



1 43 TAC §§206.92-206.99 concerning advisory committees, with nonsubstantive, grammatical changes to  
2 the proposed text.

3 Amendments to 43 TAC §206.93 implement Senate Bill (SB) 604, Section 1.08, 86th Regular  
4 Session (2019), which repealed Government Code, §2110.002(c). Prior to the repeal, the department was  
5 exempt from the Government Code, §2110.002(c) requirements that an advisory committee be composed  
6 of a reasonable number of members not to exceed 24 and that the composition of an advisory committee  
7 provide a balanced representation between the industry or occupation and the consumers of services  
8 provided by the agency, industry, or occupation. However, SB 604 now applies the Government Code,  
9 §2110.002(c) requirements to the department.

10 **2. REASONED JUSTIFICATION.** The amendments, new sections, and repeals are necessary to implement  
11 the Sunset Advisory Commission's adopted recommendation 1.7 in the Staff Report with Final Results,  
12 revised June 2019. The Sunset Advisory Commission recommended that the department establish  
13 advisory committees to provide expertise for rulemaking and other issues, and adopt rules regarding  
14 standard committee structure and operating criteria. The report also recommended the department  
15 establish advisory committees to provide expertise for rulemaking related to motor vehicle and carrier  
16 regulation, vehicle title and registration, consumer protection, and customer service. The amendments  
17 and new sections are necessary to specify the purposes, powers, and duties, of advisory committees,  
18 including the manner of reporting their work, under Transportation Code, §1001.031.

19 Amendments to §209.92, Definitions, add a definition for the term "member" to clarify that a  
20 member is appointed to the committee by the board of the Texas Department of Motor Vehicles (board),  
21 as required by Transportation Code, §1001.031(b). The definition of the new term "presiding officer"  
22 clarifies that the advisory boards are composed of members that are not members of the board, and

1 presided over by a presiding officer elected by the other advisory committee members. The term further  
2 clarifies that advisory committee meetings will be presided over by a presiding officer who facilitates  
3 efficient functioning of the advisory committee by overseeing discussions and votes.

4 Nonsubstantive, grammatical changes were made to §206.92(6) and (7) to provide clarity for the  
5 roles of the member and presiding officer.

6 Amendments to §206.93, Advisory Committee Operations and Procedures, delete subsections (a)  
7 through (f) and add new subsections (a) through (l) to reorganize the subsections and provide clearer  
8 guidance for advisory committee operations and procedures. In addition, these new subsections promote  
9 the efficient handling of advisory committee meetings.

10 Requirements under existing §206.93(a) are now in new §206.93(f) and (b). The term of service  
11 for advisory committee members more closely aligns with the fourth anniversary expiration date for  
12 advisory committees consistent with Government Code, §2110.008.

13 Requirements under §206.93(b) were deleted and moved to new §206.93(j) to provide clearer  
14 guidance on how and when to report recommendations to the board.

15 Requirements under §206.93(c) were deleted entirely. In place of this subsection, §206.93(g) is  
16 added to require advisory committee members to receive training regarding the Open Meetings Act,  
17 Government Code, Chapter 551, the Public Information Act, and Government Code, Chapter 552. This  
18 amendment will ensure advisory committee members are aware of the open meeting and public  
19 information requirements of advisory committee meetings.

20 Requirements under §206.93(d) were deleted and moved to new §206.93(l). New §206.93(l)  
21 outlines permissible reimbursement of advisory committee members under Government Code,  
22 §2110.004, which states that the manner and amount of reimbursement may be prescribed only by the

1 General Appropriations Act or through the budget execution process under Government Code, Chapter  
2 317, if the advisory committee was created after it is practicable to address the existence of the advisory  
3 committee in the General Appropriations Act.

4 Requirements under §206.93(e) were deleted and moved to new §206.93(k). New §206.93(k)  
5 requires the board to consider reports in addition to recommendations submitted by the advisory  
6 committees to ensure the board considers all available advisory committee resources.

7 Requirements under §206.93(f) were deleted to better reflect the notice requirements of the  
8 Open Meetings Act, Government Code, Chapter 551.

9 Section 206.93(g) was reorganized as new §206.93(m) and adds the title "Expiration dates for  
10 advisory committees," for consistency.

