

Texas Department of Motor Vehicles
Chapter 206, Management

1 Proposed Preamble

2 The Texas Department of Motor Vehicles (department) proposes
3 amendments to Chapter 206, Management, Subchapter E, Advisory
4 Committees, §206.92, Definitions; and §206.93, Advisory
5 Committee Operations and Procedures. The department also
6 proposes new §206.94, Motor Vehicle Industry Regulation Advisory
7 Committee (MVIRAC); §206.95, Motor Carrier Regulation Advisory
8 Committee (MCRAC); §206.96, Vehicle Titles and Registration
9 Advisory Committee (VTRAC); §206.97, Consumer Protection
10 Advisory Committee (CPAC); §206.98, Customer Service Advisory
11 Committee (CSAC); and §206.99, Use of Advisory Committees and
12 Working Groups. In addition, the department proposes the repeal
13 of §206.94, Household Goods Rules Advisory Committee (HGRAC);
14 and §206.95, Motor Vehicle License Advisory Committee (MVLAC).

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16 EXPLANATION OF PROPOSED AMENDMENTS, NEW SECTIONS, AND REPEALS

17 The proposed amendments to §209.92 and §206.93, and new
18 §§206.94-206.99 implement the Sunset Advisory Commission's
19 Recommendation 1.7, as stated in the Sunset Staff Report with
20 Commission Decisions, 2018-2019, 86th Legislature. Recommendation
21 1.7 directs the department to establish, at a minimum, advisory
22 committees related to motor vehicle industry regulation, motor
23 carrier industry regulation, and vehicle titles and

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1 registration. The department was further directed to adopt rules
2 regarding the purpose, structure, and use of advisory
3 committees, including a number of specific requirements; and
4 distinguish appropriate situations to use advisory committees
5 versus working groups. By establishing the proposed advisory
6 committees, the department anticipates a more structured
7 opportunity for stakeholders and the public to provide input
8 into rulemaking and policy development pertaining to significant
9 issues.

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11 The department is repealing §206.94, Household Goods Rules
12 Advisory Committee (HGRAC); and §206.95, Motor Vehicle License
13 Advisory Committee (MVLAC) because the specific work those
14 advisory committees were formed to undertake has been completed,
15 and future issues relating to household goods concerns could be
16 addressed by the Consumer Protection Advisory Committee.

17
18 The proposed amendments to §206.92, Definitions, add definitions
19 for "member" and "presiding officer."

20
21 The proposed amendments to §206.93, Advisory Committee
22 Operations and Procedures, delete most of the existing rule, and
23 substitute the provisions regarding the purpose, use, and

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1 structure of advisory committees. Specifically, the amendments
2 clarify: the procedure for board appointment of advisory
3 committees; qualifications for advisory committee members,
4 including a prohibition on board members from serving on an
5 advisory committee, although board member input shall continue
6 to be a valuable component of discussion before the board
7 ultimately votes on a proposal; composition of committees,
8 including balance between regulated industry, consumers of
9 department services, and different geographical regions of the
10 state; committee size and quorum requirements, member training
11 requirements; required acceptance of public input and
12 participation by advisory committees, required advisory
13 committee compliance with the Open Meetings Act; reporting
14 recommendations for advisory committees; required board
15 consideration of advisory committee recommendations;
16 reimbursement of advisory committee members; and expiration
17 dates for advisory committees.

18
19 Proposed new §206.94, Motor Vehicle Industry Regulation Advisory
20 Committee (MVIRAC), creates the MVIRAC to advise and make
21 recommendations to the board or the executive director, as
22 requested, on issues related to regulation of the motor vehicle
23 industry.

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2 Proposed new §206.95, Motor Carrier Regulation Advisory
3 Committee (MCRAC), creates the MCRAC to advise and make
4 recommendations to the board or the executive director, as
5 requested, on issues related to regulation of the motor carrier
6 industry.

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8 Proposed new §206.96, Vehicle Titles and Registration Advisory
9 Committee (VTRAC), creates the VTRAC to advise and make
10 recommendations to the board or the executive director, as
11 requested, on issues related to vehicle titles and registration.

