

Office of the Governor
Regulatory Compliance Division
Rule Submission Memorandum

To: Regulatory Compliance Division Director

From: Laura Moriaty
General Counsel, Texas Department of Motor Vehicles

Date: December 29, 2025

Subject: New Proposed 43 TAC §211.23 and §211.25

The Texas Department of Motor Vehicles (department) proposed new 43 Texas Administrative Code (TAC) §211.23 and §211.25, as published in the December 26, 2025, issue of the *Texas Register*. The department requests the Regulatory Compliance Division to review proposed new §211.23 and §211.25.

The PDF version of the preamble and text of the proposed rules as published in the *Texas Register* are attached to this memorandum.

To facilitate the Regulatory Compliance Division’s review of the proposed rule, the department provides answers to the following questions:

1. Briefly describe the proposed rule.

The proposed rules describe the felony offenses that directly relate to the duties and responsibilities of a licensed motor carrier under Occupations Code, §53.021(b)(1)(A), which provides for the automatic revocation of a license holder’s license following the license holder’s imprisonment for a conviction for any such felony.

2. What is the purpose of the proposed rule?

The proposed rules would implement Senate Bill (SB) 1080, 89th Legislature, Regular Session (2025) by defining which felony offenses directly relate to the duties and responsibilities of a licensed motor carrier under Occupations Code, §53.021(b)(1)(A). Proposed new §211.23 would fulfill the requirement for the department to issue guidelines that “state the reasons a particular crime is considered to relate to a particular license” under Occupations Code, §53.025. Although the department only issues one type of license to a motor carrier under Transportation Code, Chapter 643, a licensed motor carrier may engage in different types of operations—transporting cargo, passengers, household goods, or hazardous materials—subject to compliance with the applicable laws regarding that type of operation. The proposed rules are customized to address the offenses that directly relate to

all licensed motor carriers, as well as the different types of motor carrier operations.

The attached preamble contains additional information regarding the purpose of the proposed rules.

3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking.

Prior to the effective date of SB 1080 on May 27, 2025, Occupations Code, §53.021(b) automatically revoked licenses by operation of law without any action by the department following the license holder's imprisonment for any felony. SB 1080 amended Occupations Code, §53.021(b) to narrow the law so that a license is automatically revoked upon imprisonment only for specific felonies, including offenses that directly relate to the duties and responsibilities of the licensed occupation. The department proposed these rules to implement SB 1080.

The department does not currently have any rules regarding motor carriers under Occupations Code, Chapter 53.

4. Describe the legal authority for the proposed rule.
 - a. Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).

Yes, the department proposes the rules under Occupations Code, §53.025, which requires a licensing authority to issue guidelines relating to the practice of the licensing authority under Occupations Code, Chapter 53, including guidelines that "state the reasons a particular crime is considered to relate to a particular license."

- b. Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the proposed rule is within the scope, and reference the applicable state statute(s).

Yes, the proposed rules are within the scope of the department's authority to regulate the motor carrier industry. The department proposes these rules under the following authority:

- 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 of the Texas Department of Motor Vehicles (board) to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

5. Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.

In drafting the proposed rules, the department reviewed SB 1080, the case law and Attorney General opinions regarding Occupations Code, §53.021, rules and other guidelines adopted by certain state agencies under Occupations Code, §53.021 that specify the offenses that directly relate to the duties and responsibilities of certain license holders, the department's rules under Occupations Code, §53.021 regarding other licensed occupations, certain Texas law regarding felony offenses, media reports regarding certain crimes involving motor carriers, publications regarding cargo theft, certain federal laws, and Texas law regarding motor carriers.

The department also held a meeting of the Motor Carrier Regulation Advisory Committee (MCRAC) on October 9, 2025, to obtain advice and recommendations from MCRAC regarding the proposed rules. The members of MCRAC did not have any formal advice or recommendations regarding the proposed rules. Based on informal feedback from MCRAC and discussions with industry prior to the MCRAC meeting, the department made a change to the draft of §211.23 to clarify that these rules only apply to a sole proprietor because only an individual can be imprisoned.

In addition, the department incorporated staff input from multiple divisions within the department regarding the draft rules. The department's board considered the proposed rules in an open meeting on December 11, 2025, during which the public had the opportunity to comment. There were no public comments on the proposed rules at the board meeting on December 11, 2025. The department's board voted to authorize the department to publish the proposed rules for public comment in the *Texas Register*.

6. Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm.

The proposed rules are intended to implement SB 1080, which amended Occupations Code, §53.021(b) to limit the felony convictions for which an occupational license must be revoked following the license holder's imprisonment for such felony.

7. Do any less restrictive alternatives to the proposed rule exist for addressing the same harm? If so, include a comparison of the proposed rule to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

Less-restrictive alternatives to the proposed rules do not exist because the department is required to specify which felony offenses directly relate to the duties and responsibilities of a licensed motor carrier under Occupations Code, §53.021(b) as amended by SB 1080.

8. Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).

- It creates a barrier to market participation in the state.
- It results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.

- It both creates a barrier to market participation in the state and results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.

9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the Legislature in state statute.

