

By: Williams

S.B. No. 1401

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the organization, governance, duties, and functions of
3 the Texas Department of Motor Vehicles.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2301.002, Occupations Code, is amended
6 by adding Subdivisions (1-a) and (14-a) and amending Subdivisions
7 (11), (16), (23), and (32) to read as follows:

8 (1-a) "Ambulance manufacturer" means a person other
9 than the manufacturer of a motor vehicle chassis who, before the
10 retail sale of the motor vehicle, performs modifications on the
11 chassis that result in the finished product being classified as an
12 ambulance.

13 (11) "Distributor" means a person, other than a
14 manufacturer, who:

15 (A) distributes or sells new motor vehicles to a
16 franchised dealer; or

17 (B) enters into franchise agreements with
18 franchised dealers, on behalf of the manufacturer.

19 (14-a) "Fire-fighting vehicle manufacturer" means a
20 person other than the manufacturer of a motor vehicle chassis who,
21 before the retail sale of the motor vehicle, performs modifications
22 on the chassis that result in the finished product being classified
23 as a fire-fighting vehicle.

24 (16) "Franchised dealer" means a person who:

1 (A) holds a franchised motor vehicle dealer's
2 license issued by the board under this chapter and Chapter 503,
3 Transportation Code; and

4 (B) is engaged in the business of buying,
5 selling, or exchanging new motor vehicles and servicing or
6 repairing motor vehicles under a manufacturer's warranty at an
7 established and permanent place of business under a franchise in
8 effect with a manufacturer or distributor.

9 (23) "Motor vehicle" means:

10 (A) a fully self-propelled vehicle having two or
11 more wheels that has as its primary purpose the transport of a
12 person or persons, or property, on a public highway;

13 (B) a fully self-propelled vehicle having two or
14 more wheels that:

15 (i) has as its primary purpose the
16 transport of a person or persons or property;

17 (ii) is not manufactured for use on public
18 streets, roads, or highways; and

19 (iii) meets the requirements for ~~[has been~~
20 ~~issued]~~ a certificate of title;

21 (C) an engine, transmission, or rear axle,
22 regardless of whether attached to a vehicle chassis, manufactured
23 for installation in a vehicle that has:

24 (i) the transport of a person or persons, or
25 property, on a public highway as its primary purpose; and

26 (ii) a gross vehicle weight rating of more
27 than 16,000 pounds; or

1 (D) a towable recreational vehicle.

2 (32) "Towable recreational vehicle" means a
3 nonmotorized vehicle that:

4 (A) was originally designed and manufactured
5 primarily to provide temporary human habitation in conjunction with
6 recreational, camping, or seasonal use;

7 (B) meets the requirements to be issued a
8 certificate of title and registration by [~~is titled and registered~~
9 ~~with~~] the department as a travel trailer through a county tax
10 assessor-collector;

11 (C) is permanently built on a single chassis;

12 (D) contains at least one life support system;
13 and

14 (E) is designed to be towable by a motor vehicle.

15 SECTION 2. Section 2301.153(a), Occupations Code, is
16 amended to read as follows:

17 (a) Notwithstanding any other provision of law, the board
18 has all powers necessary, incidental, or convenient to perform a
19 power or duty expressly granted under this chapter, including the
20 power to:

21 (1) initiate and conduct proceedings, investigations,
22 or hearings;

23 (2) administer oaths;

24 (3) receive evidence and pleadings;

25 (4) issue subpoenas to compel the attendance of any
26 person;

27 (5) order the production of any tangible property,

1 including papers, records, or other documents;

2 (6) make findings of fact on all factual issues
3 arising out of a proceeding initiated under this chapter;

4 (7) specify and govern appearance, practice, and
5 procedures before the board;

6 (8) adopt rules and issue conclusions of law and
7 decisions, including declaratory decisions or orders;

8 (9) enter into contracts;

9 (10) execute instruments;

10 (11) retain counsel;

