-1574-AIR-E on June 17, 2026 assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kaufman County Municipal Utility District 12, Docket No. 2025-1628-WQ-E on June 17, 2026 assessing \$9,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wholesale Kings LLC, Docket No. 2025-1720-MLM-E on June 17, 2026 assessing \$29,796 in administrative penalties with \$5,359 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dallas County Park Cities Municipal Utility District, Docket No. 2025-1730-WQ-E on June 17, 2026 assessing \$10,101 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Mabel Travis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Pineland, Docket No. 2025-1777-MWD-E on June 17, 2026 assessing \$24,500 in administrative penalties with \$4,900 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, En-

forcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CMR Energy, L.P., Docket No. 2025-1839-IWD-E on June 17, 2026 assessing \$54,250 in administrative penalties with \$10,850 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ROCK HILL WATER SUPPLY CORPORATION, Docket No. 2025-1889-PWS-E on June 17, 2026 assessing \$1,437 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Owens Corning Insulating Systems, LLC, Docket No. 2025-1923-IWD-E on June 17, 2026 assessing \$23,400 in administrative penalties with \$4,680 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602487
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 17, 2026



Notice of an Application for a Water Use Permit Application No. 13962

Notice Issued June 11, 2026

College Station Town Center, Inc., 4121 State Hwy 6 South, College Station, Texas 77845, (Applicant) seeks authorization to maintain a dam and reservoir located on an unnamed tributary of Lick Creek, Brazos River Basin and impound therein not to exceed 20 acre-feet of water for recreational purposes in Brazos County. Applicants also seek to use the bed and banks of the unnamed tributary of Lick Creek to convey up to 130 acre-feet of groundwater per year from the Yegua-Jackson aquifer to maintain the reservoir and for subsequent diversion and use for agricultural purposes in Brazos County. More information on the application and how to participate in the permitting process is given below.

The application was received on February 14, 2024, and partial fees were received on March 13, 2024. Additional information was received on May 22, 2025, and August 20, 2025, and additional fees were received on June 3, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk September 17, 2025.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, maintenance of an alternate source. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>

by entering WRPERM 13962 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al www.tceq.texas.gov.

TRD-202602459

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: June 16, 2026



Notice of District Petition - D-04292026-071

Notice issued June 12, 2026

TCEQ Internal Control No. D-04292026-071: Kendall County Water Control and Improvement District No. 4 (the "District") filed an application with the Texas Commission on Environmental Quality (TCEQ) for authority to levy an impact fee of \$10,438 per connection within the District's service area. The District files this application under the authority of Chapter 395 of the Local Government Code, 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The purpose of impact fees is to generate revenue to recover the costs of capital improvements or facility expansions made necessary by and attributable to serving new development in the District's regional service area. At the direction of the District, a registered engineer has prepared

a capital improvements plan for the system that identifies the capital improvements or facility expansions and their costs for which the impact fees will be assessed. The impact fee application and supporting information are available for inspection and copying during regular business hours in the Districts Section of the Water Supply Division, Third Floor of Building F (in the TCEQ Park 35 Office Complex located between Yager and Braker lanes on North IH-35), 12100 Park 35 Circle, Austin, Texas 78753. A copy of the impact fee application and supporting information, as well as the capital improvements plan, is available for inspection and copying at the District's office during regular business hours.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602461

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: June 16, 2026



Notice of District Petition - D-05082026-021

Notice issued June 4, 2026

TCEQ Internal Control No. D-05082026-021: COALRIDGE PROPERTIES, LLC (Petitioner) filed a petition for creation of Whites Creek Ranch Municipal Utility District of Wise County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The

petition states that: (1) the Petitioner holds a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 831.32 acres located within Wise County, Texas; and (4) the District is located entirely outside the extraterritorial jurisdiction of any city or town. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve and extend works, improvements, facilities, plants, equipment and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) construct, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other harmful excesses of water; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; (4) purchase, construct, acquire, improve, and extend such additional facilities, systems, plants, and enterprises, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$28,079,259.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602460

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 16, 2026



Notice of District Petition - D-06012026-010

Notice issued June 16, 2026

TCEQ Internal Control No. D-06012026-010: Pine Creek Lakes LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Montgomery-San Jacinto Counties Municipal Utility District No. 3 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 300.00 acres located within Montgomery County and San Jacinto County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and wastewater system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of waters; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises, road facilities, and park and recreational facilities as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$40,430,000 (\$26,100,000 for water, wastewater, and drainage plus \$1,130,000 for recreation plus \$13,200,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public

Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602474

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 16, 2026



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 27, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 27, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Blackacre Mobile Home Community LLC; DOCKET NUMBER: 2024-0404-PWS-E; TCEQ ID NUMBER: RN111878823; LOCATION: 9527 Farm-to-Market Road 2657, Kempner, Burnet County; TYPE OF FACILITY: a public water system; PENALTY: \$5,915; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

(2) COMPANY: City of Kyle; DOCKET NUMBER: 2022-0891-MLM-E; TCEQ ID NUMBER: RN102182680; LOCATION: 941 New Bridge Drive, Kyle, Hays County; TYPE OF FACILITY: a wastewater

treatment facility; PENALTY: \$78,250; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

(3) COMPANY: South Texas Sand & Logistics LLC; DOCKET NUMBER: 2022-0843-WQ-E; TCEQ ID NUMBER: RN111505467; LOCATION: northeast of the intersection of Acuna Street and San Hilario Avenue West near Cantina, Dimmit County; TYPE OF FACILITY: an aggregate production operation; PENALTY: \$8,750; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