11 In addition, the amendments add several new subsections to §206.93, Advisory Committee  
12 Operations and Procedures. Section 206.93(a) is necessary to provide clarity for the role of the advisory  
13 committee to the board. Section 206.93(c) is necessary to clarify the qualifications for advisory committee  
14 members and includes a prohibition on board members serving on advisory committees to ensure the  
15 advisory group has independent external expertise and recommendations. Section 206.93(d) is necessary  
16 to ensure balanced representation on advisory committees, by requiring membership from different  
17 geographical regions of the state, to the extent practical, who have an interest of expertise in the subject  
18 area of the particular advisory committee. Section 206.93(e) is necessary to outline committee size,  
19 consistent with the requirements under Government Code, §2110.002, and quorum requirements, under  
20 the Open Meetings Act, Government Code, Chapter 551. Section 206.93(h) is necessary to ensure advisory  
21 committee compliance with the Open Meetings Act, Government Code, Chapter 551. Section 206.93(i) is  
22 necessary to require advisory committees to accept public comments to promote constituent

1 engagement in the rulemaking process.

2       The department is repealing §206.94, Household Goods Rules Advisory Committee (HGRAC),  
3 because this advisory committee completed recommendations to modernize and streamline rules to  
4 protect consumers using the service of a motor carrier who is transporting household goods for  
5 compensation and rules to ensure that a customer of a motor carrier transporting household goods is  
6 protected from unfair practices and unreasonably hazardous activities adopted under Transportation  
7 Code, §643.153(a) and (b). The committee is set to expire on August 14, 2019 under §206.95 of this title.  
8 Any rules regarding household goods may be addressed by the new Consumer Protection Advisory  
9 Committee (CPAC) created by amendment.

10       New §206.94, Motor Vehicle Industry Regulation Advisory Committee (MVIRAC), replaces  
11 repealed §206.94, HGRAC, to advise and make recommendations to the board and the executive director,  
12 as requested, on issues related to regulation of the motor vehicle industry. The MVIRAC may provide the  
13 department with independent external expertise and recommendation on motor vehicle regulation  
14 topics. Motor vehicle industry regulation makes up a significant part of the department's operations with  
15 over 33,000 regulated motor vehicle-related licenses issued in Fiscal Year 2019. The department may  
16 utilize the expertise of advisory committee members regarding the business operations of motor vehicle  
17 and salvage dealers and other elements of the motor vehicle industry to improve the efficiency of  
18 department operations and procedures.

19       Nonsubstantive, grammatical changes were made to §206.94(a) to clarify the purpose of MVIRAC.  
20 "Issues" was deleted and replaced with "topics" to ensure the advisory committee may make all relevant  
21 recommendations.

22       The department is repealing §206.95, (MVLAC), because the committee has completed the review

1 of license requirements and procedures, and made recommendations to the department simplifying and  
2 modernizing the licensing process. The committee is set to expire on August 14, 2019 under §206.95 of  
3 this title.

4 New §206.95, Motor Carrier Regulation Advisory Committee (MCRAC), replaces repealed  
5 §206.95, MVLAC, to advise and make recommendations to the board and the executive director, as  
6 requested, on topics related to regulation of the motor carrier industry. The Sunset Advisory Commission  
7 Staff Report with Final Results, revised June 2019, noted the department enforces statute and rules  
8 governing nearly 50,000 registered motor carrier companies, including trucking and moving companies.  
9 The MCRAC will provide valuable independent external expertise and recommendations on motor vehicle  
10 carrier topics to the department.

11 Nonsubstantive, grammatical changes were made to §206.95(a) to clarify the purpose of MCRAC.  
12 "Issues" was deleted and replaced with "topics" to ensure the advisory committee may make all relevant  
13 recommendations.

14 New §206.96, Vehicle Titles and Registration Advisory Committee (VTRAC), is created to advise  
15 and make recommendations to the board and the executive director, as requested, on topics related to  
16 vehicle titles and registration. The Sunset Advisory Commission Staff Report with Final Results, revised  
17 June 2019, noted the department registers approximately 24 million vehicles across the state each year.  
18 The VTRAC is necessary to provide valuable independent external expertise and recommendations on title  
19 and registration topics to the department.

20 Nonsubstantive, grammatical changes are made to §206.96(a) to clarify the purpose of VTRAC.  
21 "Issues" was deleted and replaced with "topics" to ensure the advisory committee may make all relevant  
22 recommendations.