11 (12) use the services of the attorney general and
12 institute and direct the conduct of legal proceedings in any forum;

13 (13) obtain other professional services as necessary
14 and convenient;

15 (14) impose a sanction for contempt;

16 (15) assess and collect fees and costs, including
17 attorney's fees;

18 (16) issue, suspend, or revoke licenses;

19 (17) prohibit and regulate acts and practices in
20 connection with the distribution and sale of motor vehicles or
21 warranty performance obligations;

22 (18) issue cease and desist orders in the nature of
23 temporary or permanent injunctions;

24 (19) impose a civil penalty;

25 (20) enter an order requiring a person to:

26 (A) repurchase property under Section 2301.465
27 and pay costs and expenses of a party in connection with an order

1 entered under that section [~~Section 2301.465~~];

2 (B) perform an act other than the payment of
3 money; or

4 (C) refrain from performing an act; and

5 (21) enforce a board order.

6 SECTION 3. Section 2301.154, Occupations Code, is amended
7 to read as follows:

8 Sec. 2301.154. DELEGATION OF POWERS. (a) The director may
9 delegate any of the director's powers to one or more of the
10 division's employees.

11 (b) The board by rule may delegate any power relating to a
12 contested case hearing, other than the power to issue a final order,
13 to:

14 (1) one or more of the board's members;

15 (2) the executive director;

16 (3) the director; or

17 (4) one or more of the department's employees.

18 (c) The board by rule may delegate the authority to issue a
19 final order in a contested case hearing to:

20 (1) one or more of the board's members;

21 (2) the executive director; or

22 (3) the director of a division within the department
23 designated by the board or the executive director to carry out the
24 requirements of this chapter.

25 (d) The board by rule may delegate any power relating to a
26 complaint investigation to any person employed by the department.

27 SECTION 4. Section 2301.252(b), Occupations Code, is

1 amended to read as follows:

2 (b) For purposes of this section:

3 (1) the make of a conversion[~~, ambulance, or~~
4 ~~fire-fighting vehicle~~] is that of the chassis manufacturer; [~~and~~]

5 (2) the make of a motor home is that of the motor home
6 manufacturer;

7 (3) the make of an ambulance is that of the ambulance
8 manufacturer; and

9 (4) the make of a fire-fighting vehicle is that of the
10 fire-fighting vehicle manufacturer.

11 SECTION 5. Sections 2301.257(a), (b), and (c), Occupations
12 Code, are amended to read as follows:

13 (a) An application for a dealer's license must be on a form
14 prescribed by the department [~~board~~]. The application must
15 include:

16 (1) the information required by Chapter 503,
17 Transportation Code; and

18 (2) information relating to the applicant's financial
19 resources, business integrity, business ability and experience,
20 franchise if applicable, physical facilities, vehicle inventory,
21 and other factors the department [~~board~~] considers necessary to
22 determine the applicant's qualifications to adequately serve the
23 public.

24 (b) If a material change occurs in the information included
25 in an application for a dealer's license, the dealer shall notify
26 the department [~~director~~] of the change within a reasonable
27 time. The department [~~director~~] shall prescribe a form for the

1 disclosure of the change.

2 (c) A franchised dealer must apply for a separate license
3 under this section for each separate and distinct dealership
4 showroom as determined by the department [~~board~~]. Before changing
5 a location, a dealer must obtain a new license for that location.

6 SECTION 6. Section 2301.258, Occupations Code, is amended
7 to read as follows:

8 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
9 MANUFACTURER'S, DISTRIBUTOR'S, CONVERTER'S, OR REPRESENTATIVE'S
10 LICENSE. An application for a manufacturer's, distributor's,
11 converter's, or representative's license must be on a form
12 prescribed by the department [~~board~~]. The application must include
13 information the department [~~board~~] determines necessary to fully
14 determine the qualifications of an applicant, including financial
15 resources, business integrity and experience, facilities and
16 personnel for serving franchised dealers, and other information the
17 department [~~board~~] determines pertinent to safeguard the public
18 interest and welfare.