12

13 Proposed new §206.97, Consumer Protection Advisory Committee
14 (CPAC), creates the CPAC to advise and make recommendations to
15 the board or the executive director, as requested, on
16 investigation and enforcement issues, including but not limited
17 to: vehicle titles and registration fraud; lemon law; the
18 warranty performance program; and various other issues affecting
19 consumers.

20

21 Proposed new §206.98, Customer Service Advisory Committee
22 (CSAC), creates the CSAC to advise and make recommendations to
23 the board or the executive director, as requested, on issues

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1 related to improving and enhancing customer service by the
2 department, including, but not limited to: infrastructure; new
3 customer service initiatives; policy and process improvements;
4 and technology.

5
6 Proposed new §206.99, Use of Advisory Committee and Work Groups,
7 provides that the board shall prioritize the use of advisory
8 committees over workgroups in rulemaking on significant or
9 controversial issues of public policy.

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11 FISCAL NOTE

12 Linda M. Flores, Chief Financial Officer, has determined that
13 for each of the first five years the amendments, new sections,
14 and repeals as proposed are in effect, there will be no fiscal
15 implications for state or local governments as a result of
16 enforcing or administering the proposed amendments, new
17 sections, and repeals.

18

19 Sarah Swanson, Interim General Counsel, has determined that
20 there will be no anticipated impact on local economies or
21 overall employment as a result of enforcing or administering the
22 proposed amendments, new sections, and repeals.

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1 PUBLIC BENEFIT AND COST

2 Ms. Swanson has also determined that for each year of the first
3 five years the amendments, new sections, and repeals are in
4 effect, the public benefit anticipated as a result of enforcing
5 or administering the amendments and new sections will be to
6 increase opportunities for stakeholders and the public to
7 provide input into rulemaking and policy development by the
8 department, and provide clear rules on the structure and
9 functioning of advisory committees. There are no anticipated
10 economic costs for persons required to comply with the proposed
11 amendments, new sections, or repeals. There will be no adverse
12 economic effect on small businesses, micro-businesses, or rural
13 communities.

14

15 TAKINGS IMPACT ASSESSMENT

16 The department has determined that this proposal affects no
17 private real property interests and that this proposal does not
18 restrict or limit an owner's right to property that would
19 otherwise exist in the absence of government action, and so does
20 not constitute a taking or require a takings impact assessment
21 under Government Code, §2007.043.

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23 GOVERNMENT GROWTH IMPACT STATEMENT

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1 The department has determined that during the first five years
2 the proposed amendments, new sections, and repeals are in
3 effect, no government program would be created or eliminated.
4 Implementation of the proposed amendments and new sections would
5 not require the creation of new employee positions or
6 elimination of existing employee positions. Implementation would
7 not require an increase or decrease in future legislative
8 appropriations to the department or an increase or decrease of
9 fees paid to the department. Additionally, the proposed
10 amendments, new sections, and repeals do not create a new
11 regulation, or expand, limit, or repeal an existing regulation.
12 The proposed amendments, new sections, and repeals do not affect
13 the number of individuals subject to the rule's applicability
14 and will not affect this state's economy.

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16 SUBMITTAL OF COMMENTS

17 Written comments on the proposed amendments, new sections, and
18 repeals may be submitted to Sarah Swanson, Interim General
19 Counsel, Texas Department of Motor Vehicles, 4000 Jackson
20 Avenue, Austin, Texas 78731 or by email to *rules@txdmv.gov*. The
21 deadline for receipt of comments is 5:00 p.m. on _____,
22 2019.

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1 STATUTORY AUTHORITY

2 The amendments, new sections, and repeals are proposed under
3 Transportation Code, §1002.001, which provides the board of the
4 Texas Department of Motor Vehicles (board) with the authority to
5 adopt rules that are necessary and appropriate to implement the
6 powers and the duties of the department; and more specifically,
7 Transportation Code, §1001.031, which provides that the board
8 shall retain or establish one or more advisory committees to
9 make recommendations the board or the executive director.

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11 CROSS REFERENCE TO STATUTE

12 Transportation Code, Chapter 1001.