The proposal technically affects market competition because it impacts a licensed motor carrier's ability to maintain its license. Occupations Code, §53.021(b)(1)(A) provides for the automatic revocation of a license holder's license following the license holder's imprisonment for a conviction for certain felonies. *See* Tex. Att'y Gen. Op. No. GA-0064 (2003). Also, the proposal affects market competition because it only applies to sole proprietors.

The proposal is consistent with state policy as established by the Legislature because Occupations Code, §53.021(b)(1)(A) requires the department to specify which felony offenses directly relate to the duties and responsibilities of a licensed motor carrier. Also, unlike the department's authority regarding the motor vehicle industry under Occupations Code, §2301.651(b), the department does not have the authority to revoke a motor carrier's license for a felony conviction of a person acting in a representative capacity for the motor carrier. Occupations Code, Chapter 53 does not independently provide a state agency with the authority to revoke a license holder's license based solely on the conviction of an officer, director, or shareholder for the license holder. *See* Tex. Att'y Gen. Op. No. GA-1065 (2014).

10. Does the proposed rule relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?

No, an Attorney General opinion is not pending nor has one been issued related to the proposed new rules to our knowledge.

11. Does the proposed rule relate to a matter on which there is pending litigation or a final court order?

No, the proposed rules do not relate to a matter on which there is pending litigation or a final court order.

12. Is there anything else that the state agency would like the Regulatory Compliance Division to know about the proposed rule?

A copy of the executive summary for the proposal that was submitted to the department's board is attached. The department will promptly forward any public comments received to you.

Note: In addition to this memorandum and its required attachments, the state agency must provide copies of the state agency's administrative records regarding the proposed rule, including any information or comments that the state agency received from the public regarding the proposed rule. A state agency is not required to submit any privileged or confidential information to the Regulatory Compliance Division.

(2) for a maximum of three minutes, except as provided in subsections (d)(6) and (e) of this section.

(b) Open comment period.

(1) At each regular advisory committee meeting, the advisory committee shall allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is within the scope of the specific advisory committee under §206.94(a) of this title (relating to Motor Vehicle Industry Regulation Advisory Committee (MVIRAC)), §206.95(a) of this title (relating to Motor Carrier Regulation Advisory Committee (MCRAC)), §206.96(a) of this title (relating to Vehicle Titles and Registration Advisory Committee (VTRAC)), §206.97(a) of this title (relating to Customer Service and Protection Advisory Committee (CSPAC)), [øf] §206.98(a) of this title (relating to Household Goods Rules Advisory Committee (HGRAC)), or §206.102(a) of this title (relating to Automated Vehicle Regulation Advisory Committee (AVRAC)).

(2) A person wanting to make a comment under this subsection shall complete a registration form, as provided by the department, prior to the beginning of the open comment period.

(3) Except as provided in subsections (d)(6) and (e) of this section, each person shall be allowed to speak for a maximum of three minutes for each comment in the order in which the requests to speak were received.

(c) Disability accommodation. Persons who have special communication or accommodation needs and who plan to attend a meeting, may contact the department's contact listed in the posted meeting agenda for the purpose of requests for auxiliary aids or services. Requests shall be made at least two days before a meeting. The department shall make every reasonable effort to accommodate these needs.

(d) Conduct and decorum. An advisory committee shall receive public input as authorized by this section, subject to the following guidelines:

(1) questioning of speakers shall be reserved to advisory committee members and the department's administrative staff;

(2) organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible;

(3) comments shall remain pertinent to the issue being discussed;

(4) a person who disrupts an advisory committee meeting shall leave the meeting room and the premises if ordered to do so by the acting advisory committee chair;

(5) time allotted to one speaker may not be reassigned to another speaker; and

(6) the time allotted for comments under this section may be increased or decreased by the acting advisory committee chair, as may be appropriate to assure opportunity for the maximum number of persons to appear.

(e) Waiver. Subject to the approval of the acting advisory committee chair, a requirement of this section may be waived in the public interest if necessary for the performance of the responsibilities of the advisory committee or the department.

§206.102. Automated Vehicle Regulation Advisory Committee (AVRAC).

(a) The AVRAC is created to make recommendations, as requested by the department and board, on topics related to the regulation of automated motor vehicles.

(b) The AVRAC shall comply with the requirements of §206.93 of this title (relating to Advisory Committee Operations and Procedures).

(c) The AVRAC shall expire on July 7, 2031.

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 December 11, 2025.

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For further information, please call: (512) 465-4160



CHAPTER 211. CRIMINAL HISTORY OFFENSE AND ACTION ON LICENSE

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes to revise 43 Texas Administrative Code (TAC) Subchapter A, General Provisions, by repealing current §211.1 and §211.2, and proposing new §211.1. The department also proposes to amend current 43 TAC Subchapter B, Criminal History Evaluation Guidelines and Procedures, by retitling current Subchapter B, amending current §211.11, and adding new §211.7 and §211.9. In addition, the department proposes to add new Subchapter C, Criminal Offense Guidelines: Motor Carriers; §211.23 and §211.25. New §211.1 and new Subchapter C are necessary to implement Senate Bill (SB) 1080, 89th Legislature, Regular Session (2025) regarding motor carriers. The revisions to Subchapter B are necessary to make conforming changes to Chapter 211 due to the proposed addition of new Subchapter C. The proposed repeals are also published in this issue of the *Texas Register*.

