



GOVERNOR GREG ABBOTT

To: Charles Bacarisse, Chair
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Texas Department of Motor Vehicles

From: Caleb Gunnels, Deputy General Counsel
Office of the Governor

Date: March 27, 2026

Subject: Proposed Title 43 Texas Administrative Code Sections 211.23 and 211.25 (RCD Rule Review #2026-001)

I. Syllabus

The Texas Department of Motor Vehicles (“Department”) proposed new 43 TAC §§ 211.23 and 211.25, as published in the December 26, 2025 *Texas Register*, to describe felony offenses that directly relate to the duties and responsibilities of licensed motor carriers, which provide a basis for the automatic revocation of a department-issued license following a conviction and imprisonment for any such felony.¹ On December 29, 2025, the Department submitted the proposed new rules to the Regulatory Compliance Division (“Division”) for review.² The Division invited public comments on the proposed rules for a 30-day period ending on February 6, 2026, and received no comments.

Based on the following analysis, the Division has determined that the proposed rules are consistent with state policy, and thus, proposed new 43 TAC §§ 211.23 and 211.25 are approved by the Division and may be finally adopted and implemented.

II. Analysis

In 2025, the 89th Legislature passed Senate Bill 1080, which, in part, requires licensing authorities to revoke a license holder’s license due to imprisonment following a felony conviction for certain offenses, including those that directly relate to the duties and responsibilities of the licensed occupation. *See* TEX. OCC. CODE § 53.021(b). State law also requires licensing authorities to issue

¹ 50 Tex. Reg. 8521 (2025) (to be codified at 43 TAC §§211.23 and 211.25) (proposed Dec. 26, 2025) (Tex. Dep’t. Motor Vehicles).

² Rule Submission Memorandum from the Texas Department of Motor Vehicles (Dec. 29, 2025), (on file with the Regulatory Compliance Division of the Office of the Governor).

rules stating the reasons a particular crime is considered to relate to a particular license. *See* TEX. OCC. CODE § 53.025. To comply with these requirements, the Department proposed §§ 211.23 and 211.25 to define which felony offenses directly relate to the duties and responsibilities of a license issued to a motor carrier pursuant to Chapter 643 of the Texas Transportation Code.³

On October 9, 2025, the Department held a meeting with its Motor Carrier Regulation Advisory Committee (“MCRAC”) to consider and obtain recommendations on a draft proposal of §§ 211.23 and 211.25.⁴ After receiving feedback from MCRAC and industry stakeholders, the Department made changes to the draft rules and clarified that revocation of a license only applies to sole proprietors.⁵ On December 11, 2025, the Department considered the proposed new rules in an open meeting, by which the public had an opportunity to comment, and the Department ultimately voted to publish the rules for additional public comment in the *Texas Register*.⁶

While the proposed new rules are intended to implement the requirements of Senate Bill 1080, as passed by the 89th Legislature, rules related to license revocation may affect market competition by creating barriers to market participation in the State. *See* TEX. OCC. CODE § 57.105(d)(1). Alternatively, such rules could result in higher prices or reduced competition for a service provided by a license holder in the State. *See* TEX. OCC. CODE § 57.105(d)(2).

As noted, Section 53.021(b), Texas Occupations Code, in part, requires licensing authorities to revoke a license holder’s license on imprisonment following a felony conviction for “an offense that directly relates to the duties and responsibilities of the licensed occupation.” For purposes of Chapter 53, Texas Occupations Code, a certificate of registration that the Department issues to motor carriers under Chapter 643, Texas Transportation Code, is a license. *See* TEX. OCC. CODE § 53.001; *See also* TEX. GOV’T. CODE § 2001.003(2) (defining “license” to include a state agency registration). Next, Section 53.022, Texas Occupations Code, generally requires a licensing authority to consider various factors in determining whether a criminal conviction directly relates to the duties and responsibilities of the licensed application.⁷ And, Section 53.025(a), Texas Occupations Code requires each licensing authority to issue guidelines that “must state the reasons a particular crime is considered to relate to a particular license.”

³ Rule Submission Memorandum from the Texas Department of Motor Vehicles (Dec. 29, 2025), at 1-3.

⁴ *Id.* at 3.

⁵ *Id.* (citing to Tex. Att’y Gen. Op. No. GA-1065 (2014), which opined that Chapter 53 of the Occupations Code does not authorize a state agency to deny or revoke an entity’s license solely on the basis that an officer, director, or shareholder has been convicted or constructively convicted of an offense).

⁶ *Id.*

⁷ The Department must generally consider the following factors: 1) the nature and seriousness of the crime; 2) the relationship of the crime to the purposes for requiring a license to engage in the occupation; 3) the extent to which a license may offer the licensee to continue engaging in the same criminal activity; 4) the relationship of the crime to the ability required to perform the duties and discharge the responsibilities of the licensed occupation; and 5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

Proposed new § 211.23 is intended to fulfill the latter requirement.⁸ And, proposed new § 211.25 states the felony offenses that directly relate to the duties and responsibilities of a licensed motor carrier pursuant to Section 53.021(b)(1)(A), Texas Occupations Code. Because licensed motor carriers may engage in different types of operations, such as transporting cargo, passengers, household goods, or hazardous materials, the rules specify felony offenses that individually relate to the different types of motor carrier operations that are authorized under a motor carrier license.⁹

For example, proposed new § 211.23(b)(1), generally details why the felony offenses referenced in proposed new § 211.25(c), directly relate to license holders that transport persons or cargo—these generally applicable offenses involve smuggling of persons, intoxication, or delivery of controlled substances, among others. And, proposed new § 211.23(b)(2), details that the felony offenses referenced in proposed new § 211.25(d) specifically relate to motor carriers of passengers because such passengers lose some autonomy over themselves and their property while in the licensee’s motor vehicle—that includes specific offenses against the person, offenses against tangible personal property or cargo belonging to another, or offenses that require a person to register as a sex offender, among others. The rules further identify additional criminal offenses—and the reasoning for their inclusion—that generally apply to for-hire motor carriers of any cargo, including household goods and hazardous materials, those that specifically apply to motor carriers that only transport household goods, and those that apply only to licensees that transport hazardous materials.

Ultimately, Section 643.003, Texas Transportation Code, authorizes the Department to adopt rules to administer state law related to motor carrier registrations. Section 1002.001, Texas Transportation Code, authorizes the board of the Department to adopt any rules necessary and appropriate to implement the powers and duties of the Department. That must include the directive by Sections 53.021 and 53.025, Texas Occupations Code, that all licensing authorities revoke a license holder’s license after imprisonment following a felony conviction for an offense that directly relates to the duties and responsibilities of the licensed occupation, and to issue guidelines that state the reason particular crimes relate to the license. Proposed new §§ 211.23 and 211.25 reasonably follow this statutory mandate, and thus, are consistent with state policy.

III. Determination

Based on the above analysis, the proposed new rules are approved by the Division and may proceed to final adoption and implementation.

⁸ Rule Submission Memorandum from the Texas Department of Motor Vehicles (Dec. 29, 2025), at 1.

⁹ 50 Tex. Reg. 8522 (2025) (preamble to proposed 43 TAC §§211.23 and 211.25) (Dec. 26, 2025) (Tex. Dep’t Motor Vehicles).