

USED AUTOMOTIVE PARTS RECYCLERS

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 87*

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87.1. Authority. *(New rule effective January 11, 2010, 35 TexReg 232)*

This chapter is promulgated under the authority of the Texas Occupations Code, Chapter 51 and Chapter 2309.

87.10. Definitions. *(New rule effective January 11, 2010, 35 TexReg 232)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise, or the words or terms conflict with a definition in the Transportation Code, §501.002 or §501.091.

- (1) **Casual sale**--The sale by a salvage vehicle dealer or an insurance company of not more than five nonrepairable motor vehicles or salvage motor vehicles to the same person during a calendar year. The term does not include:
 - (A) a sale at auction to a salvage vehicle dealer; or
 - (B) the sale of an export-only motor vehicle to a person who is not a resident of the United States.
- (2) **Commission**--The Texas Commission of Licensing and Regulation.
- (3) **Component part**--A major component part as defined by Transportation Code, §501.091, or a minor component part.
- (4) **Department**--The Texas Department of Licensing and Regulation.
- (5) **Executive director**--the executive director of the department.
- (6) **Insurance company**--
 - (A) a person authorized to write automobile insurance in this state; or
 - (B) an out-of-state insurance company that pays a loss claim for a motor vehicle in this state.
- (7) **Interior component part**--A motor vehicle's seat or radio.
- (8) **Major component part**--One of the following parts of a motor vehicle:
 - (A) the engine;
 - (B) the transmission;
 - (C) the frame;
 - (D) a fender;
 - (E) the hood;
 - (F) a door allowing entrance to or egress from the passenger compartment of the motor vehicle;
 - (G) a bumper;
 - (H) a quarter panel;

- (I) a deck lid, tailgate, or hatchback;
 - (J) the cargo box of a one-ton or smaller truck, including a pickup truck;
 - (K) the cab of a truck;
 - (L) the body of a passenger motor vehicle; or
 - (M) the roof or floor pan of a passenger motor vehicle, if separate from the body of the motor vehicle.
- (9) **Metal recycler**--A person who:
- (A) is predominately engaged in the business of obtaining ferrous or nonferrous metal that has served its original economic purpose to convert the metal, or sell the metal for conversion, into raw material products consisting of prepared grades and having an existing or potential economic value;
 - (B) has a facility to convert ferrous or nonferrous metal into raw material products consisting of prepared grades and having an existing or potential economic value, by method other than the exclusive use of hand tools, including the processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the metal; and
 - (C) sells or purchases the ferrous or nonferrous metal solely for use as raw material in the production of new products.
- (10) **Minor component part**--An interior component part, a special accessory part, or a motor vehicle part that displays or should display at least one of the following:
- (A) a federal safety certificate;
 - (B) a motor number;
 - (C) a serial number or a derivative; or
 - (D) a manufacturer's permanent vehicle identification number or a derivative.
- (11) **Motor vehicle**--
- (A) any motor driven or propelled vehicle required to be registered under the laws of this state;
 - (B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
 - (C) a house trailer;
 - (D) an all-terrain vehicle, as defined by Transportation Code, §502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
 - (E) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course.

- (12) **Nonrepairable motor vehicle**--A motor vehicle that:
- (A) is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal; or
 - (B) comes into this state under a title or other ownership document that indicates that the vehicle is nonrepairable, junked, or for parts or dismantling only.
- (13) **Nonrepairable vehicle title**--A document issued by the Texas Department of Motor Vehicles that evidences ownership of a nonrepairable motor vehicle.
- (14) **Salvage motor vehicle**--
- (A) A motor vehicle that:
 - (i) has damage to or is missing a major component part to the extent that the cost of repairs, including parts and labor other than the cost of materials and labor for repainting the motor vehicle and excluding sales tax on the total cost of repairs, exceeds the actual cash value of the motor vehicle immediately before the damage; or
 - (ii) is damaged and that comes into this state under an out-of-state salvage motor vehicle certificate of title or similar out-of-state ownership document that states on its face "accident damage," "flood damage," "inoperable," "rebuildable," "salvageable," or similar notation; and
 - (B) does not include an out-of-state motor vehicle with a "rebuilt," "prior salvage," "salvaged," or similar notation, a nonrepairable motor vehicle, or a motor vehicle for which an insurance company has paid a claim for:
 - (i) the cost of repairing hail damage; or
 - (ii) theft, unless the motor vehicle was damaged during the theft and before recovery to the extent described by subparagraph (A)(i).
- (15) **Salvage vehicle dealer**--A person engaged in this state in the business of acquiring, selling, repairing, rebuilding, reconstructing, or otherwise dealing in nonrepairable motor vehicles, salvage motor vehicles, or, if incidental to a salvage motor vehicle dealer's primary business, used automotive parts. The term does not include a person who casually repairs, rebuilds, or reconstructs fewer than five salvage motor vehicles in the same calendar year or, except as provided by subparagraph (C), a used automotive parts recycler. The term includes a person engaged in the business of:
- (A) a salvage vehicle dealer, regardless of whether the person holds a license issued by the department to engage in that business;
 - (B) dealing in nonrepairable motor vehicles or salvage motor vehicles; or
 - (C) a used automotive parts recycler if the sale of repaired, rebuilt, or reconstructed nonrepairable motor vehicles or salvage motor vehicles is more than an incidental part of the used automotive parts recycler's business.
- (16) **Salvage vehicle title**--A document issued by the Texas Department of Motor Vehicles that evidences ownership of a salvage motor vehicle.
- (17) **Special accessory part**--A motor vehicle's tire, wheel, tailgate, or removable glass top.