Prior to the effective date of SB 1080 on May 27, 2025, Occupations Code, §53.021(b) automatically revoked licenses by operation of law without any action by the department following the license holder's imprisonment for any felony. SB 1080 amended Occupations Code, §53.021(b) to narrow the law so that a license is automatically revoked upon imprisonment only for specific felonies, including offenses that directly relate to the duties and responsibilities of the licensed occupation. For purposes of Occupations Code Chapter 53, a certificate of registration that the department issues to a motor carrier under Transportation Code, Chapter 643 is a license. Occupations Code, §53.001 and Government Code, §2001.003 define the word "license" as "the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law." The department must therefore define in rule which offenses directly relate to the duties and responsibilities of a licensed motor carrier, so that the department will be able to determine which licenses are revoked by operation of law under Occupations Code, §53.021(b)(1)(A).

EXPLANATION.

Subchapter A. General Provisions

The proposed repeal of §211.1 would allow the department to propose a new §211.1 that would apply to the entire Chapter 211, including new Subchapter C regarding motor carriers.

Proposed new §211.1(a) would state that the purpose of Chapter 211 is to implement Occupations Code, Chapter 53 regarding the consequences of a criminal conviction on a license that the department is authorized to issue. Proposed new §211.1(b) would incorporate laws by reference to provide the applicable definitions regarding specific offenses referenced in Chapter 211. Occupations Code, §53.021 references "an offense that directly relates to the duties and responsibilities of the licensed occupation," and does not limit the language to offenses under Texas law. Proposed new §211.1(b) therefore incorporates definitions from federal laws, other states' laws, and the laws of foreign jurisdictions. Proposed new §211.1(c) would define "department" as the Texas Department of Motor Vehicles for clarity and consistency.

Subchapter B. Criminal History Evaluation Guidelines and Procedures

The department proposes to retitle Subchapter B to only apply to the motor vehicle, salvage vehicle, and trailer industries because the department's proposed revisions to Chapter 211 include new Subchapter C regarding motor carriers.

The proposed repeal of current §211.1 and §211.2 would allow the department to propose modified versions of the current text of these sections as new §211.7 and §211.9 to only apply to Subchapter B, regarding the motor vehicle, salvage vehicle and trailer industries, due to the proposed new Subchapter C regarding motor carriers.

Proposed new §211.7 would modify the language in current §211.1 to apply only to Subchapter B, clarify that the referenced statutes are Texas statutes, move the definitions to subsection (a) so that they appear before the use of the defined terms in proposed new §211.7, and make the format of the definitions consistent with the department's other administrative rules. Proposed new §211.9 would modify the language in current §211.2 to only apply to Subchapter B and clarify that the reference to the Occupations Code is a reference to the Texas Occupations Code. The text in proposed new §211.7 and §211.9 clarify that the statutory citations are to Texas law, and are necessary due to references to the laws in other jurisdictions in Chapter 211 and the proposed revisions to Chapter 211.

Proposed amendments to §211.11 would update cross-references to proposed new §211.9, update the language to only apply to Subchapter B, and clarify the statutory citations are to Texas law for the reasons stated above. Proposed amendments to §211.11 would also modify the current citations to statutes for consistency with the citations to Texas law throughout Chapter 211.

Subchapter C. Criminal Offense Guidelines: Motor Carriers

Proposed new Subchapter C would implement SB 1080 for motor carriers by defining which offenses directly relate to the duties and responsibilities of motor carriers for purposes of Occupations Code, §53.021(b)(1)(A).

Proposed new §211.23(a) would provide the definition for the word "license" as used in proposed new Subchapter C, limiting the term to a certificate of registration issued by the department under Texas Transportation Code, Chapter 643 to a sole propri-

etor motor carrier. This definition prevents confusion about the application of Occupations Code, §53.021(b)(1)(A) by excluding legal entities with multiple employees or representatives, because such entities cannot be imprisoned for offenses. Only an individual can be imprisoned. Proposed new §211.23(a) would also clarify that a license authorizes a motor carrier to engage in certain operations under Transportation Code, Chapter 643. Although the department issues one type of license under Transportation Code, Chapter 643, a licensed motor carrier may engage in different types of operations, such as transporting cargo, passengers, household goods, or hazardous materials, subject to compliance with the applicable laws regarding that type of operation. Occupations Code, §53.025 requires each state agency to issue guidelines that "must state the reasons a particular crime is considered to relate to a particular license." To fulfill that requirement, proposed new §211.23(b) would state the reasons each offense referenced in proposed new §211.25 is considered to relate to the particular duties and responsibilities of a license for a motor carrier. Proposed new §211.23(b) would explain why the different offenses listed in proposed new §211.25 would relate to the different types of motor carrier operations that are authorized under a motor carrier license, depending on how the specific duties and responsibilities of each type of motor carrier operation would provide a greater opportunity for an individual, who is predisposed to commit specific types of violations, to commit those offenses.

