



Texas Department *of* Motor Vehicles
HELPING TEXANS GO. HELPING TEXAS GROW.

Motor Vehicle Industry Regulation Advisory Committee

1:00 P.M.
Wednesday, October 8, 2025

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AGENDA
MOTOR VEHICLE INDUSTRY REGULATION ADVISORY COMMITTEE MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR CONFERENCE ROOM
AUSTIN, TEXAS 78731
OPEN MEETING VIA
TELECONFERENCE CALL
PURSUANT TO GOVERNMENT CODE §551.125
WEDNESDAY, OCTOBER 8, 2025
1:00 P.M.

THIS MEETING WILL BE HELD REMOTELY VIA TELECONFERENCE CALL

The physical location of the meeting will be the Lone Star Conference Room of Building 1, 4000 Jackson Avenue, Austin, Texas 78731, where the teleconference call will be audible to the public.

Teleconference Instructions:

Attendee Join Link (Copy and Paste **ENTIRE** Link in Browser):

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmVmYjFhYWEtMjcxZi00OGZkLTgyOTEtOTgxNWl0ZjUyNTZi%40thread.v2/0?context=%7b%22Tid%22%3a%2272719f70-3533-46b3-9456-ec1235143768%22%2c%22Oid%22%3a%222a4b4fd8-2faa-4d9b-be2d-c9bd0421169d%22%7d

Meeting ID: 225 310 923 761 5

Passcode: Jv2Ew7Vi

Dial in by phone for Public Attendees

1 737-787-8456,, 568845003# United States, Austin

[Find a local number](#)

Phone conference ID: 568 845 003#

Link to October 8, 2025, TxDMV Motor Vehicle Industry Regulation Advisory Committee Meeting Documents: <https://www.txdmv.gov/about-us/txdmv-board-meetings>

All agenda items are subject to possible discussion, questions, consideration, and action by the Motor Vehicle Industry Regulation Advisory Committee of the Texas Department of Motor Vehicles (Advisory Committee). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of consideration by the Advisory Committee. A quorum of the Board of the Texas Department of Motor Vehicles (board) may be present at this meeting for information-

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gathering purposes and discussion. However, board members will not vote on any Advisory Committee agenda items, nor will any board action be taken.

1. **Roll Call and Establishment of Quorum**
2. **Welcoming Remarks - Shelly Mellott (BRIEFING ONLY)**
3. **Purpose, General Information, and Scope of the Advisory Committee - TxDMV Office of General Counsel (BRIEFING ONLY)**

SELECTION OF PRESIDING OFFICERS

4. **Nominations and Selection of Advisory Committee Presiding Officer - TxDMV Office of General Counsel (ACTION ITEM)**
5. **Nominations and Selection of First Vice Chair to Act as the Presiding Officer When the Presiding Officer is Not Available and to Make Presentations to the Board - TxDMV Office of General Counsel (ACTION ITEM)**
6. **Nominations and Selection of Second Vice Chair to Act as the Presiding Officer When the Presiding Officer and the First Vice Chair Are Not Available and to Gather and Organize Presentations to the Board - TxDMV Office of General Counsel (ACTION ITEM)**

DRAFT RULES FOR COMMITTEE CONSIDERATION

7. **Potential Proposed Amendments to Advertising Rules, Chapter 215, Motor Vehicle Distribution, §215.244 and §215.270 - Corrie Thompson (BRIEFING AND DISCUSSION ONLY)**
8. **Recommendations of Advisory Committee for Presentation to the Board on Potential Proposed Amendments to Advertising Rules, Chapter 215, Motor Vehicle Distribution, §215.244 and §215.270 - TxDMV Office of General Counsel (DISCUSSION AND ACTION ITEM)**
9. **Public Comment**
10. **Adjournment**

The Advisory Committee will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Advisory Committee. No action will be taken on matters that are not otherwise part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Advisory Committee members may respond in accordance with Government Code Section 551.042 and consider referring the matter to the board.

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If you want to comment on any agenda item (including an open comment under the agenda item for Public Comment), you must complete a speaker's form at the registration table prior to the agenda item being taken up by the Advisory Committee or send an email to GCO_General@txdmv.gov to register by providing the required information prior to the agenda item being taken up by the Advisory Committee:

1. a completed [Public Comment Registration Form](#); or
2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name;
 - c. your address (optional), including your city, state, and zip code; and
 - d. who you are representing.