- (18) **Used automotive part**--A part that is salvaged, dismantled, or removed from a motor vehicle for resale as is or as repaired. The term includes a major component part but does not include a rebuildable or rebuilt core, including an engine, block, crankshaft, transmission, or other core part that is acquired, possessed, or transferred in the ordinary course of business.
- (19) **Used automotive parts recycler**--A person licensed under this title to operate a used automotive parts recycling business.
- (20) **Used automotive parts recycling**--The dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or nonrepairable motor vehicles, including the resale of those vehicles.

87.15. Approval, Issuance, or Denial of License. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) The department will issue a license under this chapter to an applicant who meets all of the requirements of this chapter. The department may deny an application if the applicant has had a license revoked under this chapter or for any reason permissible by law.
- (b) The department will issue a license containing a single unique license number for each used automotive parts recycling business license or used automotive parts employee license issued under this chapter.
- (c) If an applicant is determined to be not qualified under this chapter, the department will advise the applicant in writing of the reasons the applicant is not qualified or the deficiencies in the application.

87.20. Licensing Requirements--Used Automotive Parts Recycling Business License Required. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A person may not own or operate a used automotive parts recycling business or sell used automotive parts without first obtaining a license under this chapter.
- (b) A used automotive parts recycler license is:
 - (1) valid for one year from the date of issuance;
 - (2) valid only for the facility listed on the license; and
 - (3) is not transferable.

87.21. Licensing Requirements--Used Automotive Parts Recycling Business License Eligibility. *(New rule effective January 11, 2010, 35 TexReg 232)*

An applicant, a partner, principal, officer, or general manager of the applicant, or another license or permit holder with a connection to the applicant may be ineligible for a used automotive parts recycling business license, if the applicant, a partner, principal, officer, or general manager of the applicant, or another license or permit holder with a connection to the applicant has:

- (1) before the application date, been convicted of, pleaded guilty or nolo contendere to, or been placed on deferred adjudication for:
 - (A) a felony; or
 - (B) a misdemeanor punishable by confinement in jail or by a fine exceeding \$500;
- (2) violated an order of the commission or executive director, including an order for sanctions or administrative penalties; or

- (3) knowingly submitted false information on the application.

87.22. Licensing Requirements--Used Automotive Parts Recycling Business License Application Requirements. *(New rule effective January 11, 2010, 35 TexReg 232)*

An applicant for a used automotive parts recycling business license must:

- (1) submit a completed application on a department-approved form;
- (2) provide a valid federal tax identification number;
- (3) file proof of insurance in accordance with §87.40;
- (4) provide proof of a storm water permit, if required by the Texas Commission on Environmental Quality;
- (5) successfully pass a criminal background check; and
- (6) pay the fee required under §87.85.

87.23. Licensing Requirements--Used Automotive Parts Recycling Business License Renewal. *(New rule effective January 11, 2010, 35 TexReg 232)*

(a) To renew a used automotive parts recycling business license, an applicant must:

- (1) submit a completed application on a department-approved form;
- (2) provide a valid federal tax identification number;
- (3) file proof of insurance in accordance with §87.40;
- (4) provide proof of a storm water permit, if required by the Texas Commission on Environmental Quality;
- (5) successfully pass a criminal background check; and
- (6) pay the applicable fee required under §87.85.