TRD-202602457

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 16, 2026



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 27, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 27, 2026**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Cuney; DOCKET NUMBER: 2023-1499-PWS-E; TCEQ ID NUMBER: RN101282804; LOCATION: 712 County Rd 3502, near Jacksonville, Cherokee County; TYPE OF FACILITY: a public water system; PENALTY: \$7,015; STAFF ATTORNEY: David Keagle, Litigation, MC 175, (512) 239-3923; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: City of Cuney; DOCKET NUMBER: 2022-0021-MWD-E; TCEQ ID NUMBER: RN101609469; LOCATION: 495 County Road 3314, Cuney, Cherokee County; TYPE OF FACILITY: a wastewater treatment facility; PENALTY: \$33,150; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(3) COMPANY: MAKAS MANAGEMENT, INC.; DOCKET NUMBER: 2022-0943-PST-E; TCEQ ID NUMBER: RN102262904; LOCATION: 5899 West Port Arthur Road, Port Arthur, Jefferson County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: \$3,938; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(4) COMPANY: RAGNAR TRUCKING LLC; DOCKET NUMBER: 2023-1380-WQ-E; TCEQ ID NUMBER: RN111568242; LOCATION: approximately 2,000 feet south of the intersection of Turtle Dove Lane and Grand Pines Road near Magnolia, Montgomery County; TYPE OF FACILITY: a construction site; PENALTY: \$50,000; STAFF ATTORNEY: David Keagle, Litigation, MC 175, (512) 239-3923; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: SUNNYDALE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1212-UTL-E; TCEQ ID NUMBER: RN101231710; LOCATION: Farm-to-Market Road 54, Littlefield, Lamb County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more; PENALTY: \$500; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(6) COMPANY: SUNNYDALE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1212-UTL-E; TCEQ ID NUMBER: RN101231710; LOCATION: Farm-to-Market Road 54, Littlefield, Lamb County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more; PENALTY: \$500; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(7) COMPANY: WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-0921-PWS-E; TCEQ ID NUMBER: RN101452621; LOCATION: 2908 East United States Highway 287 near Groveton, Trinity County; TYPE OF FACILITY: a public water system; PENALTY: \$14,355; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OF-

FICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202602458

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 16, 2026

Texas Ethics Commission

List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Aidan Shaughnessy at (512) 463-5800.

Deadline: Personal Financial Statement due February 12, 2020

#00083895 - Te'iva J. Bell, 9800 Northwest FWY 600, Houston, Texas 77092

Deadline: Personal Financial Statement due April 30, 2025

#00069663 - Tanner M. Neidhardt, P.O. Box 1478, Dripping Springs, Texas 78620

Deadline: Semiannual Report due July 15, 2025

#00086948 - John Brender, 2917 Alton Rd, Fort Worth, Texas 76109

#00024059 - Michelle Evans, Williamson County Republican Party (P), P.O. Box 393, Round Rock, Texas 78680

#00064575 - Holly Bullington, Circle C Area Democrats, 10517 Walpole Lane, Austin, Texas 78739

Deadline: Special Session Report due October 6, 2025

#00086182 - Venton C. Jones, P.O. Box 222128, Dallas, Texas 75222

Deadline: 30 Day Pre-Election Report due October 6, 2025

#00088814 - Jordan Woodard, Keep Denton County Red, 10109 Cherry Hill Ln, Providence Village, Texas 76227

Deadline: 8 Day Pre-Election Report due October 27, 2025

#00066726 - Veronica Hernandez, Socorro American Federation of Teachers Committee on Political Education, 1757 George Dieter #125, El Paso, Texas 79936

#00089924 - Eric Bott, Rockwall Residents for Ethical and Accountable Leadership, 3090 N. Goliad St., Rockwall, Texas 75087

#00088814 - Jordan Woodard, Keep Denton County Red, 10109 Cherry Hill Ln, Providence Village, Texas 76227

Deadline: Monthly Campaign Finance Report due January 5, 2026

#00066192 - John Farrow, Bartlett Cocke General Contractors Political Action Committee, 8706 Lockway, San Antonio, Texas 78217

Deadline: Semiannual Report due January 15, 2026

#00090405 - Alejandro C. Cuellar, 8600 Turrentine Drive, El Paso, Texas 79925

#00090428 - T.J. Baker, 3139 W. Holcombe Blvd, #292, Houston, Texas 77025

Deadline: Personal Financial Statement due February 12, 2026

#00067980 - Robert L. Hall, 728 PR 7005, Edgewood, Texas 75117

#00068114 - Michael Berlanga, 4110 Greensboro Dr., San Antonio, Texas 78229

Deadline: 8 Day Pre-Election Report due February 23, 2026

#00085950 - Mark E. Dorazio, P.O. Box 461341, San Antonio, Texas 78246

TRD-202602428
James Tinley
Executive Director
Texas Ethics Commission
Filed: June 12, 2026



List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Aidan Shaughnessy at (512) 463-5800.