Public comment will only be accepted in person. You must wait for the presiding officer to call on you before you verbally make your comment. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker.

Agenda items may be presented by the named presenters or other Advisory Committee members.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Carrie Fortner by telephone at (512) 465-3044.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Laura Moriaty, General Counsel, (512) 465-5665.



Date: 9/30/2025

To: Motor Vehicle Industry Regulation Advisory Committee (MVIRAC)

From: Laura Moriaty, General Counsel

Subject: Potential Rulemaking to Update Advertising Rules

The Texas Department of Motor Vehicles (TxDMV or department) is requesting advice from the MVIRAC regarding potential updates to two advertising rules in 43 Tex. Admin. Code, Subchapter F.

Department staff will walk through the potential rule changes and the discussion question below to get your feedback during the discussion and briefing section of the upcoming MVIRAC meeting. MVIRAC will also have an opportunity at the meeting to vote on whether to make formal recommendations to the board.

Discussion Item and Related Question:

Potential proposed amendments to advertising rules, Chapter 215, Motor Vehicle Distribution, §215.244 and §215.270

Question:

Occupations Code, §2301.203(c) requires a license holder to be notified of an alleged advertising violation and be given an opportunity to cure the violation without further proceedings or liability.

With that provision in mind, what feedback would you have on the definitions of “cure” and “subsequent violation” in §215.244 and the enforcement provisions in §215.270 in the attached draft proposal?

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SUBCHAPTER F. ADVERTISING.

Text.

§215.244. Definitions.

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

(1) Advertisement--

(A) An oral, written, graphic, or pictorial statement or representation made in the course of soliciting business, including, but not limited to a statement or representation:

(i) made in a newspaper, magazine, or other publication;

(ii) contained in a notice, sign, poster, display, circular, pamphlet, or letter;

(iii) aired on the radio;

(iv) broadcast on the internet or television; or

(v) streamed via an online service;

(vi) displayed on an internet website; or

(vii) sent electronically.

(B) Advertisement does not include direct communication between a person or person's representative and a prospective purchaser.

(2) Advertising provision--

(A) A provision of Occupations Code, Chapter 2301, relating to the regulation of advertising; or

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(B) A rule relating to the regulation of advertising, adopted pursuant to the authority of Occupations Code, Chapter 2301.

(3) Bait advertisement--An alluring but insincere offer to sell or lease a product of which the primary purpose is to obtain a lead to a person interested in buying or leasing merchandise of the type advertised and to switch a consumer from buying or leasing the advertised product in order to sell or lease some other product at a higher price or on a basis more advantageous to the dealer.

(4) Balloon payment--Any scheduled payment made as required by a consumer credit transaction that is more than twice as large as the average of all prior scheduled payments except the down payment.

(5) Clear and conspicuous--The statement, representation, or term being disclosed is of such size, color, contrast, and audibility and is presented so as to be readily noticed and understood. All language and terms, including abbreviations, shall be used in accordance with their common or ordinary usage and meaning.

(6) Cure--after receiving a notice of an opportunity to cure letter, a license holder's agreement to not violate the advertising rule cited in the opportunity to cure letter for a two-year period, and if applicable, any action necessary to correct a consumer harm caused by the alleged advertising violation such as issuing a consumer refund.

(7) [(6)] Dealership addendum--A form that is displayed on a window of a motor vehicle when a dealership installs special features, equipment, parts, or accessories, or charges for services not already compensated by the manufacturer or distributor for work required to prepare a motor vehicle for delivery to a buyer.

(A) The purpose of the addendum is to disclose:

(i) that it is supplemental;

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(ii) any added feature, service, equipment, part, or accessory, including the retail price, charged and added by the dealership;

(iii) any additional charge to the selling price such as additional dealership markup; and

(iv) the total dealer selling price.

(B) The dealership addendum form shall not be deceptively similar in appearance to the Monroney label, as defined by paragraph (13) of this section.

(8) ~~[(7)]~~ Demonstrator--A new motor vehicle that is currently in the inventory of the automobile dealership and used primarily for test drives by customers and for other purposes designated by the dealership.

(9) ~~[(8)]~~ Disclosure--Required information that is clear, conspicuous, and accurate.

(10) ~~[(9)]~~ Distributor Suggested Retail Price (DSRP)--means the total price shown on the Monroney Label as specified by subparagraph (D) of paragraph (13) of this section.

(11) ~~[(10)]~~ Factory executive/official motor vehicle--A new motor vehicle that has been used exclusively by an executive or official of the dealer's franchising manufacturer, distributor, or their subsidiaries.