(b) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any functions of an automotive parts recycling business that requires a license under this chapter.

(c) Non-receipt of a license renewal notice from the department does not exempt a person from any requirements of this chapter.

87.24. Used Automotive Parts Recycling Employee License--Required. *(New rule effective January 11, 2010, 35 TexReg 232)*

(a) Unless the person holds a used automotive parts employee license issued under this chapter, a person employed by a used automotive parts recycler may not in the scope of the person's employment:

- (1) acquire a vehicle or used automotive parts; and

- (2) may not sell used automotive parts.
- (b) For purposes of this chapter, persons operating or managing a used automotive parts business unincorporated entity, including a sole proprietor, are employees of the used automotive parts business and subject to the employee license requirement.
- (c) Used automotive parts recyclers may not employ a person required to hold a license under this chapter unless the person presents and the employer maintains a copy of a valid employee license issued under this chapter to the employee.

87.25. Used Automotive Parts Recycling Employee License--Requirements. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) To be eligible for a used automotive parts recycling employee license, an applicant must:
 - (1) submit a completed application on a department-approved form;
 - (2) pay the fee required under §87.85; and
 - (3) successfully pass a criminal background check.
- (b) A person performing the work identified in §87.21 may not work at a used automotive recycling business unless the individual holds a license issued under this chapter. A used automotive recycling business may not employ a person to perform the work identified in §87.21 unless the person holds a license issued by the department.

87.26. Used Automotive Parts Recycling Employee License Renewal. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) To renew a used automotive parts recycling license, an applicant must:
 - (1) submit a completed application on a department-approved form;
 - (2) pay the applicable fee required under §87.85; and
 - (3) successfully pass a criminal background check.
- (b) The department shall notify the license holder at least 30 days before the date a license expires.
- (c) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any function of a used automotive parts recycler employee that requires a license under this chapter.
- (d) Non-receipt of a license renewal notice from the department does not exempt a person from any requirement of this chapter.

87.30. Exemptions. *(New rule effective January 11, 2010, 35 TexReg 232)*

The provisions of this chapter do not apply to:

- (1) a person who purchases not more than five nonrepairable or salvage motor vehicles at casual sale in a calendar year from:
 - (A) a salvage vehicle dealer;

- (B) a salvage pool operator at auction; or
- (C) an insurance company at auction;
- (2) a metal recycler, unless a motor vehicle is sold, transferred, released, or delivered to the metal recycler for the purpose of reuse or resale as a motor vehicle or as a source of used parts, and is used for that purpose;
- (3) a person who casually repairs, rebuilds, or reconstructs fewer than five salvage motor vehicles in the same calendar year;
- (4) a person who is a non-United States resident who purchases nonrepairable or salvage motor vehicles for export only;
- (5) an agency of the United States, an agency of this state, or a local government;
- (6) a financial institution or other secured party that holds a security interest in a motor vehicle and is selling that motor vehicle in the manner provided by law for the forced sale of a motor vehicle;
- (7) a receiver, trustee, administrator, executor, guardian, or other person appointed by or acting pursuant to the order of a court;
- (8) a person selling an antique passenger car or truck that is at least 25 years old or a collector selling a special interest motor vehicle as defined in Transportation Code, §683.077, if the special interest vehicle is at least 12 years old;
- (9) a licensed auctioneer who, as a bid caller, sells or offers to sell property to the highest bidder at a bona fide auction under the following conditions:
 - (A) neither legal nor equitable title passes to the auctioneer;
 - (B) the auction is not held for the purpose of avoiding a provision of Texas Occupations Code, Chapter 2302, or this chapter; and
 - (C) an auction is conducted of motor vehicles owned, legally or equitably, by a person who holds a salvage vehicle dealer's license and the auction is conducted at a location for which a salvage vehicle dealer's license has been issued to that person or at a location approved by the department under this chapter.
- (10) a salvage vehicle dealer;
- (11) an insurance company; and
- (12) a salvage pool.

87.40. Insurance Requirements. *(New rule effective January 11, 2010, 35 TexReg 232)*

A used automotive parts recycling business may not conduct business or other automotive parts recycling operations in this state unless the licensee maintains a valid general liability insurance policy in an amount not less than \$250,000.

87.44. Inspections--General. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) All used automotive parts recycling businesses shall be inspected periodically, according to a risk-based schedule, or as a result of a complaint. These inspections will be performed to determine compliance with

the requirements of the Act and this chapter. In addition, the department may make information available to used automotive parts recycling business owners and managers on best practices for risk-reduction techniques.