19 SECTION 7. Section 2301.261(a), Occupations Code, is
20 amended to read as follows:

21 (a) An application for a vehicle lessor's license must:
22 (1) be on a form prescribed by the department [~~board~~];
23 (2) contain evidence of compliance with Chapter 503,
24 Transportation Code, if applicable; and
25 (3) state other information required by the department
26 [~~board~~].

27 SECTION 8. Section 2301.262(a), Occupations Code, is

1 amended to read as follows:

2 (a) An application for a vehicle lease facilitator license
3 must be on a form prescribed by the department [~~board~~] and contain
4 the information required by the department [~~board~~].

5 SECTION 9. Sections 2301.264(c) and (d), Occupations Code,
6 are amended to read as follows:

7 (c) The department [~~board~~] may prorate the fee for a
8 representative's license to allow the representative's license and
9 the license of the manufacturer or distributor who employs the
10 representative to expire on the same day.

11 (d) The department [~~board~~] may refund from funds
12 appropriated to the department [~~board~~] for that purpose a fee
13 collected under this chapter that is not due or that exceeds the
14 amount due.

15 SECTION 10. Sections 2301.301(a), (b), (c), and (e),
16 Occupations Code, are amended to read as follows:

17 (a) Licenses issued under this chapter are valid for the
18 period prescribed by the board [~~commission~~].

19 (b) The department [~~director~~] may issue a license for a term
20 of less than the period prescribed under Subsection (a) to
21 coordinate the expiration dates of licenses held by a person that is
22 required to obtain more than one license to perform activities
23 under this chapter.

24 (c) The board [~~commission~~] by rule may implement a system
25 under which licenses expire on various dates during the year. For
26 a year in which a license expiration date is changed [~~If a license~~
27 ~~is issued or renewed for a term that is less than the period set~~

1 ~~under Subsection (a)]~~, the fee for the license shall be prorated so
2 that the license holder pays only that portion of the fee that is
3 allocable to the number of months during which the license is
4 valid. On renewal of the license on the new expiration date, the
5 entire license renewal fee is payable.

6 (e) If the department [~~commission~~] prescribes the term of a
7 license under this chapter for a period other than one year, the
8 department [~~commission~~] shall prorate the applicable annual fee
9 required under this chapter as necessary to reflect the term of the
10 license.

11 SECTION 11. Section 2301.302, Occupations Code, is amended
12 to read as follows:

13 Sec. 2301.302. NOTICE OF LICENSE EXPIRATION. The
14 department [~~board~~] shall notify each person licensed under this
15 chapter of the date of license expiration and the amount of the fee
16 required for license renewal. The notice shall be sent [~~mailed~~] at
17 least 30 days before the date of license expiration.

18 SECTION 12. Section 2301.351, Occupations Code, is amended
19 to read as follows:

20 Sec. 2301.351. GENERAL PROHIBITION. A dealer may not:

21 (1) violate a board rule;
22 (2) aid or abet a person who violates this chapter,
23 Chapter 503, Transportation Code, or a rule adopted under those
24 chapters; or

25 (3) use false, deceptive, or misleading advertising
26 relating to the sale or lease of motor vehicles.

27 SECTION 13. Sections 2301.358(a) and (c), Occupations Code,

1 are amended to read as follows:

2 (a) A person who holds a license issued under this chapter
3 may not participate in a new motor vehicle show or exhibition
4 unless:

5 (1) the person provides the department [~~board~~] with
6 written notice at least 30 days before the date the show or
7 exhibition opens; and

8 (2) the department [~~board~~] grants written approval.

9 (c) This section does not prohibit the sale of a towable
10 recreational vehicle, motor home, ambulance, fire-fighting
11 vehicle, or tow truck at a show or exhibition if:

12 (1) the show or exhibition is approved by the
13 department [~~board~~]; and

14 (2) the sale is not otherwise prohibited by law.