Proposed new §211.25 would state the felony offenses that directly relate to the duties and responsibilities of a licensed motor carrier under Occupations Code, §53.021(b)(1)(A). Proposed new §211.25(a) would explain that under Occupations Code, §53.021(b)(1)(A), a license holder's license is automatically revoked by operation of law on the license holder's imprisonment after a conviction of a felony offense that directly relates to the duties and responsibilities of a license holder. Proposed new §211.25(b) would explain that the department used the factors listed in Occupations Code, §53.022 to determine that the offenses detailed in proposed new §211.25(c) through (g) directly relate to the duties and responsibilities of a license holder under Transportation Code, Chapter 643. Proposed new §211.25(b) would also clarify that the listed offenses include offenses under the laws of the United States or another state of the United States if the offense contains elements that are substantially similar to the elements of an offense under the laws of Texas, except as stated otherwise in proposed new Subchapter C.

While the offenses listed in proposed new §211.25(c) would apply to all licensed motor carriers, the offenses listed in proposed new §211.25(d) through (g) would apply only to specific types of motor carrier operations due to the particular opportunities to commit certain offenses under a specific type of motor carrier operation. A licensed motor carrier controls, operates, or directs the operation of one or more motor vehicles that transport persons or cargo, which enables the license holder to commit certain offenses that involve the use of a motor vehicle. Also, a licensed motor carrier provides the department with certain information and documents that the department uses to administer and enforce Texas Transportation Code, Chapter 643 and that law enforcement uses to enforce certain laws, including Texas Transportation Code, Chapter 644 and the administrative rules that the Texas Department of Public Safety adopted under Texas Transportation Code, Chapter 644. In addition, a potential customer of a motor carrier has access to certain information on the department's website to determine whether to use the services of a particular licensed motor carrier, and the licensed motor car-

rier must provide the department with most of this information as part of a license application and any required updates. A licensed motor carrier is in a position of trust with the department because a licensed motor carrier must provide accurate information and documents to the department, so the department's records are reliable for the department, law enforcement, and potential shippers or passengers of the motor carrier.

The offenses that would relate to all licensed motor carriers under proposed new §211.25(c) would include offenses that involve the smuggling of a person, the use of a motor vehicle for trafficking or smuggling persons, bribery, perjury, obstructing a road, intoxication while operating a motor vehicle, delivery of a controlled substance, fraudulent emissions inspections, and knowingly operating a commercial motor vehicle in violation of an out-of-service order if the commercial motor vehicle was involved in a motor vehicle collision that resulted in bodily injury or death of a person. Some of these offenses, like the smuggling of a person, the use of a motor vehicle for trafficking or smuggling persons, and delivery of a controlled substance address Occupations Code, §53.022(3) because being a licensed motor carrier would give an individual an opportunity to engage in that sort of criminal activity again. Other offenses listed in proposed new §211.25(c), like intoxication while operating a motor vehicle, align with Occupations Code, §53.022(4) because intoxication would inhibit a person from being able to fulfill the duties of a licensed motor carrier, including safe operation. Still other offenses--such as those involving fraudulent emissions inspections, bribery, perjury, and knowingly operating a commercial motor vehicle in violation of an out-of-service order during which the commercial motor vehicle was involved in a motor vehicle collision that resulted in bodily injury or death of a person--align with Occupations Code, §53.022(5) because they implicate the duties and responsibilities of motor carriers to comply with safety laws, to remain safe on the road, and to cooperate with, provide accurate information to, and follow the orders of government officials, including law enforcement. The offenses listed in §211.25(c) are thus all equally relevant to all motor carriers, regardless of their specific type of operation.

Proposed new §211.25(d) would set out offenses that relate only to a passenger motor carrier due to the position of trust and close physical proximity between the motor carrier and its passengers. The offenses listed in proposed new §211.25(d) would be in addition to the offenses listed in proposed new §211.25(c). A passenger loses some of their autonomy over themselves and their tangible personal property, documents, and cargo while they are in another person's motor vehicle. If the passenger is a child, there is even more risk of a crime involving the child or the child's tangible personal property, documents, or cargo. These would include offenses that harm or endanger another person as set out in Texas Penal Code Title 5, such as criminal homicide, kidnapping, sexual offenses and assaultive offenses. They would also include offenses that endanger families or children, such as enticing a child from their parent's custody, violating court protective orders, selling or purchasing children, continuous family violence, using a minor to sell or display harmful material to a minor, employing a child to work in a sexually-oriented commercial activity, possessing child pornography, and any offense for which the person convicted must register as a sex offender. The listed offenses in proposed new §211.25(d) would also include offenses against tangible personal property, a document, or cargo belonging to another person, such as the offenses of criminal mischief, robbery, and theft. All of these offenses fit within Occupations Code, §53.022(3) in that employment as a

passenger carrier would provide an increased opportunity to engage in this sort of criminal activity again.