- (b) Inspections shall be performed during the normal operating hours of the used automotive parts recycling business. The department may conduct inspections under the Act and this chapter with or without advance notice.
- (c) The department inspector will contact the licensee, manager, or representative upon arrival at the facility location, and before proceeding with the inspection.
- (d) The licensee, manager, or representative shall cooperate with the inspector in the performance of the inspection.
- (e) Periodic and risk-based inspections under this section are in addition to any complaint based inspections and those inspections do not restrict the department's right to enter the licensed facility for purposes of enforcement and compliance.

87.45. Inspections--Periodic. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) Each used automotive parts recycling business shall be inspected at least once every two years.
- (b) The used automotive parts recycling business owner, manager, or their representative must, immediately upon request, make available to the inspector all records, notices and other documents required by this chapter.
- (c) Upon completion of the inspection, the owner manager, or representative shall be advised in writing of the results of the inspection. The inspection report will indicate whether the inspection was approved or not approved, and will describe any violations identified during the inspection.
- (d) For inspections that are not approved, the inspection report will identify violations that must be corrected by the licensee. The report will also indicate the corrective actions required to address the violations. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations.
- (e) Based on the results of the periodic inspection, a used automotive parts recycling business may be moved to a risk-based schedule of inspections. The department will notify the licensee, in writing, if the licensee becomes subject to the risk-based inspection schedule and the scheduled frequency of inspection.

87.46. Inspections—Risk-based. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) Risk-based inspections are those required in addition to periodic inspections required under §87.45, for any used automotive parts recycling business determined by the department to be a greater risk to the public.
- (b) To determine which used automotive parts recycling business will be subject to risk-based inspections, the department shall established criteria and frequencies for inspections.
- (c) The licensee shall pay the fee required under §87.85 for each risk-based inspection, in a manner established by the department.
- (d) Each used automotive parts recycling business subject to risk-based inspections will be scheduled for inspection based on the following risk criteria and inspection frequency:

Tier	Criteria	Total Inspection Frequency (includes both periodic and risk-based inspections)
Tier 1	Violation of the rules determined by the department to pose a potential economic harm to property. Repeated violations relating to unlicensed activity.	Once each year
Tier 2	A serious or repeated violation relating to documentation and records requirements. Failure to maintain required records. Serious or repeated violations relating to unlicensed activity.	Twice each year
Tier 3	Repeated, serious violations related to towing company technical requirements. A significant violation of notifications rules, particularly those that threaten economic harm. Significant or repeated violations relating to unlicensed activity.	Four times each year

- (e) At the time of inspection of a used automotive parts recycling business, the owner, manager, or their representative must, upon request, make available to the inspector, records, notices and other documents required by this chapter.
- (f) Upon completion of the inspection, the licensee shall be advised in writing of the results of the inspection.
- (g) The inspection report will identify violations that must be corrected by the licensee. The report will also indicate the corrective actions required to address the violations. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations.
- (h) A licensee on a risk-based inspection schedule that has no significant violations in four consecutive inspections may be moved to a less frequent risk-based inspection schedule or returned to a periodic schedule of inspections. The department will notify the licensee if there is a change in the licensee's risk-based schedule or if the licensee is returned to a periodic inspection schedule.

87.47. Corrective Actions Following Inspections. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) When corrective actions to achieve compliance are required:
 - (1) the department shall provide the towing company a list of required corrective modification(s);
 - (2) within 10 days after receiving the list of required corrective actions, the owner shall complete all corrective actions and provide written verification of the corrective actions to the department; and
 - (3) the department may grant an extension, consistent with established procedures, if satisfactory evidence is presented showing that the time period specified is inadequate to perform the necessary corrections.
- (b) The department may assess administrative penalties and/or administrative sanctions for violations or failure to complete corrective actions timely or provide written verification to the department timely, in accordance with §87.90.

87.50. Reporting Requirements--Filing of Vehicle Ownership Documents. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) Used automotive parts recyclers who acquire ownership of a motor vehicle, nonrepairable motor vehicle, or salvage motor vehicle for the purpose of dismantling, scrapping, or destroying the motor vehicle, shall, before the 31st day after the date of acquiring the motor vehicle, submit to the Texas Department of Motor Vehicles a properly assigned manufacturer's certificate of origin, regular certificate of title, nonrepairable vehicle title, salvage vehicle title, other ownership document, or comparable out-of-state ownership document for the motor vehicle.
- (b) Used automotive parts recyclers shall keep and maintain evidence of compliance with subsection (a).