15 SECTION 14. Section 2301.401(a), Occupations Code, is
16 amended to read as follows:

17 (a) A manufacturer or distributor shall file with the
18 department [~~board~~] a copy of the current requirements the
19 manufacturer or distributor imposes on its dealers with respect to
20 the dealer's:

21 (1) duties under the manufacturer's or distributor's
22 warranty; and

23 (2) vehicle preparation and delivery obligations.

24 SECTION 15. Section 2301.454(a), Occupations Code, is
25 amended to read as follows:

26 (a) Notwithstanding the terms of any franchise, a
27 manufacturer, distributor, or representative may not modify or

1 replace a franchise if the modification or replacement would
2 adversely affect to a substantial degree the dealer's sales,
3 investment, or obligations to provide service to the public,
4 unless:

5 (1) the manufacturer, distributor, or representative
6 provides written notice by registered or certified mail to each
7 affected dealer and the department [~~board~~] of the modification or
8 replacement; and

9 (2) if a protest is filed under this section, the board
10 approves the modification or replacement.

11 SECTION 16. Section 2301.476(c), Occupations Code, is
12 amended to read as follows:

13 (c) Except as provided by this section, a manufacturer or
14 distributor may not directly or indirectly:

15 (1) own an interest in a franchised or nonfranchised
16 dealer or dealership;

17 (2) operate or control a franchised or nonfranchised
18 dealer or dealership; or

19 (3) act in the capacity of a franchised or
20 nonfranchised dealer.

21 SECTION 17. Section 2301.601(2), Occupations Code, is
22 amended to read as follows:

23 (2) "Owner" means a person who is entitled to enforce a
24 manufacturer's warranty with respect to a motor vehicle, and who:

25 (A) purchased the [~~a~~] motor vehicle at retail
26 from a license holder [~~and is entitled to enforce a manufacturer's~~
27 ~~warranty with respect to the vehicle~~];

1 (B) is a lessor or lessee, other than a
2 sublessee, who purchased or leased the vehicle from a license
3 holder; ~~[or]~~

4 (C) is a resident of this state and has
5 registered the vehicle in this state;

6 (D) purchased or leased the vehicle at retail and
7 is an active duty member of the United States armed forces stationed
8 in this state at the time a proceeding is commenced under this
9 subchapter; or

10 (E) is:

11 (i) the transferee or assignee of a person
12 described by Paragraphs (A)-(D); ~~[Paragraph (A) or (B),]~~

13 (ii) a resident of this state; ~~[r]~~ and

14 (iii) the person who registered the vehicle
15 in this state ~~[entitled to enforce the manufacturer's warranty].~~

16 SECTION 18. Sections 2301.611(a) and (c), Occupations Code,
17 are amended to read as follows:

18 (a) The department ~~[board]~~ shall publish an annual report on
19 the motor vehicles ordered repurchased or replaced under this
20 subchapter.

21 (c) The department ~~[board]~~ shall make the report available
22 to the public and may charge a reasonable fee to cover the cost of
23 the report.

24 SECTION 19. Section 2301.613(a), Occupations Code, is
25 amended to read as follows:

26 (a) The department ~~[board]~~ shall prepare, publish, and
27 distribute information concerning an owner's rights under this

1 subchapter. The retail seller of a new motor vehicle shall
2 conspicuously post a copy of the information in the area where its
3 customers usually pay for repairs.

4 SECTION 20. Section 2301.711, Occupations Code, is amended
5 and to read as follows:

6 Sec. 2301.711. ORDERS AND DECISIONS. [~~(a)~~] An order or
7 decision of the board must:

8 (1) include a separate finding of fact with respect to
9 each specific issue the board is required by law to consider in
10 reaching a decision;

11 (2) set forth additional findings of fact and
12 conclusions of law on which the order or decision is based; [~~and~~]

13 (3) give the reasons for the particular actions taken;

14 (4) [~~-~~]

15 [~~(b) Except as provided by Subchapter M, the order or~~
16 ~~decision must:~~

17 [~~(1)~~] be signed by the presiding officer or assistant
18 presiding officer for the board;

19 (5) [~~(2)~~] be attested to by the director; and

20 (6) [~~(3)~~] have the seal affixed to it.

