

1 changed to delete the phrase "or from engaging in any practice regulated by the board as necessary to
2 prevent the violation." The change does not affect persons not on notice of the proposal or add additional
3 costs.

4 New §221.96(c) permits a person to whom a cease and desist order is issued to file a written
5 request for a hearing before the board not later than the 10th day after the date of receipt of the order.
6 The written request for a hearing may be filed with the department electronically, through the mail, or in
7 person. The request may be in any written form, but should state that a hearing is requested. New
8 §221.96(c) clarifies that the order is final unless a request for hearing is timely filed. New §221.96(c) is
9 necessary to provide an opportunity for hearing while balancing the need for quick resolution of the
10 hearing and the finality of the order. The 10-day deadline for request for hearing balances those needs
11 providing time to respond while providing a timeline for efficient and timely resolution.

12 **SUMMARY OF COMMENTS.** The department received no comments on the proposal.

13 **STATUTORY AUTHORITY.** The amendment is adopted under Transportation Code §1002.001 which
14 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are
15 necessary and appropriate to implement the powers and the duties of the department; and more
16 specifically, Occupations Code §2302.355 which provides the board authority to issue a cease and desist
17 order prohibiting a person not licensed under Occupations Code Chapter 2302 from violating that chapter,
18 an administrative rule, or an order adopted under that chapter.

19 **CROSS REFERENCE TO STATUTE.** Occupations Code §2302.355 and Transportation Code §1002.001.

20 **TEXT.**

21 **SUBCHAPTER E. ADMINISTRATIVE PROCEDURES**

22 **43 TAC §221.96**

23 §221.96. Cease and Desist Order.