87.65. Advisory Board. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) The advisory board consists of the five members representing the used automotive parts industry in this state appointed by the presiding officer of the commission with the approval of the commission. The five members include:
 - (1) members who represent used automotive parts businesses owned by domestic entities, as defined by Business Organizations Code, §1.002; and
 - (2) one member who represents a used automotive parts business owned by a foreign entity, as defined by Business Organizations Code, §1.002.
- (b) The advisory board may not include more than one member from any one used automotive parts business entity.
- (c) Advisory board members serve terms of six years, with the terms of one or two members expiring on February 1 of each odd-numbered year.
 - (1) A member may not serve more than two full consecutive terms.
 - (2) If a vacancy occurs during a term, the chairman of the commission will appoint a replacement who meets the qualifications of the open position to serve for the balance of the term.
- (d) The presiding officer of the commission shall appoint one of the advisory board members to serve as the presiding officer of the advisory board for one year. The presiding officer of the advisory board may vote on any matter before the advisory board.
- (e) Advisory board members do not receive compensation. They are, subject to the General Appropriations Act, may be reimbursed for actual and necessary expenses incurred in performing the duties of the advisory board.
- (f) The advisory board meets twice yearly and may meet at other times at the call of the presiding officer of the commission or the executive director.
- (g) The advisory board provides advice and recommendations to the department on technical matters relevant to the administration and enforcement of this chapter, including licensing standards.

87.70. Responsibilities of the Licensee--Acquiring Vehicles. *(New rule effective January 11, 2010, 35 TexReg 232)*

Used automotive parts recyclers who acquire ownership of a salvage motor vehicle shall obtain a properly assigned title from the previous owner of the vehicle.

87.71. Responsibilities of the Licensee--Record Retention. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A used automotive parts recycler shall maintain a record of or sales receipt for each motor vehicle, salvage motor vehicle, nonrepairable motor vehicle, and used automotive part purchased.
- (b) Unless required by another section of this chapter, a used automotive parts recycler shall maintain records required by this chapter for a period of three years from the date of the event reflected in the record.

87.72. Responsibilities of the Licensee--Registration of New Business Location. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) Before moving a place of business, a used automotive parts recycler must notify the department of the new location.
- (b) The used automotive parts recycler shall provide a storm water permit for the location if a permit is required by the Texas Commission on Environmental Quality.

87.73. Responsibilities of the Licensee--Removal of License Plates. *(New rule effective January 11, 2010, 35 TexReg 232)*

Immediately on receipt of a motor vehicle, a used automotive parts recycler shall:

- (1) remove any unexpired license plates from the vehicle; and
- (2) place the license plates in a secure place until destroyed by the used automotive parts recycler.

87.74. Responsibilities of the Licensee--Dismantlement or Disposal of Motor Vehicle. *(New rule effective January 11, 2010, 35 TexReg 232)*

A used automotive parts recycler may not dismantle or dispose of a motor vehicle unless the recycler first obtains:

- (1) a certificate of authority to dispose of the vehicle, a sales receipt, or a transfer document for the vehicle issued under Transportation Code, Chapter 683; or
- (2) a certificate of title showing that there are no liens on the vehicle or that all recorded liens have been released.

87.75. Responsibilities of the Licensee--Record of Purchase; Inventory of Parts. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A used automotive parts recycler shall keep an accurate and legible record of each used component part purchased by or delivered to the recycler. The record must include:
 - (1) the date of purchase or delivery;
 - (2) the driver's license number of the seller and a legible photocopy of the seller's driver's license; and
 - (3) a description of the part and, if applicable, the make and model of the part.
- (b) As an alternative to the information required by subsection (a), a used automotive parts recycler may record:
 - (1) the name of the person who sold the part or the motor vehicle from which the part was obtained; and
 - (2) the Texas certificate of inventory number or the federal taxpayer identification number of the person.
- (c) The department shall prescribe the form of the record required by subsection (a) and shall make the form

available to used automotive parts recyclers.

(d) This section does not apply to:

- (1) an interior component part or special accessory part from a motor vehicle more than 10 years old; or
- (2) a part delivered to a used automotive parts recycler by a commercial freight line, commercial carrier, or licensed used automotive parts recycler.