21 SECTION 21. Section 2301.803(c), Occupations Code, is
22 amended to read as follows:

23 (c) A person affected by a statutory stay imposed by this
24 chapter may request a hearing [~~initiate a proceeding before the~~
25 ~~board~~] to modify, vacate, or clarify the extent and application of
26 the statutory stay.

27 SECTION 22. Section 503.011, Transportation Code, is

1 amended to read as follows:

2 Sec. 503.011. PRORATING FEES. If the board [~~commission~~]
3 prescribes the term of a general distinguishing number, license, or
4 license plate under this chapter for a period other than one year,
5 the board [~~commission~~] shall prorate the applicable annual fee
6 required under this chapter as necessary to reflect the term of the
7 number, license, or license plate.

8 SECTION 23. Section 503.027(a), Transportation Code, is
9 amended to read as follows:

10 (a) If a dealer [~~person~~] consigns for sale more than five
11 vehicles in a calendar year from a location other than the location
12 for which the dealer [~~person~~] holds a [~~wholesale motor vehicle~~
13 ~~auction general distinguishing number or a dealer~~] general
14 distinguishing number, the dealer must also hold [~~location to which~~
15 ~~the person consigns the vehicles must have~~] a general
16 distinguishing number for the consignment [~~that~~] location unless
17 the consignment location is a wholesale motor vehicle auction.

18 SECTION 24. Section 503.033(g), Transportation Code, is
19 amended to read as follows:

20 (g) This section does not apply to a person licensed as a
21 franchised motor vehicle dealer by the department [~~department's~~
22 ~~Motor Vehicle Board~~].

23 SECTION 25. Section 503.039, Transportation Code, is
24 amended to read as follows:

25 Sec. 503.039. PUBLIC MOTOR VEHICLE AUCTIONS. (a) A motor
26 vehicle may not be the subject of a subsequent sale at a public [~~an~~]
27 auction by a holder of a dealer's general distinguishing number

1 unless[+]

2 ~~[(1)]~~ equitable or legal title has passed ~~[passes]~~ to
3 the selling dealer ~~[holder of a dealer's general distinguishing~~
4 ~~number]~~ before the ~~[a]~~ transfer of title to the subsequent buyer.

5 (b) The ~~[+ and~~

6 ~~[(2) the]~~ holder of a dealer's general distinguishing
7 number who sells a motor vehicle at a public auction must transfer
8 ~~[transfers]~~ the certificate of title for that vehicle to the buyer
9 before the 21st day after the date of the sale.

10 SECTION 26. Section 1001.001, Transportation Code, is
11 amended by adding Subdivision (3) to read as follows:

12 (3) "Executive director" means the executive director
13 of the department.

14 SECTION 27. Section 1001.004, Transportation Code, is
15 amended to read as follows:

16 Sec. 1001.004. DIVISIONS. The executive director ~~[board]~~
17 shall organize the department into divisions to accomplish the
18 department's functions and the duties assigned to the department
19 ~~[it, including divisions for:~~

20 ~~[(1) administration,~~

21 ~~[(2) motor carriers,~~

22 ~~[(3) motor vehicle board, and~~

23 ~~[(4) vehicle titles and registration].~~

24 SECTION 28. Subchapter A, Chapter 1001, Transportation
25 Code, is amended by adding Sections 1001.007, 1001.008, 1001.009,
26 1001.010, and 1001.011 to read as follows:

27 Sec. 1001.007. PROTECTION AND USE OF INTELLECTUAL PROPERTY

1 AND PUBLICATIONS. (a) The department may:

2 (1) apply for, register, secure, hold, and protect
3 under the laws of the United States, any state, or any nation a
4 patent, copyright, mark, or other evidence of protection or
5 exclusivity issued in or for an idea, publication, or other
6 original innovation fixed in a tangible medium, including:

7 (A) a literary work;

8 (B) a logo;

9 (C) a service mark;

10 (D) a study;

11 (E) a map or planning document;

12 (F) a graphic design;

13 (G) a manual;

14 (H) automated systems software;

15 (I) an audiovisual work; or

16 (J) a sound recording;

17 (2) enter into an exclusive or nonexclusive license
18 agreement with a third party for the receipt of a fee, royalty, or
19 other thing of monetary or nonmonetary value for the benefit of the
20 department;

21 (3) waive or reduce the amount of a fee, royalty, or
22 other thing of monetary or nonmonetary value to be assessed if the
23 department determines that the waiver will:

24 (A) further the goals and missions of the
25 department; and

26 (B) result in a net benefit to the state; and

27 (4) adopt and enforce rules necessary to implement

1 this section.

2 (b) Money collected by the department under this section
3 shall be deposited to the credit of the state highway fund for use
4 by the department in supporting the department's operations and the
5 administration of the department's functions.

6 Sec. 1001.008. DONATIONS AND CONTRIBUTIONS. (a) Except as
7 provided by Subsection (b), for the purpose of carrying out its
8 functions and duties, the board may accept a donation or
9 contribution in any form, including real or personal property,
10 money, materials, or services.

11 (b) The board may not accept a donation or contribution from
12 an entity or association of entities that it regulates.

13 (c) The board by rule may delegate acceptance of donations
14 or contributions under \$500, or not otherwise required to be
15 acknowledged in an open meeting, to the executive director.

16 Sec. 1001.009. COLLECTION OF FEES FOR DEPARTMENT GOODS AND
17 SERVICES. (a) The board may adopt rules regarding the method of
18 collection of a fee for any goods sold or services provided by the
19 department or for the administration of any department program.

20 (b) Goods sold and services provided under Subsection (a)
21 include department publications and the issuance of licenses,
22 permits, and registrations.

23 (c) The rules adopted under Subsection (a) may:

24 (1) authorize the use of electronic funds transfer or
25 a valid debit or credit card issued by a financial institution
26 chartered by a state, the United States, or a nationally recognized
27 credit organization approved by the department; and

1 (2) require the payment of a discount or service
2 charge for a credit card payment in addition to the fee.

3 (d) Revenue generated from the collection of discount or
4 service charges under Subsection (c) shall be deposited to the
5 credit of the state highway fund for use by the department in
6 supporting the department's operations and the administration of
7 the department's functions.

8 (e) The requirements of Subchapters I-K, Chapter 2054,
9 Government Code, and Sections 2054.111 and 2054.113, Government
10 Code, do not apply to the department.

11 Sec. 1001.010. AUTHORITY TO CONTRACT. (a) The department
12 may enter into an interlocal contract with one or more local
13 governments in accordance with Chapter 791, Government Code.

14 (b) The board by rule shall adopt policies and procedures
15 consistent with applicable state procurement practices for
16 soliciting and awarding a contract under this section.

17 Sec. 1001.011. EDUCATIONAL CAMPAIGNS AND TRAINING. The
18 department may conduct public service educational campaigns
19 related to its functions.

20 SECTION 29. Subchapter B, Chapter 1001, Transportation
21 Code, is amended by adding Section 1001.0221 to read as follows:

22 Sec. 1001.0221. BOARD; DUTIES. (a) The board shall oversee
23 and coordinate the development of the Texas Department of Motor
24 Vehicles and shall ensure that all components of the motor vehicle
25 industry function as a system.

26 (b) The board shall carry out its policy-making functions in
27 a manner that protects the interests of the public and industry,

1 maintains a safe and sound motor vehicle industry, and increases
2 the economic prosperity of the state.