Deadline: Special Session Report due September 15, 2025

#00065973 - Giovanni S. Capriglione, 1352 Ten Bar Trail, Southlake, Texas 76092

#00084305 - Heriberto Morales, 352 Hillcrest Blvd, Eagle Pass, Texas 78852

#00062098 - Ronald E. Reynolds, 6140 Hwy. 6 South, Ste. 233, Missouri City, Texas 77459

#00089850 - Dominique M. Payton, 5500 DeSoto St., Houston, Texas 77091

#00087349 - James T. Matlock, 548 CR 954, Cushing, Texas 75760

Deadline: Special Session Report due September 15, 2025 for Committees

#00089873 - Larry Hicks, Friends of Dennis Paul, 1 E. Greenway Plaza, Houston, Texas 77046

TRD-202602448
James Tinley
Executive Director
Texas Ethics Commission
Filed: June 15, 2026



General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of June 8, 2026 to June 12, 2026. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days

from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, June 19, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, July 19, 2026.

Federal License and Permit Activities:

Applicant: Wing Aviation, LLC

Location: Houston, Harris, Chambers, Galveston, Brazoria Counties, Texas

Project Description: Wing is proposing to conduct unmanned aircraft (UA) retail package delivery operations, establishing up to 75 sites in the Houston metro area. Wing's intent is to offer service throughout the Houston metro area from a network of nests, where each would serve a specific area, thereby avoiding an over-concentration of flights surrounding any given nest. The nests would be located in commercial areas, such as shopping centers, large individual retailers, and shopping malls. Each nest houses up to 24 aircraft and has a delivery range of approximately 6 miles. The proposed action does not involve ground-disturbing activity outside of existing commercial areas and does not include any operations over water.

Two UAs would be primarily used for deliveries: Wing's Hummingbird 7000W-B and 8000-A.

The Hummingbird 7000W-B - multi-rotor design with 16 propellers, weighs under 15 pounds when combined with its maximum payload weight of 2.7 pounds, and has a wingspan of approximately 4.9 feet, a height of approximately 1 foot, and a length of 4 feet. The 8000-A has a multi-rotor design with 12 propellers, weight under 25 pounds when combined with its maximum payload weight of 5 pounds, and has a wingspan of approximately 6 feet, a height of approximately 1 foot, and a length of approximately 6.2 feet. All Wing aircraft use electric power from rechargeable lithium-ion batteries. Aircraft batteries are charged wirelessly from nest charging pads where aircraft sit between deliveries. Charging pads are connected to onsite utilities or temporarily to small diesel generators during the development of utility connections. Wing anticipates the Houston metro area fleet makeup would consist of 70 to 80 percent 7000W-B aircraft and 20 to 30 percent 8000-A aircraft.

The UA would generally be operated at an altitude of 150-300 feet above ground level (AGL) and always below an altitude of 400 feet AGL while en route to and from delivery locations. At a delivery location, the UA would descend vertically to a stationary hover at 23 feet AGL and lower a package to the ground by a retractable line for delivery. Once a package has been lowered to the ground, the UA would then retract the line, ascend vertically to a cruise altitude, and depart the delivery area enroute back to a nest.

Wing projects operating a maximum of 400 delivery flights per operating day from each site, with operations initially occurring between 7:00 a.m. and 7:00 p.m. and then extending to 7:00 a.m. to 10:00 p.m. In addition, operations would include low altitude (<8 ft) in-nest checkout flights between 6:00 a.m. and 7:00 a.m. in preparation for the normal operational day which would begin no earlier than 7:00 a.m.

Type of Application: Draft Environmental Assessment to amend Federal Aviation Administration air carrier Operation Specifications authorization.

CMP Project No: 26-1159-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the

Texas General Land Office Coastal Management Program Coordinator
at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202602462

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: June 16, 2026

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Department of State Health Services
Licensing Actions for Radioactive Materials

During the first half of June 2026, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	CYPRESS CARDIOVASCULAR INSTITUTE PLLC	L07317	HOUSTON	00	06/12/26

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	TEXAS ONCOLOGY	L06206	AUSTIN	31	06/12/26
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP DBA ST DAVIDS MEDICAL CENTER	L00740	AUSTIN	193	06/11/26
AUSTIN	AUSTIN RADIOLOGICAL ASSOCIATION	L00545	AUSTIN	260	06/09/26
AUSTIN	PHARMALOGIC AUSTIN LLC	L07199	AUSTIN	07	06/09/26
CONROE	CHEVRON PHILLIPS CHEMICAL COMPANY LP DBA DRILLING SPECIALTIES COMPANY A DIVISION OF CHEVRON PHILLIPS CHEMICAL COMPANY	L04825	CONROE	26	06/02/26
CORPUS CHRISTI	EQUISTAR CHEMICALS LP	L02447	CORPUS CHRISTI	29	06/05/26
CORPUS CHRISTI	RADIOLOGY IMAGING CORPUS CHRISTI PLLC	L05182	CORPUS CHRISTI	57	06/09/26
DALLAS	CARDINAL HEALTH	L05610	DALLAS	58	06/04/26
DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	151	06/12/26
EL PASO	RIO GRANDE UROLOGY PA	L06721	EL PASO	15	06/11/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE MEMORIAL CAMPUS	L02353	EL PASO	164	06/09/26
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA	L05919	FORT WORTH	43	06/12/26
FORT WORTH	UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER FORT WORTH	L02518	FORT WORTH	63	06/11/26
FORT WORTH	TEXAS HEALTH HARRIS METHODIST HOSPITAL FORT WORTH	L01837	FORT WORTH	173	06/12/26
GROESBECK	SOUTH LIMESTONE HOSPITAL DISTRICT DBA LIMESTONE MEDICAL CENTER	L05932	GROESBECK	13	06/01/26
HOUSTON	UT PHYSICIANS	L05465	HOUSTON	31	06/03/26
HOUSTON	AVANCE BIOSCIENCES INC	L06493	HOUSTON	05	06/04/26
HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM	L06439	HOUSTON	29	06/11/26
HOUSTON	TOPS SPECIALTY HOSPITAL LTD DBA TOPS SURGICAL SPECIALTY HOSPITAL	L05441	HOUSTON	31	06/11/26
HOUSTON	TEXAS CHILDRENS HOSPITAL	L04612	HOUSTON	85	06/09/26