Proposed new §211.25(e) would define offenses that relate only to a for-hire motor carrier of cargo, including household goods and hazardous materials, due to the motor carrier's specific position of trust with the shipper and access to the shipper's cargo. A shipper and an individual associated with the shipper may interact with the motor carrier in person, which provides an opportunity for the motor carrier to commit an offense against the individual. Also, a shipper loses control over their cargo when the motor carrier has possession of the cargo. The offenses listed in proposed new §211.25(e) would be in addition to the offenses listed in proposed new §211.25(c). These offenses would include any offense for which the person must register as a sex offender, and the offenses set out in Texas Penal Code Title 5, such as criminal homicide, kidnapping, sexual offenses, and assaultive offenses. In keeping with Occupations Code, §53.022(3), a motor carrier's contact with a shipper would give the carrier an increased opportunity to engage in these offenses against the shipper and individuals associated with the shipper. The offenses listed in proposed new §211.25(e) would also include offenses against tangible personal property, a document, or cargo belonging to another person, such as the offenses of criminal mischief, robbery, burglary of a vehicle, criminal trespass, theft, and fraud. Since a motor carrier of cargo is entrusted with a shipper's cargo for transport, the motor carrier would have an increased opportunity to engage in these property crimes. In keeping with Occupations Code, §53.022(3), a motor carrier's contact with a shipper and the shipper's property would give the motor carrier an increased opportunity to engage in these offenses against the shipper.

Proposed new §211.25(f) would enumerate offenses that relate only to a household goods carrier because they are allowed access to the shipper's home, household goods, and household members, including children. These offenses would be in addition to the offenses listed in §211.25(c) and (e). Proposed new §211.25(f) would include offenses related to real property, including arson, criminal mischief, and burglary. Household goods carriers are not just entrusted with personal property, but they also have access to and gain knowledge of the customer's home from or to which they are moving. A household goods carrier therefore has an increased opportunity to commit these offenses by virtue of their licensed profession, in accordance with Occupations Code, §53.022(3). The offenses listed in proposed new §211.25(f) would also include using a minor to sell or display harmful material to a minor, employing a child to work in a sexually-oriented commercial activity, and possession of child pornography. These offenses align with Occupations Code, §53.022(3) because a household goods carrier has more access to children as the carrier moves household goods from one home to another for families.

Proposed new §211.25(g) would list offenses that relate only to a motor carrier who transports hazardous materials, which create opportunities for those motor carriers to commit offenses that endanger the public and the environment. The offenses in proposed new §211.25(g) would apply to these motor carriers in addition to the offenses listed in §211.25(c) and (e). These offenses would include any offense related to hazardous material, waste disposal, water contamination, air pollution, or other environmental offenses under Texas law, federal law, or the law of another state. For example, 49 U.S.C. §5124 provides for a criminal penalty of imprisonment for up to 10 years for a person who violates certain provisions of federal law regarding the

transportation of hazardous materials. The offenses under proposed new §211.25(g) address Occupations Code, §53.022(3) because by virtue of having access to hazardous materials, a motor carrier that transports hazardous materials has an increased opportunity to engage in environmental offenses, such as improper transportation, disposal, or discharge of those materials.

Proposed new §211.25(h) would state that if a license holder's imprisonment occurs on or after May 1, 2026, for a conviction for any offense described by proposed new §211.25(c) through (g), the license holder's license is automatically revoked on the date of the imprisonment if at least one of the offenses that resulted in the imprisonment falls within the scope of any offense described by proposed new §211.25(c) through (g). These proposed revisions to Chapter 211 are anticipated to become effective on May 1, 2026, if the department's board approves the adoption of these proposed revisions. The department intends to apply the proposed revisions prospectively, so that only those imprisoned on or after May 1, 2026, would be automatically revoked by operation of law for an offense specified under proposed new §211.25(c) through (g). Proposed new §211.25(h) would require that at least one of the offenses that resulted in the imprisonment falls within the scope of any offense described in proposed new §211.25(c) through (g) because these new subsections identify the offenses that directly relate to the duties and responsibilities of a licensed motor carrier as required by Occupations Code, §53.021(b)(1)(A).

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Glenna Bowman, Chief Financial Officer, has determined that for each year of the first five years the new sections, amendments and repeals will be in effect, there will be no significant 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, has determined that there will be no significant impact 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 revisions are in effect, there is one anticipated public benefit.

Anticipated Public Benefits. The public benefit anticipated as a result of the proposal is clarity, consistency, enforceability, and predictability with regard to which offenses cause automatic revocation of a motor carrier's license by operation of law when the licensee is imprisoned for the offense.