3 SECTION 30. Section 1001.023, Transportation Code, is
4 amended to read as follows:

5 Sec. 1001.023. CHAIR AND VICE CHAIR; DUTIES. (a) The
6 governor shall appoint one of the board's members chair of the
7 board. The chair serves at the pleasure of the governor. The board
8 shall elect one of its members vice chair of the board. The [A
9 ~~chair or~~] vice chair serves at the pleasure of the board.

10 (b) The chair shall:

11 (1) preside over board meetings, make rulings on
12 motions and points of order, and determine the order of business;

13 (2) represent the department in dealing with the
14 governor;

15 (3) report to the governor on the state of affairs of
16 the department at least quarterly;

17 (4) report to the board the governor's suggestions for
18 department operations;

19 (5) report to the governor on efforts, including
20 legislative requirements, to maximize the efficiency of department
21 operations through the use of private enterprise;

22 (6) periodically review the department's
23 organizational structure and submit recommendations for structural
24 changes to the governor, the board, and the Legislative Budget
25 Board;

26 (7) designate one or more employees of the department
27 as a civil rights division of the department and receive regular

1 reports from the division on the department's efforts to comply
2 with civil rights legislation and administrative rules;

3 (8) create subcommittees, appoint board members to
4 subcommittees, and receive the reports of subcommittees to the
5 board as a whole;

6 (9) appoint a member of the board to act in the
7 ~~[chair's]~~ absence of the chair and vice chair; and

8 (10) serve as the departmental liaison with the
9 governor and the Office of State-Federal Relations to maximize
10 federal funding for transportation.

11 SECTION 31. Section 1001.031, Transportation Code, is
12 amended by amending Subsection (a) and adding Subsections (a-1) and
13 (f) to read as follows:

14 (a) The board may ~~[shall]~~ establish ~~[separate]~~ advisory
15 committees ~~[for the motor carrier, motor vehicles, and vehicle~~
16 ~~titles and registration divisions]~~ to make recommendations to the
17 board or the executive director ~~[on the operation of the applicable~~
18 ~~division]~~. A committee has the purposes, powers, and duties,
19 including the manner of reporting its work, prescribed by the
20 board. A committee and each committee member serves at the will of
21 the board.

22 (a-1) Section 2110.002, Government Code, does not apply to
23 an advisory committee established under this section.

24 (f) The meetings of an advisory committee shall be made
25 accessible to the public in person or through electronic means.

26 SECTION 32. Subchapter C, Chapter 1001, Transportation
27 Code, is amended by adding Section 1001.0411 to read as follows:

1 Sec. 1001.0411. EXECUTIVE DIRECTOR; DUTIES. (a) The board
2 shall appoint an executive director to serve at the pleasure of the
3 board. The executive director shall perform all duties assigned by
4 the board.

5 (b) The executive director may delegate duties or
6 responsibilities as the executive director considers appropriate,
7 provided the delegation does not conflict with applicable law or a
8 resolution of the board.

9 SECTION 33. Chapter 1001, Transportation Code, is amended
10 by adding Subchapter D to read as follows:

11 SUBCHAPTER D. ELECTRONIC ISSUANCE OF LICENSES

12 Sec. 1001.101. DEFINITIONS. In this subchapter:

13 (1) "Digital signature" means an electronic
14 identifier intended by the person using it to have the same force
15 and effect as the use of a manual signature.

16 (2) "License" includes:

17 (A) a motor carrier registration issued under
18 Chapter 643;

19 (B) a motor vehicle dealer, salvage dealer,
20 manufacturer, distributor, representative, converter, or agent
21 license issued by the department;

22 (C) specially designated or specialized license
23 plates issued under Chapter 504; and

24 (D) an apportioned registration issued according
25 to the International Registration Plan under Section 502.054.

26 Sec. 1001.102. APPLICATION FOR AND ISSUANCE OF LICENSE.

27 The board by rule may provide for the filing of a license

1 application and the issuance of a license by electronic means.