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
LONGVIEW	CHRISTUS GOOD SHEPHERD MEDICAL CENTER DBA CHRISTUS GOOD SHEPHERD MEDICAL CENTER-LONGVIEW	L06902	LONGVIEW	16	06/12/26
MCALLEN	TEXAS ONCOLOGY PA DBA SOUTH TEXAS CANCER CENTER	L04880	MCALLEN	23	06/12/26
MESQUITE	TEXAS ONCOLOGY PA DBA TEXAS CANCER CENTER MESQUITE	L05741	MESQUITE	23	06/12/26
PAMPA	PRIME HEALTHCARE SERVICES – PAMPA LLC PAMPA REGIONAL MEDICAL CENTER	L06510	PAMPA	09	06/03/26
PASADENA	EQUISTAR CHEMICALS LP	L01854	PASADENA	62	06/14/26
SAN ANTONIO	UROLOGY PARTNERS OF NORTH TEXAS PLLC	L06047	SAN ANTONIO	13	06/04/26
SAN ANTONIO	UROLOGY PARTNERS OF NORTH TEXAS PLLC	L06047	SAN ANTONIO	14	06/11/26
SAN ANTONIO	METHODIST PHYSICIAN PRACTICES PLLC	L05675	SAN ANTONIO	30	06/04/26
SAN ANTONIO	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD LLP	L00594	SAN ANTONIO	399	06/02/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
SHENANDOAH	TEXAS ONCOLOGY PA	L07041	SHENANDOAH	10	06/09/26
THROUGHOUT TX	SAM-CONSTRUCTION SERVICES LLC	L07108	AUSTIN	06	06/11/26
THROUGHOUT TX	PROBE TECHNOLOGY SERVICES INC	L05112	BENBROOK	48	06/09/26
THROUGHOUT TX	ALLIANCE GEOTECHNICAL GROUP INC	L05314	DALLAS	60	06/09/26
THROUGHOUT TX	GEOTEX ENGINEERING LLC	L06677	DENTON	31	06/04/26
THROUGHOUT TX	THE UNIVERSITY OF TEXAS MEDICAL BRANCH DBA OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY	L01299	GALVESTON	128	06/10/26
THROUGHOUT TX	DIGIRAD IMAGING SOLUTIONS INC	L05414	HOUSTON	56	06/02/26
THROUGHOUT TX	NATIONAL OILWELL VARCO LP	L00287	HOUSTON	173	06/05/26
THROUGHOUT TX	MAK LONESTAR CONSULTING LLC	L07294	IRVING	02	06/03/03
THROUGHOUT TX	SUPEREME NDT LLC	L07291	KATY	01	06/11/26
THROUGHOUT TX	ACUREN INSPECTION INC	L01774	LA PORTE	326	06/05/26
THROUGHOUT TX	DYNASTY WIRELINE SERVICES LLC	L06753	MIDLAND	05	06/01/26
THROUGHOUT TX	SHARED MEDICAL SERVICES INC	L06142	NACOGDOCHES	51	06/12/26
THROUGHOUT TX	TURNER SPECIALTY SERVICES LLC	L05417	NEDERLAND	65	06/14/26
THROUGHOUT TX	TWINS INDUSTRIAL SERVICES LLC	L07285	ODESSA	01	06/09/26

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	RECON MANAGEMENT SERVICES INC	L07300	ORANGE	01	06/14/26
THROUGHOUT TX	STRONGHOLD INSPECTION LTD	L06918	PASADENA	21	06/04/26
THROUGHOUT TX	TIER 1 INTEGRITY LLC	L06718	PASADENA	32	06/03/26
THROUGHOUT TX	EPIC PIPING LLC	L06819	SAN MARCOS	06	06/14/26
THROUGHOUT TX	VETCOR OF TEXAS LLC	L07288	SASCHE	01	06/10/26
THROUGHOUT TX	LUDLUM MEASUREMENS INC	L01963	SWEETWATER	123	06/04/26
THROUGHOUT TX	ALLENS NUTECH INC	L04274	TYLER	115	06/05/26
WACO	BAYLOR UNIVERSITY	L00343	WACO	54	06/08/26

RENEWAL OF LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
PORT LAVACA	MEMORIAL MEDICAL CENTER	L04685	PORT LAVACA	14	06/03/26
THROUGHOUT TX	PERATON INC	L06802	PALESTINE	03	06/09/26

TERMINATIONS OF LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	WOODLANDS SPECIALTY HOSPITAL PLLC	L06656	HOUSTON	08	06/03/26
STAFFORD	PMI SPECIALISTS INC	L04686	STAFFORD	21	06/03/26
THROUGHOUT TX	PROFESSIONAL SERVICE INDUSTRIES INC	L06332	GARLAND	21	06/08/26

EXEMPTIONS ISSUED						
Location of Use/Possession of Material	Name of Licensed Entity	License Number	Exemption Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	Generic Exemption	N/A	E26-02	THROUGHOUT TX	N/A	06/05/26

TRD-202602463
Molly Fudell
Deputy General Counsel
Department of State Health Services
Filed: June 16, 2026

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Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2768 "LUCKY 7"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2768 is "LUCKY 7". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2768 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2768.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 7 SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000 and \$200,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2768 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
7 SYMBOL	WIN\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$200,000	200TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2768), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2768-0000001-001.