Anticipated Costs To Comply With The Proposal. Mr. Thompson anticipates that there will be no costs to comply with the proposed rule revisions. The cost to persons required to comply with the proposal are due to the language in Occupations Code, §53.021(b)(1)(A) regarding the automatic revocation of a license by operation of law following imprisonment for a felony conviction for an offense that directly relates to the duties and responsibilities of the licensed occupation.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by Government Code, §2006.002, the department has determined that the proposed revisions will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because the proposed revisions merely specify the felony offenses that directly relate to the duties and responsibilities of a motor carrier's license under Transportation Code, Chapter 643 as required by Occupations Code, §53.021(b)(1)(A). 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 Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that each year of the first five years the proposed revisions are in effect, no government program would be created or eliminated. Implementation of the proposed revisions 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 of fees paid to the department. The proposed revisions technically create a new regulation, as required by SB 1080, to define which offenses are directly related to the occupation of a licensed motor carrier. The proposed revisions do not expand, limit, or repeal an existing regulation. Lastly, the proposed revisions technically affect the number of individuals subject to the rule's applicability, because the department had previously only defined offenses related to the occupations of the motor vehicle, salvage vehicle and trailer industries, while the proposed rule revisions would add the list of felony offenses that directly relate to the duties and responsibilities of a motor carrier licensed under Transportation Code, Chapter 643. However, since motor carriers were previously subject to automatic revocation for imprisonment for any felony under Occupations Code, §53.021(b) prior to the effective date of SB 1080 on May 27, 2025, these proposed rule revisions would actually narrow the offenses for which a motor carrier will be automatically revoked upon imprisonment, in keeping with SB 1080. The proposed revisions 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. CST on January 26, 2026. The department requests information related to the cost, benefit, or effect of the proposed revisions, including any applicable data, research, or analysis, from any person required to comply with the proposed revisions 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. CRIMINAL OFFENSE AND ACTION ON LICENSE

43 TAC §211.1, §211.2

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes the repeals under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor

vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301 and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, to revoke or suspend a license, to place on probation, or to reprimand a license holder if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; 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 the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The proposed repeals would implement Occupations Code, Chapters 53, 2301 and 2302; and Transportation Code, Chapters 503 and 1002.

§211.1. Purpose and Definitions.

§211.2. Application of Chapter.

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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For further information, please call: (512) 465-4160



SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §211.1

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes the new section under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale

of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301 and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, to revoke or suspend a license, to place on probation, or to reprimand a license holder if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; 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 the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The proposed new section would implement Occupations Code, Chapters 53, 2301 and 2302; and Transportation Code, Chapters 503, 643, and 1002.

§211.1. Purpose and Definitions.

(a) The purpose of this chapter is to implement Texas Occupations Code, Chapter 53 regarding the consequences of a criminal conviction on a license that the department is authorized to issue.

(b) Except as stated otherwise in this chapter, the definitions contained in the following laws apply to this chapter regarding specific offenses, control in the event of a conflict with this chapter, and are incorporated by reference into this chapter:

(1) the Texas Code of Criminal Procedure, Texas Health and Safety Code, Texas Occupations Code, Texas Penal Code, Texas Transportation Code, other Texas statutes, and Texas administrative rules;

(2) the federal statutes and regulations of the United States;

(3) the laws of other states of the United States; and

(4) the laws of a foreign jurisdiction.

(c) When used in this chapter, the word "department" means the Texas Department of Motor Vehicles.

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SUBCHAPTER B. CRIMINAL HISTORY
EVALUATION GUIDELINES AND
PROCEDURES: MOTOR VEHICLE, SALVAGE
VEHICLE, AND TRAILER INDUSTRIES

43 TAC §§211.7, 211.9, 211.11

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes the revisions under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301 and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, to revoke or suspend a license, to place on probation, or to reprimand a license holder if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; 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 the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The proposed revisions would implement Occupations Code, Chapters 53, 2301 and 2302; and Transportation Code, Chapters 503 and 1002.

§211.7. *Definitions and Purpose.*

(a) When used in this subchapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise.

(1) License--Any license issued by the department under:

- (A) Texas Transportation Code, Chapter 503;
- (B) Texas Occupations Code, Chapter 2301; or
- (C) Texas Occupations Code, Chapter 2302.

(2) Retail license types--Those license types which require holders to interact directly with the public, but does not include other license types that do not generally interact directly with the public, including manufacturers, distributors, and general distinguishing number holders for the following vehicle categories: ambulance, axle, bus,

engine, fire truck/fire fighting vehicle, heavy duty truck, transmission, wholesale motor vehicle dealer, and wholesale motor vehicle auction.

(b) The licenses issued by the department create positions of trust. License holder services involve access to confidential information; conveyance, titling, and registration of private property; possession of monies belonging to or owed to private individuals, creditors, and governmental entities; and compliance with federal and state environmental and safety regulations. License holders are provided with opportunities to engage in fraud, theft, money laundering, and related crimes, and to endanger the public through violations of environmental and safety regulations. Many license holders provide services directly to the public, so licensure provides persons predisposed to commit assaultive or sexual crimes with greater opportunities to engage in such conduct. To protect the public from these harms, the department shall review the criminal history of license applicants before issuing a new or renewal license and may take action on a license holder who commits an offense during the license period based on the guidelines in this subchapter.

§211.9. *Application of Subchapter B.*

(a) This subchapter applies to the following persons:

(1) applicants and holders of a license; and

(2) persons who are acting at the time of application, or will later act, in a representative capacity for an applicant or holder of a license, including the applicant's or holder's officers, directors, members, managers, trustees, partners, principals, or managers of business affairs.