2 Sec. 1001.103. DIGITAL SIGNATURE. (a) A license
3 application received by the department is considered signed if a
4 digital signature is transmitted with the application and intended
5 by the applicant to authenticate the license in accordance with
6 Subsection (b).

7 (b) The department may only accept a digital signature used
8 to authenticate a license application under procedures that:

9 (1) comply with any applicable rules of another state
10 agency having jurisdiction over department use or acceptance of a
11 digital signature; and

12 (2) provide for consideration of factors that may
13 affect a digital signature's reliability, including whether a
14 digital signature is:

15 (A) unique to the person using it;

16 (B) capable of independent verification;

17 (C) under the sole control of the person using
18 it; and

19 (D) transmitted in a manner that makes it
20 infeasible to change the data in the communication or digital
21 signature without invalidating the digital signature.

22 SECTION 34. Chapter 1003, Transportation Code, is amended
23 by adding Section 1003.005 to read as follows:

24 Sec. 1003.005. DELEGATION OF POWER. (a) The board by rule
25 may delegate any power relating to a contested case hearing, other
26 than the power to issue a final order, to:

27 (1) one or more of the board's members;

- 1 (2) the executive director;
- 2 (3) the director of a division of the department; or
- 3 (4) one or more of the department's employees.

4 (b) The board by rule may delegate the authority to issue a
5 final order in a contested case hearing to:

- 6 (1) one or more of the board's members;
- 7 (2) the executive director; or
- 8 (3) the director of a division within the department

9 designated by the board or the executive director to carry out the
10 requirements of this chapter.

11 (c) The board by rule may delegate any power relating to a
12 complaint investigation to any person employed by the department.

13 SECTION 35. Section 264.502(b), Family Code, is amended to
14 read as follows:

15 (b) The members of the committee who serve under Subsections
16 (a)(1) through (3) shall select the following additional committee
17 members:

- 18 (1) a criminal prosecutor involved in prosecuting
- 19 crimes against children;
- 20 (2) a sheriff;
- 21 (3) a justice of the peace;
- 22 (4) a medical examiner;
- 23 (5) a police chief;
- 24 (6) a pediatrician experienced in diagnosing and
- 25 treating child abuse and neglect;
- 26 (7) a child educator;
- 27 (8) a child mental health provider;

- 1 (9) a public health professional;
2 (10) a child protective services specialist;
3 (11) a sudden infant death syndrome family service
4 provider;
5 (12) a neonatologist;
6 (13) a child advocate;
7 (14) a chief juvenile probation officer;
8 (15) a child abuse prevention specialist;
9 (16) a representative of the Department of Public
10 Safety; and
11 (17) a representative of the Texas Department of
12 Transportation [~~Motor Vehicles~~].

13 SECTION 36. Section 2054.111, Government Code, is amended
14 by adding Subsection (h) to read as follows:

15 (h) This section does not apply to the Texas Department of
16 Motor Vehicles.

17 SECTION 37. Section 2054.113(a), Government Code, is
18 amended to read as follows:

19 (a) This section does not apply to:

20 (1) a state agency that is a university system or
21 institution of higher education as defined by Section 61.003,
22 Education Code; or

23 (2) the Texas Department of Motor Vehicles.

24 SECTION 38. Section 2110.002, Government Code, is amended
25 by adding Subsection (c) to read as follows:

26 (c) This section does not apply to an advisory committee
27 established by the Texas Department of Motor Vehicles.

1 SECTION 39. (a) The following provisions are repealed:

2 (1) Section 2054.270, Government Code;

3 (2) Sections 2301.105, 2301.106, and 2301.206,
4 Occupations Code; and

5 (3) Sections 503.033(c), 1001.031(c) and (d), and
6 1004.003, Transportation Code.

7 (b) Section 6.03(c), Chapter 933 (H.B. 3097), Acts of the
8 81st Legislature, Regular Session, 2009, is repealed.

9 SECTION 40. This Act takes effect September 1, 2011.