H. Pack - A Pack of the "LUCKY 7" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LUCKY 7" Scratch Ticket Game No. 2768.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements

set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY 7" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. **PLAY INSTRUCTIONS:** If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to

the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. **GENERAL:** The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. **GENERAL:** Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. **KEY NUMBER MATCH:** No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 05 and \$5).

D. **KEY NUMBER MATCH:** There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. **KEY NUMBER MATCH:** There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. **KEY NUMBER MATCH:** A non-winning Prize Symbol will never match a winning Prize Symbol.

G. **KEY NUMBER MATCH:** A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. **KEY NUMBER MATCH:** The "7" (WIN\$) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY 7" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lot-

tery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LUCKY 7" Scratch Ticket Game prize of \$1,000, \$5,000 or \$200,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LUCKY 7" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY 7" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LUCKY 7" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 11,040,000 Scratch Tickets in Scratch Ticket Game No. 2768. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2768 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	1,140,800	9.68
\$10.00	699,200	15.79
\$20.00	441,600	25.00
\$25.00	147,200	75.00
\$50.00	147,200	75.00
\$100	27,600	400.00
\$200	2,852	3,870.97
\$500	1,380	8,000.00
\$1,000	100	110,400.00
\$5,000	10	1,104,000.00
\$200,000	4	2,760,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.23. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2768 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2768, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602482
 Deanne Rienstra
 General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: June 17, 2026



Scratch Ticket Game Number 2769 "LUCKY 7 DOUBLER"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2769 is "LUCKY 7 DOUBLER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2769 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2769.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44,

45, 46, 48, 49, 50, 7 SYMBOL, 77 SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$500,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2769 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
28	TWET
29	TWNH
30	TRTY
31	TRON

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
7 SYMBOL	WIN\$
77 SYMBOL	DBL
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$500,000	500TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2769), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2769-000001-001.

H. Pack - A Pack of the "LUCKY 7 DOUBLER" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LUCKY 7 DOUBLER" Scratch Ticket Game No. 2769.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY 7 DOUBLER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-six (56) Play Symbols. PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-six (56) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-six (56) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty-six (56) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-six (56) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 10 and \$10).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "7" (WIN\$) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY 7 DOUBLER" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LUCKY 7 DOUBLER" Scratch Ticket Game prize of \$1,000, \$10,000 or \$500,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LUCKY 7 DOUBLER" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY 7 DOUBLER" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LUCKY 7 DOUBLER" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto.

Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2769. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2769 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	804,000	10.00
\$20.00	562,800	14.29
\$30.00	442,200	18.18
\$50.00	201,000	40.00
\$100	73,164	109.89
\$200	16,080	500.00
\$500	1,675	4,800.00
\$1,000	201	40,000.00
\$10,000	10	804,000.00
\$500,000	4	2,010,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.83. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2769 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302 (j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2769, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602483

Deanne Rienstra
 General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: June 17, 2026



Scratch Ticket Game Number 2770 "LUCKY 7 TRIPLER"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2770 is "LUCKY 7 TRIPLER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2770 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2770.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24,

25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 7 SYMBOL, 777 SYMBOL, \$20.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$25,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2770 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
28	TWET

29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
7 SYMBOL	WIN\$
777 SYMBOL	TRP
\$20.00	TWY\$

\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$25,000	25TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2770), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2770-0000001-001.

H. Pack - A Pack of the "LUCKY 7 TRIPLER" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LUCKY 7 TRIPLER" Scratch Ticket Game No. 2770.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY 7 TRIPLER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "777" Play Symbol, the player wins TRIPLE the prize for that

symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "7" (WIN\$) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY 7 TRIPLER" Scratch Ticket Game prize of \$20.00, \$40.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LUCKY 7 TRIPLER" Scratch Ticket Game prize of \$1,000, \$25,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LUCKY 7 TRIPLER" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY 7 TRIPLER" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LUCKY 7 TRIPLER" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2770. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2770 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	660,000	9.09
\$40.00	480,000	12.50
\$50.00	300,000	20.00
\$100	240,000	25.00
\$200	60,900	98.52
\$500	3,750	1,600.00
\$1,000	250	24,000.00
\$25,000	12	500,000.00
\$1,000,000	4	1,500,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.44. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2770 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2770, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602484
 Deanne Rienstra
 General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: June 17, 2026



Scratch Ticket Game Number 2771 "LUCKY 7 MULTIPLIER"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2771 is "LUCKY 7 MULTIPLIER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2771 shall be \$50.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2771.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$50.00, \$100, \$150, \$250, \$350, \$500, \$1,000, \$5,000, \$50,000 and \$2,500,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2771 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX

28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX

58	FFET
59	FFNI
60	SXTY
61	SXON
62	SXTO
63	SXTH
64	SXFR
65	SXFV
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$50.00	FFTY\$
\$100	ONHN
\$150	HNFF
\$250	TOFF
\$350	THFF
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$50,000	50TH
\$2,500,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2771), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 020 within each Pack. The format will be: 2771-0000001-001.