1           New §206.97, Consumer Protection Advisory Committee (CPAC), is created to advise and make  
2 recommendations to the board and the executive director, as requested, on investigation and  
3 enforcement topics, including vehicle titles and registration fraud; lemon law; the warranty performance  
4 program; and other consumer protection topics. Also, the department is creating the CPAC to gain  
5 valuable independent external expertise on various consumer protection topics.

6           Nonsubstantive, grammatical changes were made to §206.97(a) to clarify the purpose of CPAC.  
7 "But not limited to" was deleted following "including" because "including" is a word of expansion, and  
8 serves to encompass the following terms, rather than limit. "Issues" was deleted and replaced with  
9 "topics" to ensure the advisory committee may make all relevant recommendations.

10           New §206.98, Customer Service Advisory Committee (CSAC), is created to advise and make  
11 recommendations to the board and the executive director, as requested, on topics related to improving  
12 and enhancing department customer service, including infrastructure; new customer service initiatives;  
13 policy and process improvements; and technology. The CSAC will have the opportunity to obtain valuable  
14 information from the department's customers and utilize the independent expertise of committee  
15 members for recommendations to improve the department's customer service operations.

16           New §206.99, provides that the board shall prioritize the use of advisory committees over working  
17 groups in rulemaking on significant or controversial issues of public policy. Informal working groups may  
18 lack stakeholder and consumer inclusivity, and public transparency. This section is adopted to clarify  
19 situations in which advisory committees are to be used in preference to working groups.

20           **3. SUMMARY OF COMMENTS.** Tax Assessor-Collectors Association (TACA) submitted comments on the  
21 proposed rules. TACA expressed concern that the language of §206.93(d), Composition of Advisory  
22 Committee, did not include a specific statement of who should serve on the committees. TACA stated

1 they do not necessarily feel they are regulated by the board, but the service they provide as partners with  
2 the department and the State is somewhat regulated by statute and state agency rule. TACA asked that  
3 the County Tax Assessor-Collector be specifically mentioned as an advisory committee member to  
4 applicable advisory committees. TACA stated that by not naming the County Tax Assessor-Collector for  
5 those applicable advisory committees, there is no guarantee that the interests of the department's most  
6 vital partner will be represented.

7 **4. RESPONSE.** The department agrees that County Tax Assessor-Collectors are vital partners of the  
8 department. In response to TACA's concerns, the department is amending the language of §206.93(d) to  
9 require the board to ensure representation of members from diverse geographical regions of the state  
10 who have an interest or expertise in the subject area of the particular advisory committee, to the extent  
11 practical. The amended language will promote a balanced advisory committee membership, by preserving  
12 board flexibility in appointing members to the advisory committees and still ensuring that County Tax  
13 Assessor-Collectors are eligible to become advisory committee members.

14 The department disagrees with TACA's suggested amendment to specifically name Tax Assessor-  
15 Collectors to specific committees, as Sunset Committee Recommendation 1.7 in the Staff Report with  
16 Final Results, revised June 2019, did not recommend the department to include such language. The  
17 amended language adopted by the department will ensure the composition of the advisory committees  
18 provide balanced representation and clarifies that County Tax Assessor-Collectors are eligible to become  
19 advisory committee members.

20 **5. STATUTORY AUTHORITY.** The amendments, new sections, and repeals are adopted under  
21 Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles  
22 (board) with the authority to adopt rules that are necessary and appropriate to implement the powers

1 and the duties of the department. More specifically, Transportation Code, §1001.031, states that the  
2 department shall retain or establish one or more advisory committees to make recommendations to the  
3 board or the executive director. Transportation Code, §1001.031, provides the department authority to  
4 specify by rule, the purposes, powers, and duties of advisory committees, including the manner of  
5 reporting their work. Government Code, §2110.002(b) provides the department authority to adopt rules  
6 governing balanced representation on advisory committees. Government Code, §2110.005 authorizes the  
7 department to adopt rules stating the purposes and tasks of advisory committees, and describing the  
8 manner in which advisory committees will report to the agency. Transportation Code, §643.155(b) gives  
9 the department the authority to adopt rules to govern the operations of the rules advisory committee,  
10 which examines the rules adopted by the department under Transportation Code, §643.153(a) and (b)  
11 and makes recommendations to the department on modernizing and streamlining the rules.

