

1 Amendments to §206.97 extend the expiration date of CPAC by four (4) years to July 7, 2027,
2 expand the scope of CPAC to include the scope from CSAC due to the proposed repeal of §206.98, and
3 renames the combined advisory committee as CSPAC.

4 The department created the current advisory committees to implement the Sunset Advisory
5 Commission's recommendation number 1.7 from the Sunset Advisory Commission Staff Report with Final
6 Results, Texas Department of Motor Vehicles, 2018-2019, 86th Legislature. Recommendation number 1.7
7 directed the department to establish advisory committees to provide independent, external expertise for
8 rulemaking and other issues. The Sunset Advisory Commission stated that having standing advisory
9 committees would create more structure around the department's stakeholder input processes and a
10 more inclusive, independent, and transparent process for vetting issues and developing rules. The
11 department needs to extend the expiration date of its advisory committees so they are available to
12 provide input on the department's rulemaking and policy development.

13 Repeal §206.98

14 The repeal of §206.98 is necessary because the specific work that CSAC was formed to undertake
15 has been completed. Any future topics relating to improving and enhancing customer service by the
16 department, including, but not limited to the following, can be addressed by CSPAC: infrastructure; new
17 customer service initiatives; policy and process improvements; and technology. The repeal of §206.98 is
18 also necessary to combine CSAC and CPAC into one advisory committee, the CSPAC. Combining CSAC and
19 CPAC into one advisory committee will maximize the efficiencies and expertise concerning customer
20 service and consumer protection topics.

21 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer,
22 has determined that for each year of the first five years the amendments and repeal will be in effect, there
23 will be no fiscal impact to state or local governments as a result of the enforcement or administration of

1 the proposal. The department is prohibited from compensating its advisory committee members under
2 Transportation Code §643.155(b) and §1001.031(e). The department does not reimburse advisory
3 committee members for their expenses regarding their service on any advisory committees under
4 §643.155, which prohibits reimbursement for advisory committee member expenses. The department
5 does not currently reimburse advisory committee members for their expenses for their service on any
6 advisory committees under §1001.031 because the department does not currently receive appropriations
7 for the reimbursement under Government Code §2110.004. Elizabeth Brown Fore, General Counsel, has
8 determined that there will be no measurable effect on local employment or the local economy as a result
9 of the proposal.

10 **PUBLIC BENEFIT AND COST NOTE.** Anticipated Public Benefits. Ms. Fore has also determined that, for
11 each year of the first five years the amendments and repeal are in effect, the public benefits anticipated
12 as a result of enforcing or administering the proposal will be increased opportunities for stakeholders and
13 the public to provide input into rulemaking and policy development by the department.

14 Anticipated Costs to Comply with the Proposal. Ms. Fore anticipates that there will be no costs to
15 comply with the amendments and repeal because the amendments and repeal do not establish any
16 additional requirements on regulated persons. Advisory committee members serve on a voluntary basis.

17 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
18 Code §2006.002, the department has determined that the proposed amendments and repeal will not
19 have an adverse economic effect on small businesses, micro-businesses, and rural communities because
20 the amendments merely extend the advisory committee expiration dates four (4) more years. The
21 proposed amendments and repeal do not require small business, micro businesses, or rural communities
22 to comply. Therefore, the department is not required to prepare a regulatory flexibility analysis under
23 Government Code §2006.002.

1 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests
2 are affected by the proposed amendments and repeal and that this proposal does not restrict or limit an
3 owner's right to property that would otherwise exist in the absence of government action and, therefore,
4 does not constitute a taking or require a takings impact assessment under the Government Code
5 §2007.043.

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

15 **REQUEST FOR PUBLIC COMMENT.**

16 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on January 23,
17 2023. A request for a public hearing must be sent separately from your written comments. Send written
18 comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas
19 Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the
20 department will consider written comments and public testimony presented at the hearing.

21 **STATUTORY AUTHORITY.** The department proposes amendments to §§206.94 - 206.97 under
22 Transportation Code §643.155 and §1002.001.

1 Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate
2 to implement the powers and the duties of the department. Transportation Code §643.155 authorizes the
3 department to adopt rules to govern the operations of the rules advisory committee under §643.155.

4 **CROSS REFERENCE TO STATUTE.**

5 Transportation Code §643.155 and §1001.0031; and Government Code §2110.005 and §2110.008.

6

7 **TEXT.**

8

Subchapter E. Advisory Committees

9

43 TAC §§206.94 - 206.98

10 §206.94. Motor Vehicle Industry Regulation Advisory Committee (MVIRAC).

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

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

15 (c) The MVIRAC shall expire on July 7, 2027 [~~2023~~].

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17 §206.95. Motor Carrier Regulation Advisory Committee (MCRAC).

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

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

22 (c) The MCRAC shall expire on July 7, 2027 [~~2023~~].

23

1 §206.96. Vehicle Titles and Registration Advisory Committee (VTRAC).

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

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

6 (c) The VTRAC shall expire on July 7, 2027 [2023].

7

8 §206.97. Customer Service and [Consumer] Protection Advisory Committee (CSPAC) [(CPAC)].

9 (a) The CSPAC [CPAC] is created to make recommendations, as requested by the department
10 and board, on the following:

11 (1) ~~on~~ investigation and enforcement issues, including: vehicle titles and registration
12 fraud; lemon law; the warranty performance program; and various other topics affecting consumers;
13 and

14 (2) topics related to improving and enhancing customer service by the department,
15 including, but not limited to the following: infrastructure; new customer service initiatives; policy and
16 process improvements; and technology.

17 (b) The CSPAC [CPAC] shall comply with the requirements of §206.93 of this title (relating to
18 Advisory Committee Operations and Procedures).

19 (c) The CSPAC [CPAC] shall expire on July 7, 2027 [2023].

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21 [~~§206.98. Customer Service Advisory Committee (CSAC).]~~

22 [~~(a) The CSAC is created to make recommendations, as requested by the department and board, on~~
23 ~~topics related to improving and enhancing customer service by the department, including, but not~~

1 ~~limited to: infrastructure; new customer service initiatives; policy and process improvements; and~~
2 ~~technology.]~~

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

5 ~~[(c) The CSAC shall expire on July 7, 2023.]~~

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7 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be
8 within the state agency's legal authority to adopt.

9 Filed with the Office of the Secretary of State on December 8, 2022.

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/s/ Elizabeth Brown Fore _____
Elizabeth Brown Fore, General Counsel

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