H. Pack - A Pack of the "LUCKY 7 MULTIPLIER" Scratch Ticket Game contains 020 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). Ticket back 001 and 020 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LUCKY 7 MULTIPLIER" Scratch Ticket Game No. 2771.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY 7 MULTIPLIER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose eighty (80) Play Symbols. **PLAY INSTRUCTIONS:** If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "777" Play Symbol, the player wins TRIPLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly eighty (80) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly eighty (80) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the eighty (80) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eighty (80) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 50 and \$50).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "7" (WINS) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

I. KEY NUMBER MATCH: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY 7 MULTIPLIER" Scratch Ticket Game prize of \$50.00, \$100, \$150, \$250, \$350 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$150, \$250, \$350 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LUCKY 7 MULTIPLIER" Scratch Ticket Game prize of \$1,000, \$5,000, \$50,000 or \$2,500,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LUCKY 7 MULTIPLIER" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY 7 MULTIPLIER" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LUCKY 7 MULTIPLIER" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 4,560,000 Scratch Tickets in Scratch Ticket Game No. 2771. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2771 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$50.00	513,000	8.89
\$100	399,000	11.43
\$150	342,000	13.33
\$250	64,600	70.59
\$350	42,142	108.21
\$500	38,000	120.00
\$1,000	304	15,000.00
\$5,000	55	82,909.09
\$50,000	12	380,000.00
\$2,500,000	4	1,140,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.26. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2771 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2771, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602485
 Deanne Rienstra
 General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: June 17, 2026

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North Central Texas Council of Governments

Notice of Contract Award for Roadway and Transit Model Development Tests for the Dallas-Fort Worth Region

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8107). The selected entities will provide model development assistance for the Roadway and Transit Model Development Test Program within the Dallas-Fort Worth Region.

Issued in Arlington, Texas on June 15, 2026.

TRD-202602451
 Todd Little
 Executive Director
 North Central Texas Council of Governments
 Filed: June 15, 2026

◆ ◆ ◆

Public Utility Commission of Texas

Notice of Application of Alenco Communications, Inc. to Amend its Certificate of Convenience and Necessity

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on May 15, 2026, to amend Alenco Communications, Inc.'s certificate of convenience and necessity.

Docket Style and Number: Application of Alenco Communications, Inc. to Amend its Certificate of Convenience and Necessity, Docket Number 59766.

The Application: Alenco Communications, Inc. filed an application to amend its certificate of convenience and necessity number 40001.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by electronic mail at puc.texas.gov, by phone at (512) 936-7120, or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is July 24, 2026. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 59766.

TRD-202602449
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: June 15, 2026

◆ ◆ ◆
Supreme Court of Texas

Final Approval of Amendments to Rule 6 of the Texas Rules of Judicial Administration

Supreme Court of Texas


Misc. Docket No. 26-9049

Final Approval of Amendments to Rule 6 of the Texas Rules of Judicial Administration

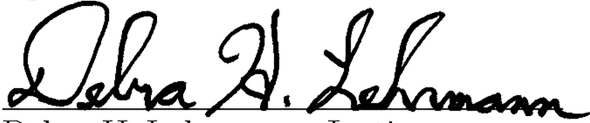
ORDERED that:

1. On January 30, 2026, in Misc. Dkt. No. 26-9008, the Court preliminarily approved amendments to Texas Rule of Judicial Administration 6 and invited public comment.
2. Following the comment period, the Court made revisions to the amendments. This order incorporates the revisions and contains the final version of the amended rule, effective July 1, 2026.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - c. submit a copy of this order for publication in the *Texas Register*.
4. The State Bar of Texas is directed to:
 - a. cause a copy of this order to be sent to each registered member of the State Bar of Texas by email; and
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.

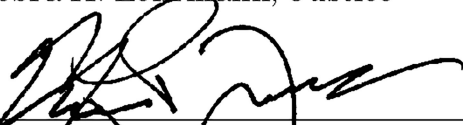
Dated: June 12, 2026.



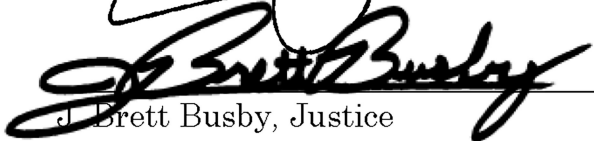
James D. Blacklock, Chief Justice



Debra H. Lehmann, Justice



John P. Devine, Justice



J. Brett Busby, Justice



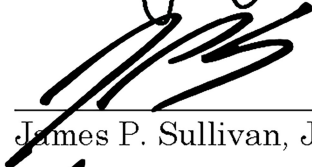
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

Rules of Judicial Administration

Rule 6. Time Standards for the Disposition of Cases; Time Reporting

Rule 6.1 District, Statutory County, and Business Courts.

Rule 6.2 Appeals in Certain Cases Involving the Parent-Child Relationship and From Orders Certifying a Juvenile to Stand Trial as an Adult.

Rule 6.3 District Court Time Reporting.