(b) In this subchapter a "conviction" includes a deferred adjudication that is considered to be a conviction under Texas Occupations Code, §53.021(d).

§211.11. *Imprisonment.*

(a) The department shall deny a license application if the applicant or a person described by §211.9(a)(2) [§211.2(a)(2)] of this title [chapter] (relating to Application of Subchapter B [Chapter]) is imprisoned while a new or renewal license application is pending.

(b) The department shall revoke a license upon the imprisonment of a license holder following a:

(1) felony conviction for:

(A) an offense that directly relates to the duties and responsibilities of the licensed occupation;

(B) an offense listed in Texas [Article 42A.054,] Code of Criminal Procedure, Article 42A.054; or

(C) a sexually violent offense, as defined by Texas [Article 62.001,] Code of Criminal Procedure, Article 62.001;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(c) A person currently imprisoned because of a felony conviction may not obtain a license, renew a previously issued license, or act in a representative capacity for an application or license holder as described by §211.9(a)(2) of this title. [§211.2(a)(2).]

(d) The department may revoke a license upon the imprisonment for a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision of a person described by §211.9(a)(2) [§211.2(a)(2)] of this title [chapter] who remains employed with the license holder.

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SUBCHAPTER C. CRIMINAL OFFENSE GUIDELINES: MOTOR CARRIERS

43 TAC §211.23, §211.25

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes new Subchapter C under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; 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 under the Transportation Code and other laws of this state; and the statutory authority referenced throughout this preamble and in the rule text, which is incorporated herein by reference.

CROSS REFERENCE TO STATUTE. The proposed new subchapter would implement Occupations Code, §53.021(b)(1)(A) and Transportation Code, Chapter 643.

§211.23. Definition and Criminal Offense Guidelines.

(a) When used in this subchapter, the word "license" means a certificate of registration issued by the department under Texas Transportation Code, Chapter 643 to a sole proprietor motor carrier. A license authorizes a motor carrier to engage in certain operations under Transportation Code, Chapter 643.

(b) The particular offenses referenced in §211.25 of this title (relating to Criminal Offense Guidelines; Imprisonment) relate to the duties and responsibilities of a license holder under Texas Transportation Code, Chapter 643 because an individual who is predisposed to commit violations of certain laws may have a greater opportunity to commit such offenses with a license, in addition to the following reasons regarding particular types of motor carrier operations under Texas Transportation Code, Chapter 643:

(1) For the felony offenses referenced in §211.25(c) of this title, a licensed motor carrier controls, operates, or directs the operation of one or more motor vehicles that transport persons or cargo, which enables the license holder to commit certain offenses that involve the use of a motor vehicle. Also, a licensed motor carrier provides the department with certain information and documents that the department uses to administer and enforce Texas Transportation Code, Chapter 643 and that law enforcement uses to enforce certain laws, including Texas Transportation Code, Chapter 644 and the administrative rules that the Texas Department of Public Safety adopted under Texas Transportation Code, Chapter 644. In addition, a potential customer of a motor carrier has access to certain information on the department's website to determine whether to use the services of a particular licensed motor carrier, and the licensed motor carrier must provide the department with most of this information as part of a license application and any

required updates. A licensed motor carrier is in a position of trust with the department because a licensed motor carrier must provide accurate information and documents to the department, so the department's records are reliable for the department, law enforcement, and potential shippers or passengers of the motor carrier.

(2) For the offenses referenced in §211.25(d) of this title regarding a motor carrier of passengers, a license creates a position of trust between the motor carrier and their passengers. Passengers lose some of their autonomy over themselves and their tangible personal property, documents, and cargo while they are in another person's motor vehicle. If the passenger is a child, there is even more risk of a crime involving the child or the child's tangible personal property, documents, or cargo.

(3) For the offenses referenced in §211.25(e) of this title regarding a for-hire motor carrier of any cargo (including any tangible personal property or a document), a license creates a position of trust between the motor carrier and its shipper. A shipper and an individual associated with the shipper may interact with the motor carrier in person, which provides an opportunity for the motor carrier to commit an offense against the individual. Also, a shipper loses control over their cargo when the motor carrier has possession of the cargo. In addition, the motor carrier likely has access to information regarding the location and description of the shipper's cargo at least a day before the contractual deadline for loading the cargo for transport, which may provide an opportunity for the motor carrier to commit offenses regarding a shipper's cargo.

(4) For the offenses referenced in §211.25(f) of this title regarding a household goods carrier, a license creates a position of trust between the motor carrier and its shipper and potentially provides the household goods carrier with access to the shipper's home, the shipper, and other individuals located in or around the shipper's home, including children.

(5) For the offenses referenced in §211.25(g) of this title regarding a motor carrier who transports hazardous materials, a license provide such motor carriers with access to hazardous materials, which are potentially dangerous to the public and the environment if the motor carrier does not comply with the applicable laws.

§211.25 Criminal Offense Guidelines; Imprisonment.

(a) Under Texas Occupations Code, §53.021(b)(1)(A), a license holder's license is automatically revoked by operation of law on the license holder's imprisonment after a felony conviction for an offense that directly relates to the duties and responsibilities of the licensed occupation.

