

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Texas Department of Insurance, Division of Workers' Compensation

### Title 28, Part 2

Chapters 129 - 137

Proposed Rule Review

The Texas Department of Insurance, Division of Workers' Compensation (DWC) will review all sections in 28 Texas Administrative Code:

- Chapter 129 (Income Benefits--Temporary Income Benefits);
- Chapter 130 (Impairment and Supplemental Income Benefits);
- Chapter 131 (Benefits--Lifetime Income Benefits);
- Chapter 132 (Death Benefits--Death and Burial Benefits);
- Chapter 133 (General Medical Provisions);
- Chapter 134 (Benefits--Guidelines for Medical Services, Charges, and Payments);
- Chapter 136 (Benefits--Vocational Rehabilitation); and
- Chapter 137 (Disability Management).

This review complies with the requirements for periodic rule review under Texas Government Code §2001.039.

DWC will consider whether the reasons for initially adopting these rules continue to exist, and whether these rules should be repealed, readopted, or readopted with amendments.

Comments

To comment on this review, you must:

- Submit your written comments by 5:00 p.m., Central time, on January 27, 2025.
- Specify the rule to which your comment applies.
- Include any proposed alternative language.

Send your written comments or hearing request to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov) or to:

Legal Services, MC-LS

Texas Department of Insurance, Division of Workers' Compensation

P.O. Box 12050

Austin, Texas 78711-2050

DWC may consider any suggested repeals or amendments identified during this rule review in future rulemaking under Texas Government Code Chapter 2001 (Administrative Procedure).

TRD-202405969

Kara Mace

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Texas Department of Insurance, Division of Workers' Compensation

Filed: December 12, 2024

## Adopted Rule Reviews

Texas Department of Licensing and Regulation

### Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) filed a Notice of Intent to Review to consider for readoption, revision, or repeal the rule chapters listed below, in their entirety, under Title 16, Part 4, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

#### Rule Chapters Under Review

The Department reviewed the following rule chapters:

Chapter 97, Motor Fuel Metering and Quality

Chapter 98, Motorcycle Operator Training and Safety

Chapter 99, Off-Highway Vehicle Operator Education and Certification Program

Chapter 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners

#### Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the May 24, 2024, issue of the *Texas Register* (49 TexReg 3817). The public comment period closed on June 24, 2024. The Department received public comments from four interested parties in response to the Notice of Intent to Review. The public comments received for each chapter are explained below.

#### Chapter 97, Motor Fuel Metering and Quality

The Department received a comment from one interested party in response to the Notice of Intent to Review for Chapter 97, Motor Fuel Metering and Quality. The comment requested amendments to the rules, including changes related to various TDLR internal processes, to Device Performance Review requirements, and to the Stop Sale Order process. The Department will take this comment under consider-

ation for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

#### **Chapter 98, Motorcycle Operator Training and Safety**

The Department received a comment from one interested party in response to the Notice of Intent to Review for Chapter 98, Motorcycle Operator Training and Safety. The comment requested amendments to the rules, including changes to eligibility requirements for enrollment in an instructor training course; eligibility requirements for a motorcycle school license; and reporting requirements for motorcycle schools. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

#### **Chapter 99, Off-Highway Vehicle Operator Education and Certification Program**

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 99, Off-Highway Vehicle Operator Education and Certification Program.

#### **Chapter 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners**

The Department received comments from two interested parties in response to the Notice of Intent to Review for Chapter 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners. Of the comments that were received, the Department received two comments in support of re-adoption of the rules. The Department has taken these comments into consideration as part of this review. The Department received one comment requesting amendments to the rules that would authorize compilation of non-identifying data that would track the numbers and locations of licensed dyslexia therapists so that service availability, as well as gaps, may be tracked. The Department will take this comment under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

#### **Department Review and Recommendation**

The Department reviewed each of the rule chapters listed above and determined that the reasons for adopting or readopting the rules in these chapters continue to exist. The rules are still essential in implementing the statutory provisions for each of the affected programs. The rules provide details that are not found in the program statutes but are necessary for implementation and operation of the programs. The Department recommends that the Commission readopt all of the rule chapters listed above, in their entirety and in their current form.

The Department may propose amendments in the future to update, clarify, or supplement the existing rules. Any proposed changes to the rules will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, and in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

#### **Commission Action**

At its meeting on December 6, 2024, the Texas Commission of Licensing and Regulation, the Department's governing body, readopted the following rule chapters, in their entirety and in their current form: 16 TAC, Chapter 97, Motor Fuel Metering and Quality; Chapter 98, Motorcycle Operator Training and Safety; Chapter 99, Off-Highway Vehicle Operator Education and Certification Program; and Chapter 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

Filed with the Office of the Secretary of State on December 16, 2024.

TRD-202406033

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Filed: December 16, 2024



#### **Texas Water Development Board**

##### **Title 31, Part 10**

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 361.

This review is being conducted in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for re adoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6759). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code, §2001.039, which requires state agencies to review and consider for re adoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in these subchapters continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 361. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

TRD-202406053

Ashley Harden

General Counsel

Texas Water Development Board

Filed: December 17, 2024



#### **Texas Department of Motor Vehicles**

##### **Title 43, Part 10**

The Texas Department of Motor Vehicles (department) files this notice of re adoption of Title 43 Texas Administrative Code, Part 10, Chapter 218, Motor Carriers. This review was conducted pursuant to Government Code, §2001.039.

Notice of the department's intention to review was published in the August 23, 2024, issue of the *Texas Register* (49 TexReg 6471). The department did not receive any comments on the rule review for Chapter 218.

As a result of the review, the department readopts Chapter 218 with amendments and a repeal, in accordance with the requirements of Government Code, §2001.039. The department has determined that the reasons for initially adopting the readopted rules continue to exist. In this issue of the *Texas Register*, the department adopts amendments and a repeal in Chapter 218 resulting from the rule review.

This concludes the review of Chapter 218, Motor Carriers.

TRD-202405995

Laura Moriaty  
General Counsel  
Texas Department of Motor Vehicles  
Filed: December 13, 2024