(a) Other Judicial Duties Defined. “Other judicial duties” as used in this rule includes:

- (1) performing case-related duties, such as reviewing court filings and evidence, conducting legal research, drafting orders and opinions, and presiding over court proceedings not at the courthouse or another court facility;
- (2) being assigned as “on call” to handle emergency matters, such as warrant reviews and magistration;
- (3) performing administrative tasks, such as meeting with other judges regarding court procedures and business, preparing for such meetings, reviewing and drafting local rules, drafting policies, supervising staff and other judges, exercising appointment powers, responding to Rule 12 requests, serving as a judicial mentor, timekeeping and other reporting, and reviewing court metrics and data;
- (4) completing, preparing for, or presenting continuing education;
- (5) participating in activities to improve the law, the legal system, or the administration of justice;
- (6) completing forms required for those who hold judicial office, such as financial disclosure forms and filing forms;
- (7) any duties of the judge’s office prescribed by law, rule, or other court order; and

(8) travel necessary to preside over court at the courthouse or another court facility or to perform other judicial duties, beyond the judge's ordinary commute to and from the courthouse.

(b) Required Statement. A district court judge must electronically attest to the following statement sent to the judge's Regional Presiding Judge and the Office of Court Administration in a manner specified by the Office:

"In the past 6 months, I spent approximately _____ hours presiding over court at the courthouse or another court facility and approximately _____ hours performing other judicial duties."

(c) Deadline. The judge must submit the statement by:

- (1) July 20, for the period from January 1 to June 30; and
- (2) January 20, for the period from July 1 to December 31.

(d) Supporting Documentation. This rule does not require submission of supporting documentation. Any supporting documentation is not subject to disclosure under Rule 12.

(e) Penalty. The submission of false information under this rule violates Canon 4(I)(2) of the Texas Code of Judicial Conduct.

TRD-202602455
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 15, 2026

◆ ◆ ◆
Order Amending Article XII of the State Bar Rules

Supreme Court of Texas

Misc. Docket No. 26-9042

Order Amending Article XII of the State Bar Rules

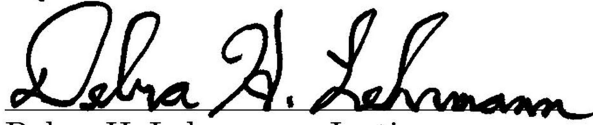
ORDERED that:

1. On March 27, 2026, in Misc. Dkt. No. 26-9022, the Court preliminarily approved amendments to Article XII of the State Bar Rules and invited public comment.
2. No additional changes have been made following the public comment period. This order gives final approval to the amendments as set forth in Misc. Dkt. No. 26-9022 and reproduced below, effective January 1, 2027.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature;
 - c. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*; and
 - d. submit a copy of this order for publication in the *Texas Register*.

Dated: June 12, 2026.



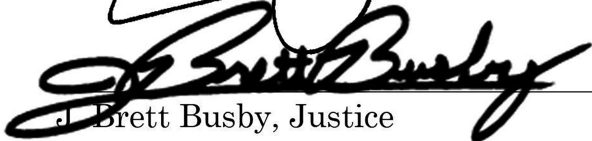
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



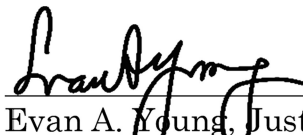
J. Brett Busby, Justice



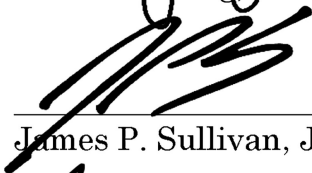
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

ARTICLE XII
MINIMUM CONTINUING LEGAL EDUCATION

Section 4. Accreditation

A. The Committee ~~shall~~must develop criteria for the accreditation of continuing legal education activities and ~~shall~~must designate the number of hours to be earned by participation in such activities, ~~as approved by the Committee. In order for an activity to~~ be accredited, the activity's subject matter must directly relate to legal subjects and the legal profession, including professional responsibility, legal ethics, or law practice management. The Committee may, in appropriate cases, extend accreditation to qualified activities that have already occurred.

The Committee ~~shall~~must not extend credit to activities completed in the ordinary course of the practice of law, in the performance of regular employment, ~~as a volunteer service to clients or the general public,~~ as a volunteer service to government entities, or in a member's regular duties on a committee, section, or division of any bar related organization. The Committee may extend accredited status, subject to periodic review, to a qualified sponsor for its overall continuing legal education curriculum. ~~No~~Examinations shallmust not be required.

B. Self-study credit may be given for individual viewing or listening to audio, video, or digital media; reading written material; attending organized in-office educational programs; or other activities approved by the Committee. No more than three hours of credit may be given during a compliance year for self-study activities. Time spent viewing or listening to audio, video, or digital media as part of an organized CLE activity approved by the Committee counts as conventional continuing legal education and is not subject to the self-study limitation.

C. Credit may be earned through teaching or participating in an accredited CLE activity. Credit shall be granted for preparation time and presentation time, including preparation credit for repeated presentations.

D. Credit may be earned through legal research-based writing upon application to the Committee provided the activity (1) produced material published or to be published in the form of an article, chapter, or book written, in whole or in part, by the applicant; (2) contributed substantially to the continuing legal education of the applicant and other attorneys; and (3) is not done in the ordinary course of the practice of law, the performance of regular employment, or as a service to clients.

E. The Committee may, in appropriate cases, charge a reasonable fee to the sponsor for accrediting CLE activities.

F. A member who holds a full-time faculty position in any law school which is approved by the American Bar Association may be credited as fulfilling the requirements of this article, except as to the minimum requirements for CLE in legal ethics and professional responsibility. A member who holds a part-time faculty position in any such law school may claim participatory credit for the actual hours of class instruction time not to exceed 12 hours per compliance year, except as to the minimum requirements for CLE in legal ethics and professional responsibility.

