

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, April 19, 2018 2:49:47 PM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, April 19, 2018 2:15 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT MOTOR VEHICLES TDMV

First Name: Todd

Last Name: Budde

Title:

Organization you are affiliated with:

Email:

City: LaVernia

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

My name is Todd Budde and I am providing comments regarding the Texas Department of Motor Vehicles Sunset self-evaluation report on major issue 1 regarding the department's decision to refuse revoke or suspend a title. Titles and registration on certain vehicles have either been revoked or the department has refused to issue titles and registrations on certain vehicles.

The problem with these revocations is that the department has not established a consistent and firm position as to why the revocations and the decision not to issue titles and registration have been done.

More specifically, the department has made a rule not to allow Dune Buggies to be titled and registered for street use. In addition, the department has also made arbitrary rulings on other vehicles called Sandrails as well as Kitcars and has made similar and inconsistent decisions on the title and registration of those vehicles. Dune Buggies, Sandrails, and Kitcars, are essentially assembled vehicles.

At a December 7, 2017 TxDMV board meeting numerous owners of assembled vehicles provided expert testimony on the facts of persons owning fabricating and assembling these vehicles. The department decision is not consistent with the market place and federal laws and rulings and its own state laws. Below are facts provided to the department during the December 7 board meeting:

1. An assembled vehicle by definition in the TxDMV manual is a vehicle assembled from the three basic component parts (motor, frame, and body), except that a motorcycle must have a frame and motor, and a trailer or travel trailer will have no motor, and that is:

- (i) assembled from new or used materials and parts by someone not regulated as a motor vehicle manufacturer;
- (ii) altered or modified to the extent that it no longer reflects the original manufacturer's configuration; or
- (iii) assembled from a kit even if a Manufacturer's Certificate of Origin or Manufacturer's Statement of Origin is provided.

Dune Buggies, Sandrail, & Kitcars are an assembled vehicles that meets one of these standards.

2. Dune Buggies, prior to the department's effective date of April 6, 2014

are not specifically addressed in department rules. This inconsistency allows the same type of dune buggy prior to the aforementioned 2014 date to operate legally in Texas. I request the department reinstate the title and registration of my dune buggy to be consistent with other similar vehicles safely and legally operating in Texas. Dune Buggies are not defined in Texas law, therefore, it is difficult to see how the department can determine the legality of a vehicle that is not defined.

3. Transportation Code Sections 501 and 504 regarding custom vehicles and street rods are inconsistent as stated by TxDMV staff. Therefore, if custom vehicles that are defined similar to assembled vehicle, which identifies a variety of kit cars, and are deemed legal to title and registration then the result would be for my vehicle to be treated likewise. This fits into "one" of the categories that was stated at the December board meeting.

4. TxDMV staff stated that the decision to revoke titles and registration was done at the local level by clerks at county tax-assessor collectors. It was stated that there are thousands of title clerks across the state that struggle with making these determinations at their offices on a daily basis.

This struggle to make these determinations have caused titles and registrations to be incorrectly revoked.

5. According to department staff, there is not a consistent or clear determination by the National Highway Transportation Safety Administration (NHTSA) regarding vehicles that are subject to the department's review.

The assembled vehicles are being improperly evaluated and the department is relying on either local tax assessor rulings that the department admits is inconsistent or the department is not following its own policies regarding the types of vehicles they claim are street legal.

Due to the rulings and decisions by the department, private citizens are being denied the right to own and operate a privately owned vehicle resulting in loss of personal freedoms, loss of private sector investment, supply chain disruption; lost jobs and wages; and; loss of state and local revenues to the TxDMV from title and registration fees.

Given these incorrect rulings and inconsistencies with federal and state law, the department should immediately reinstate and provide future title and registration to those assembled vehicles that have passed the department mandated vehicle inspection and title and registration process.

Thank you for your time and attention in this important matter.

Best regards,

Todd T Budde

Any Alternative or New Recommendations on This Agency: *

My Comment Will Be Made Public: I agree