12 **6. CROSS REFERENCE TO STATUTE.**

13 Transportation Code, Chapter 1001.

14 **7. TEXT.**

15 **Subchapter E. Advisory Committees**

16 **43 TAC §§206.92- 206.99**

17 §206.92. Definitions.

18 The following words and terms, when used in this subchapter, shall have the following meanings, unless  
19 the context clearly indicates otherwise.

20 (1) Advisory committee--Any committee created by the board to make recommendations  
21 to the board or to the executive director pursuant to Transportation Code, §1001.031.

22 (2) Board--The board of the Texas Department of Motor Vehicles.

1 (3) Department--The Texas Department of Motor Vehicles.

2 (4) Division director--The chief administrative officer in charge of a division of the  
3 department.

4 (5) Executive director--The chief executive officer of the Texas Department of Motor  
5 Vehicles.

6 (6) Member--An appointed member of an advisory committee created under this  
7 subchapter.

8 (7) Presiding officer--The presiding officer of an advisory committee elected by the  
9 membership of the advisory committee created under this subchapter.

10

11 §206.93. Advisory Committee Operations and Procedures.

12 (a) Role of advisory committee. The role of an advisory committee under this subchapter is to  
13 provide advice and recommendations to the board. Advisory committees shall meet and carry out their  
14 functions upon a request from the department or board for advice and recommendations on an issue(s).

15 (b) Appointment of advisory committee. The board shall appoint members to an advisory  
16 committee by selecting potential members from a list provided to the board by the executive director.  
17 Each advisory committee shall elect from its members a presiding officer, who shall report the advisory  
18 committee's recommendations to the board. The executive director may designate a division or divisions  
19 of the department to participate with, or to provide subject-matter expertise, guidance, or administrative  
20 support to the advisory committee as necessary.

21 (c) Member qualifications. Members shall have knowledge about and interests in, and represent  
22 a broad range of viewpoints about, the work of the committee or applicable division(s). Board members

1 shall not serve as advisory committee members.

2 (d) Composition of advisory committees. In making appointments to the advisory committees, the  
3 board shall, to the extent practical, ensure representation of members from diverse geographical regions  
4 of the state who have an interest or expertise in the subject area of the particular advisory committee.

5 (e) Committee size and quorum requirements. An advisory committee shall be composed of a  
6 reasonable number of members not to exceed 24 as determined by the board. A simple majority of  
7 advisory committee members will constitute a quorum. An advisory committee may only deliberate on  
8 issues within the jurisdiction of the department or any public business when a quorum is present.

9 (f) Terms of service. Advisory committee members will serve terms of four years. A member will  
10 serve on the committee until the member resigns, is dismissed or replaced by the board, or the member's  
11 term expires.

12 (g) Member training requirements. Each member of an advisory committee must receive training  
13 regarding the Open Meetings Act, Government Code, Chapter 551; and the Public Information Act,  
14 Government Code, Chapter 552.

15 (h) Compliance with Open Meetings Act. The advisory committee shall comply with the Open  
16 Meetings Act, Government Code, Chapter 551.

17 (i) Public input and participation. The advisory committee shall accept public comments made in-  
18 person at advisory committee meetings or submitted in writing. Public comments made in writing should  
19 be submitted to the advisory committee five business days in advance of the advisory committee meeting  
20 with sufficient copies for all members.

21 (j) Reporting recommendations. Recommendations of the advisory committee shall be reported  
22 to the board at a board meeting prior to board action on issues related to the recommendations. The

1 recommendations shall be in writing and include any necessary supporting materials. The presiding officer  
2 of the advisory committee or the presiding officer's designee may appear before the board to present the  
3 committee's advice and recommendations. This subsection does not limit the ability of the advisory  
4 committee to provide advice and recommendations to the executive director as necessary.

5 (k) Board use of advisory committee recommendations. In developing department policies, the  
6 board shall consider the written recommendations and reports submitted by advisory committees.

7 (l) Reimbursement. The department may, if authorized by law and the executive director,  
8 reimburse advisory committee members for reasonable and necessary travel expenses.

9 (m) [(g)] Expiration dates for advisory committees. Unless a different expiration date is established  
10 by the board for the advisory committee, each advisory committee is abolished on the fourth anniversary  
11 of its creation by the board.