G. Credit to meet the minimum educational requirement will be extended to attorneys who are members of the United States Congress or the Texas Legislature for each year in which they serve.

H. No credit shall be given for activities directed primarily to persons preparing for admission to practice law.

I. Credit, not to exceed 30 hours in any compliance year, may be earned for attending a law school class after admission to practice in Texas provided (1) that the member officially registered for the class with the law school; and (2) that the member completed the course as required by the terms of registration. Credit for approved attendance at law school classes shall be for the actual number of hours of class instruction time the member is in attendance at the law school course.

J. Credit, not to exceed 3 hours in a compliance year, may be earned by providing free basic civil legal services to the indigent through a program approved by the Supreme Court to receive basic civil legal services grant funds under Government Code sections 51.942–.943. Credit may be earned at the rate of 1 credit hour for every 5 hours of actual services provided.

TRD-202602452
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 15, 2026

◆ ◆ ◆
Order Amending Canon 3(B)(9) of the Texas Code of Judicial
Conduct

Supreme Court of Texas

Misc. Docket No. 26-9043

Order Amending Canon 3(B)(9) of the Texas Code of Judicial Conduct

ORDERED that:


1. In accordance with Act of June 2, 2025, 89th Leg., R.S., ch. 1130, (S.B. 293), the Court approves the following amendments to Canon 3(B)(9) of the Texas Code of Judicial Conduct, effective immediately.
2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature;
 - c. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*; and
 - d. submit a copy of this order for publication in the *Texas Register*.

Date: June 12, 2026.


James D. Blacklock, Chief Justice

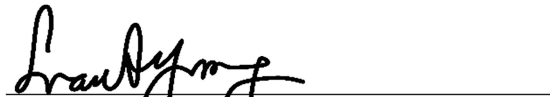

Debra H. Lehrmann, Justice


John P. Devine, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice


Evan A. Young, Justice


James P. Sullivan, Justice


Kyle D. Hawkins, Justice

TEXAS CODE OF JUDICIAL CONDUCT

Canon 3: Performing the Duties of Judicial Office Impartially and Diligently

B. Adjudicative Responsibilities.

(9) A judge should dispose of all judicial matters promptly, efficiently and fairly. Willful, persistent, and unjustifiable failure to timely execute the business of the court is subject to discipline.

TRD-202602453
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 15, 2026

◆ ◆ ◆
Preliminary Approval of Amendments to Rule 3 of the Rules
of the Judicial Branch Certification Commission

Supreme Court of Texas

Misc. Docket No. 26-9044

Preliminary Approval of Amendments to Rule 3 of the Rules of the Judicial Branch Certification Commission

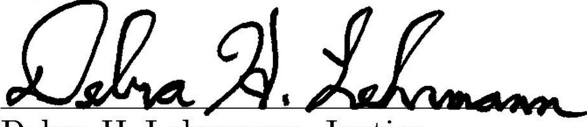
ORDERED that:

1. The Court preliminarily approves amendments to Rule 3 of the Rules of the Judicial Branch Certification Commission, as set forth in this order.
2. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by August 1, 2026.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments take effect October 1, 2026.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.
 - c. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this order for publication in the *Texas Register*.

Dated: June 12, 2026.



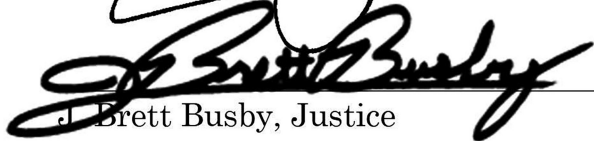
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



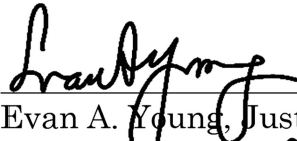
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

3.0 Certification, Registration, and Licensing

3.1 Work Authorization

To be eligible for certification, registration, or licensure or renewed certification, registration, or licensure, an applicant must be authorized to work lawfully in the United States.

3.12 Initial Applications

- (a) All certification, registration, and license applications must be submitted through the Commission's online certification, registration, and licensing system on the Commission's website. An applicant must comply with submission requirements stated on the application form. Incomplete applications will not be processed.
- (b) An applicant must provide the Commission with his or her Texas and national criminal history records by fingerprint search according to directions published on the Commission's website. The criminal history searches must be conducted after an application is submitted.

3.23 Renewal Applications

- (c) All certification, registration, and license renewal applications, including continuing education reporting, must be submitted through the Commission's online certification, registration, and licensing system on the Commission's website. A regulated person must comply with submission requirements stated on the renewal form. Incomplete applications will not be processed.

3.34 Endorsement; Reciprocity

| **3.45** Alternative Application Procedure for Military Spouses,
Military Service Member, and Veterans

| **3.56** Eligibility for Persons with Criminal History

| **3.67** Denial of Application; Reconsideration

| **3.78** Examination Security

| **3.89** Examination Fee Refund

| **3.910** Access to Examinations and Examination on Religious
Holy Days

| **3.101** Examination Results

| **3.112** Responsibilities of Regulated Persons

| **3.123** Voluntary Surrender of Certification, Registration, or
License

| **3.134 Two-year License Term**

| **3.145 Reissuance after Disciplinary Sanction**

TRD-202602454
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 15, 2026



How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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