87.76. Responsibilities of the Licensee--Retention of Component Parts. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A used automotive parts recycler shall retain each component part in its original condition on the business premises of the recycler for at least three calendar days, excluding Sundays, after the date the recycler obtains the part.
- (b) This section does not apply to the purchase by a used automotive parts recycler of a nonoperational engine, transmission, or rear axle assembly from another used automotive parts recycler or an automotive-related business.

87.77. Responsibilities of the Licensee--Maintenance of Records. *(New rule effective January 11, 2010, 35 TexReg 232)*

A used automotive parts recycler shall maintain copies of each record required under this chapter until the first anniversary of the purchase date of the item for which the record is maintained.

87.78. Responsibilities of the Licensee--Surrender of Certain Documents or License Plates. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A used automotive parts recycler shall surrender to the Texas Department of Motor Vehicles (DMV) for cancellation a certificate of title or authority, sales receipt, or transfer document, as required by the DMV.
- (b) For each vehicle for which a document is surrendered in compliance with subsection (a), the licensee shall obtain a signed receipt for a surrendered certificate of title.

87.79. Responsibilities of the Licensee--Inspection of Records by Peace Officers. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) A peace officer at any reasonable time may inspect a record required to be maintained under this chapter, including an inventory record.
- (b) On demand by a peace officer, a used automotive parts recycler shall provide to the officer a copy of a record required to be maintained under this chapter.
- (c) A peace officer may inspect the inventory on the premises of a used automotive parts recycler at any reasonable time to verify, check, or audit the records required to be maintained under this chapter.
- (d) A used automotive parts recycler or an employee of the recycler shall allow and may not interfere with a peace officer's inspection of the recycler's inventory, premises, or required inventory records.

87.80. Responsibilities of the Licensee--Records of Casual Sales. *(New rule effective January 11, 2010, 35 TexReg 232)*

Each licensed used automotive parts recycler that sells a nonrepairable motor vehicle or a salvage motor vehicle at a casual sale shall keep on the business premises a list of all casual sales made during the preceding 36-month period that contains:

- (1) the date of the sale;
- (2) the name of the purchaser;
- (3) the name of the jurisdiction that issued the identification document provided by the purchaser, as shown on the document; and
- (4) the vehicle identification number.

87.81. Responsibilities of the Licensee--Hours of Operation Using Heavy Machinery in Certain Counties. *(New rule effective January 11, 2010, 35 TexReg 232)*

- (a) This section applies only to a used automotive parts facility business located in a county with a population of 2.8 million or more.
- (b) A used automotive parts recycler may not operate heavy machinery in a used automotive parts recycling facility between the hours of 7 p.m. of one day and 7 a.m. of the following day.
- (c) This section does not apply to conduct necessary to a sale or purchase by the recycler.

87.85. Fees. *(New rule effective January 11, 2010, 35 TexReg 232; amended effective January 1, 2014, 38 TexReg 9522)*

- (a) Application Fees.
 - (1) Permit Used Automotive Parts Facility Business.
 - (A) Original Application--\$75
 - (B) Renewal--\$120 for permits expiring before February 1, 2014; \$75 for permits expiring on or after February 1, 2014
 - (2) Used Automotive Parts Recycling Employee License.
 - (A) Original Application--\$25
 - (B) Renewal--\$30 for licenses expiring before February 1, 2014; \$25 for licenses expiring on or after February 1, 2014
- (b) Risk-based inspections--\$150
- (c) Revised/Duplicate License/Certificate/Permit/Registration--\$25
- (d) Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (e) All fees are non-refundable except as provided for by commission rules or statute.

87.90. Administrative Sanctions. *(New rule effective January 11, 2010, 35 TexReg 232)*

A person that violates Texas Occupations Code, Chapter 2309, a rule, or an order of the executive director or commission relating to Texas Occupations Code, Chapter 2309, will be subject to administrative sanctions and/or administrative penalties under Texas Occupations Code, Chapters 51 and 2309 and applicable agency rules.

87.91. Enforcement Authority. *(New rule effective January 11, 2010, 35 TexReg 232)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and Chapter 2309 and any

associated rules may be used to enforce Texas Occupations Code, Chapter 2309 and this chapter.

87.92. Cease and Desist Order. *(New rule effective January 11, 2010, 35 TexReg 232)*

The executive director may issue a cease and desist order as necessary to enforce this chapter if the executive director determines the action is necessary to prevent a violation of this chapter and to protect public health and safety.