12 ~~[(a) Unless a member resigns from an advisory committee, the member continues to serve on the~~  
13 ~~committee until the member is dismissed or replaced by the board, or until the committee concludes all~~  
14 ~~business or is disbanded. The executive director may designate a division of the department to participate~~  
15 ~~with, or to provide subject matter expertise, guidance, or administrative support to the advisory~~  
16 ~~committee.]~~

17 ~~[(b) A summary of the business undertaken by each advisory committee shall be prepared and~~  
18 ~~filed with the board or the board's designee.]~~

19 ~~[(c) All summaries and other records of each advisory committee proceeding are records of the~~  
20 ~~board that may be subject to disclosure under the provisions of Government Code, Chapter 552.]~~

21 ~~[(d) The department may, if authorized by law and the executive director, reimburse advisory~~  
22 ~~committee members for reasonable and necessary travel expenses.]~~

1           ~~[(e) In developing department policies, the board shall consider the recommendations submitted~~  
2 ~~by advisory committees.]~~

3           ~~[(f) The designated division shall report to the board on actions, including any advice and~~  
4 ~~recommendations, of an advisory committee prior to board action on a pertinent issue. The chair of the~~  
5 ~~advisory committee or the chair's designee may appear before the board prior to board action on a posted~~  
6 ~~agenda item to present the committee's advice and recommendations.]~~

7

8 §206.94. Motor Vehicle Industry Regulation Advisory Committee (MVIRAC).

9           (a) The MVIRAC is created to make recommendations, as requested by the department and board,  
10 on topics related to regulation of the motor vehicle industry.

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

13           (c) The MVIRAC shall expire on July 7, 2023.

14

15 §206.95. Motor Carrier Regulation Advisory Committee (MCRAC).

16           (a) The MCRAC is created to make recommendations, as requested by the department and board,  
17 on topics related to motor carrier registration and motor carrier regulation.

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

20           (c) The MCRAC shall expire on July 7, 2023.

21

22 §206.96. Vehicle Titles and Registration Advisory Committee (VTRAC).

1           (a) The VTRAC is created to make recommendations, as requested by the department and board,  
2 on topics related to vehicle titles and registration.

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

5           (c) The VTRAC shall expire on July 7, 2023.

6

7 §206.97. Consumer Protection Advisory Committee (CPAC).

8           (a) The CPAC is created to make recommendations, as requested by the department and board,  
9 on investigation and enforcement issues, including: vehicle titles and registration fraud; lemon law; the  
10 warranty performance program; and various other topics affecting consumers.

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

13           (c) The CPAC shall expire on July 7, 2023.

14

15 §206.98. Customer Service Advisory Committee (CSAC).

16           (a) The CSAC is created to make recommendations, as requested by the department and board,  
17 on topics related to improving and enhancing customer service by the department, including, but not  
18 limited to: infrastructure; new customer service initiatives; policy and process improvements; and  
19 technology.

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

22           (c) The CSAC shall expire on July 7, 2023.

1  
2 §206.99. Use of Advisory Committees and Working Groups.  
3 In determining appropriate situations in which to utilize an advisory committee versus a working group,  
4 the department and the board shall prioritize the use of advisory committees in rulemaking on significant  
5 or controversial issues of public policy. The department may form working groups to advise department  
6 staff. A working group is not a standing committee formed to advise the board, but a group formed by  
7 department staff on an as-needed basis.  
8

9 **SUBCHAPTER E. ADVISORY COMMITTEES**

10 **43 TAC §206.94 and §206.95**

11 [~~§206.94. Household Goods Rules Advisory Committee (HGRAC).~~]

12 [~~(a) The HGRAC is created to make recommendations to the department regarding modernizing~~  
13 ~~and streamlining the rules adopted under Transportation Code, §643.153(a) and (b).~~]

14 [~~(b) The HGRAC shall comply with the requirements of §206.93 of this title (relating to Advisory~~  
15 ~~Committee Operations and Procedures).~~]

16 [~~(c) The HGRAC shall expire on August 14, 2019.~~]

17  
18 [~~§206.95. Motor Vehicle License Advisory Committee (MVLAC).~~]

19 [~~(a) The MVLAC is created to review license requirements and procedures and make~~  
20 ~~recommendations to the department regarding simplifying and modernizing the licensing process.~~]

21 [~~(b) The MVLAC shall comply with the requirements of §206.93 of this title (relating to Advisory~~  
22 ~~Committee Operations and Procedures).~~]