(b) The department has determined, under the factors listed in Texas Occupations Code, §53.022, that the offenses detailed in subsections (c) through (g) of this section directly relate to the duties and responsibilities of license holders under Texas Occupations Code, §53.021(b)(1)(A). Such offenses include offenses under the laws of the United States or another state of the United States if the offense contains elements that are substantially similar to the elements of an offense under the laws of this state, except as otherwise stated in this subchapter.

(c) The following offenses apply to a license:

(1) an offense involving the smuggling of a person, as described by Texas Penal Code, Chapter 20;

(2) an offense involving the use or intended use of a motor vehicle, as described by Texas Penal Code, §20.07;

(3) an offense against public administration, as described by Texas Penal Code, Chapters 36 or 37; or Texas Penal Code, §42.03;

(4) an offense involving intoxication while operating a motor vehicle, as described by Texas Penal Code, Chapter 49;

(5) an offense involving the delivery or intent to deliver a controlled substance, simulated controlled substance, or dangerous drug, as described by Texas Health and Safety Code, Chapter 481, 482, or 483;

(6) an offense as described by Texas Transportation Code, §548.6035 or §644.151; and

(7) an offense of attempting or conspiring to commit any of the foregoing offenses.

(d) The following additional felony offenses apply to a motor carrier of passengers:

(1) an offense against the person, as described by Texas Penal Code, Title 5;

(2) an offense against the family, as described by Texas Penal Code, §§25.04, 25.07, 25.072, 25.08, or 25.11;

(3) an offense against tangible personal property, a document, or cargo belonging to another, as described by Texas Penal Code, Chapters 28, 29, or 31;

(4) an offense against public order and decency, as described by Texas Penal Code §§43.24, 43.251, or 43.262;

(5) a reportable offense conviction under Texas Code of Criminal Procedure, Chapter 62 for which the person must register as a sex offender; and

(6) an offense of attempting or conspiring to commit any of the foregoing offenses.

(e) The following additional felony offenses apply to a for-hire motor carrier of any cargo, including household goods and hazardous materials:

(1) an offense against the person, as described by Texas Penal Code, Title 5;

(2) an offense against tangible personal property, a document, or cargo belonging to another, as described by Texas Penal Code, Chapters 28, 29, 30, 31, or 32;

(3) a reportable offense conviction under Texas Code of Criminal Procedure, Chapter 62 for which the person must register as a sex offender; and

(4) an offense of attempting or conspiring to commit any of the foregoing offenses.

(f) The following additional felony offenses apply to a household goods carrier:

(1) an offense against real property belonging to another, as described by Texas Penal Code, Chapters 28 or 30;

(2) an offense against public order and decency, as described by Texas Penal Code §§43.24, 43.251, or 43.262; and

(3) an offense of attempting or conspiring to commit any of the foregoing offenses.

(g) The following additional felony offenses apply to a motor carrier who transports hazardous materials:

(1) an offense related to hazardous material, waste disposal, water contamination, air pollution, or other environmental offense under a Texas statute or administrative rule;

(2) a federal statute or regulation of the United States related to hazardous material, waste disposal, water contamination, air pollution, or other environmental offense; or

(3) the laws of another state of the United States related to hazardous material, waste disposal, water contamination, air pollution, or other environmental offense, if the offense contains elements that are substantially similar to the elements of an offense under Texas law or a law of the United States.

(h) If a license holder's imprisonment occurs on or after May 1, 2026, for a conviction for any offense described by subsections (c) through (g) of this section, the license holder's license is automatically revoked on the date of the imprisonment if at least one of the offenses that resulted in the imprisonment falls within the scope of any offense described in subsections (c) through (g) of 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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CHAPTER 218. MOTOR CARRIERS

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Chapter 218, Motor Carriers; Subchapter A, General Provisions, §218.2; and Subchapter B, Motor Carrier Registration, §218.13 regarding clarifications to the rule text and the requirement for a sole proprietor motor carrier to provide notice to the department when the sole proprietor is imprisoned after an event described by Occupations Code, §53.021(b) as amended by Senate Bill (SB) 1080, 89th Legislature, Regular Session (2025). The proposed amendments are necessary to provide the department with information to update its records regarding the automatic revocation of a motor carrier's certificate of registration under Occupations Code, §53.021(b). A proposed amendment to §218.2 is necessary to add a definition for the term "for-hire motor carrier." Proposed amendments to §218.13 are also necessary to clarify the rule text regarding motor carriers that are required to provide updates to the department and the use of an authorized representative to file an application with the department or provide the department with any required information and updates.

EXPLANATION.

A proposed amendment to §218.2 would add a definition for the term "for-hire motor carrier" for clarity and consistency because the term is included in current §218.2(b)(14) in the definition for "farm vehicle" and in proposed new §218.13(k). Proposed amendments to §218.2 would also renumber the definitions due to the proposed new definition for the term "for-hire motor carrier."

A proposed amendment to §218.13(a)(3)(A) would delete a sentence that says, "An authorized representative of the applicant