(12) ~~[(11)]~~ Limited rebate--A rebate that is not available to every consumer purchasing or leasing a motor vehicle because qualification for receipt of the rebate is conditioned or restricted in some manner. A rebate conditioned or restricted to purchasers who are residents of the contiguous United States is not a limited rebate.

(13) ~~[(12)]~~ Manufacturer's Suggested Retail Price (MSRP)--means the total price shown on the Monroney Label as specified by subparagraph (D) of paragraph (13) of this section.

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1 (14) ~~[(13)]~~ Monroney Label--The label required by the Automobile Information
2 Disclosure Act, 15 U.S.C. §§1231 - 1233, to be affixed to the windshield or side window of certain new
3 motor vehicles delivered to the dealer and that contains information about the motor vehicle, including,
4 but not limited to:

5 (A) the retail price of the motor vehicle suggested by the manufacturer or
6 distributor, as applicable;

7 (B) the retail delivered price suggested by the manufacturer or distributor, as
8 applicable, for each accessory or item of optional equipment, physically attached to the motor vehicle at
9 the time of its delivery to a dealer, which is not included within the price of the motor vehicle as stated
10 in subparagraph (A) of this paragraph;

11 (C) the amount charged, if any, to a dealer for the transportation of the motor
12 vehicle to the location at which it is delivered to the dealer; and

13 (D) the total of the amounts specified pursuant to subparagraphs (A), (B), and
14 (C) of this paragraph.

15 (15) ~~[(14)]~~ Online service--A network that connects computer users.

16 (16) ~~[(15)]~~ Rebate or cash back--A sum of money applied to the purchase or lease of a
17 motor vehicle or refunded after full payment has been rendered for the benefit of the purchaser.

18 (17) ~~[(16)]~~ Savings claim or discount--An offer to sell or lease a motor vehicle at a
19 reduced price, including, but not limited to, a manufacturer's or distributor's customer rebate, a dealer
20 discount, or a limited rebate.

21 (18) ~~[(17)]~~ Subsequent violation--A violation of an advertising rule identified in an
22 opportunity to cure letter during the cure period. ~~[Conduct that is the same or substantially the same as~~

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~~conduct the department has previously alleged in a notice of an opportunity to cure to be a violation of
an advertising provision.]~~

§215.270. Enforcement.

(a) The department may file a Notice of Department Decision against a license holder alleging a violation of an advertising provision pursuant to Occupations Code, §2301.203, provided the department can show:

(1) that the license holder who allegedly violated an advertising provision has received from the department a notice of an opportunity to cure the violation by certified mail, return receipt requested, in compliance with subsection (b) of this section; and

(2) that the license holder:
(A) did not timely respond to the notice of an opportunity to cure, or
(B) agreed to cure the violation but violated the cure agreement by failing to
correct a consumer harm or by committing a subsequent advertising violation of a rule cited in the
opportunity to cure letter. ~~[committed a subsequent violation of the same advertising provision.]~~

(b) An effective notice of an opportunity to cure issued under subsection (a)(1) of this section must:

(1) state that the department has reason to believe that the license holder violated an advertising provision and must identify the provision; and

(2) set forth the facts upon which the department bases its allegation of a violation;
and]

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1 ~~[(3) state that if the license holder commits a subsequent violation [of the same~~
2 ~~advertising provision, the department will file a Notice of Department Decision under §224.56 of this~~
3 ~~title (relating to Notice of Department Decision).]~~

4 ~~[(c) As a part of the cure procedure, the department may require a license holder who allegedly~~
5 ~~violated an advertising provision to publish a retraction notice to effect an adequate cure of the alleged~~
6 ~~violation. A retraction notice must:]~~

7 ~~[(1) appear in a newspaper of general circulation in the area in which the alleged~~
8 ~~violation occurred;]~~

9 ~~[(2) appear in the portion of the newspaper devoted to motor vehicle advertising, if~~
10 ~~any;]~~

11 ~~[(3) identify the date and the medium of publication, print, electronic, or other, in which~~
12 ~~the advertising alleged to be a violation appeared; and]~~

13 ~~[(4) identify the alleged violation of the advertising provision and contain a statement of~~
14 ~~correction.]~~

15 (c) ~~[(d)]~~ A cure is made solely for the purpose of settling an allegation and is not an admission of
16 a violation of these rules; Occupations Code, Chapter 2301; or other law.