

1 Another amendment to §206.93(a) corrects a grammatical error. Advisory committees are
2 required to meet and carry out their functions upon a request from the department or the board for
3 advice and recommendations on any issues. The request can be on a single issue or multiple issues.

4 An amendment to §206.93(d) removes the requirement that advisory committee members have
5 an interest or expertise in the subject area of the advisory committee. This language is redundant with
6 the statutory language that is already contained in Transportation Code, §1001.031 and is therefore
7 unnecessary.

8 An amendment to §206.93(i) removes an unnecessary hyphen to correct a grammatical error.

9 The new §206.98 is necessary to implement Transportation Code, §643.155, which requires the
10 department to appoint a rules advisory committee pertaining to motor carriers transporting household
11 goods. Section 643.155 requires a department representative to serve on the advisory committee. In
12 contrast, Transportation Code, §1001.031 does not require department representatives to serve on the
13 advisory committee that considers other consumer protection and customer service issues. Therefore,
14 dividing the advisory committees so that the committee on which department employees serve considers
15 only rules involving motor carriers transporting household goods allows the most efficient use of
16 department employees' time. It also avoids diluting the influence of perspectives from outside the
17 department on other consumer protection and customer service issues, for which statute does not require
18 the perspective of department representatives on the advisory committee. New §206.98 sets in rule the
19 purpose, tasks, reporting requirements, and expiration of the HGRAC, as is required for advisory
20 committees under Government Code, §2110.005. New §206.98 has an expiration date for the HGRAC of
21 July 7, 2027, to match the expiration date of the other department advisory committees.

22 **SUMMARY OF COMMENTS.**

23 No comments on the proposed amendments or new section were received.

1 **STATUTORY AUTHORITY.** The department adopts amendments to §206.92 and §206.93 and adopts new
2 §206.98 under Transportation Code, §643.155, which authorizes the department to adopt rules to create
3 a rules advisory committee consisting of the public, the department, and representatives of motor carriers
4 transporting household goods using small, medium, and large equipment; Transportation Code,
5 §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement
6 the powers and duties of the department under the Transportation Code and other laws of this state;
7 Government Code, §2110.005, which requires state agencies establishing advisory committees to make
8 rules stating the purpose and tasks of the committee and describing the manner in which the committee
9 will report to the agency; and Government Code, §2110.008, which allows state agencies establishing
10 advisory committees make rules designating the date an advisory committee will be abolished.

11 **CROSS REFERENCE TO STATUTE.** Transportation Code, Chapters 643 and 1001; Government Code,
12 Chapter 2110.

13 **TEXT.**

14 **SUBCHAPTER E. ADVISORY COMMITTEES**

15 **43 TAC §§206.92, 206.93, and 206.98**

16 §206.92. Definitions.

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

19 (1) Advisory Committee--Any committee created by the board to make
20 recommendations to the board or the executive director pursuant to Transportation Code, §1001.031
21 and §643.155.

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

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

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

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

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

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

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10 §206.93. Advisory Committee Operations and Procedures.

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

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 or the executive director. The executive director may
19 designate a division or divisions of the department to participate with, or to provide subject-matter
20 expertise, guidance, or administrative 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
23 shall not serve as advisory committee members.

1 (d) Composition of advisory committees. In making appointments to the advisory committees,
2 the board shall, to the extent practical, ensure representation of members from diverse geographical
3 regions of the state.

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

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

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

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

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

20 (j) Reporting recommendations. Recommendations of the advisory committee shall be reported
21 to the board at a board meeting prior to board action on issues related to the recommendations. The
22 recommendations shall be in writing and include any necessary supporting materials. The presiding
23 officer of the advisory committee or the presiding officer's designee may appear before the board to

1 present the committee's advice and recommendations. This subsection does not limit the ability of the
2 advisory committee to provide advice and recommendations to the executive director as necessary.

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

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

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

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11 §206.98. Household Goods Rules Advisory Committee (HGRAC).

12 (a) The HGRAC is created to make recommendations, as requested by the department or board,
13 to modernize and streamline 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 July 7, 2027.

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18 The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of
19 the agency's legal authority.

20 Filed with the Office of the Secretary of State on October 13, 2023.

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/s/ Laura Moriaty
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