

By: Menéndez
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S.B. No. 2062

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Motor Fuel Metering and
Quality Advisory Board.

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

SECTION 1. Chapter 2310, Occupations Code, is amended by
adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. ADVISORY BOARD

Sec. 2310.031. DEFINITIONS. In this subchapter:

(1) "Board" means the Motor Fuel Metering and Quality
Advisory Board.

(2) "Distributor," "supplier," and "wholesaler" have
the meanings assigned by Section 2310.2001.

Sec. 2310.032. BOARD MEMBERSHIP. (a) The board consists
of nine members appointed by the presiding officer of the
commission, with the approval of the commission, as follows:

(1) four members who are dealers or representatives
designated by the dealers, including:

(A) one dealer that has fewer than 501 motor fuel
metering devices registered with the department;

(B) one dealer that has more than 1,000 but fewer
than 5,000 motor fuel metering devices registered with the
department;

(C) one dealer that has more than 5,000 motor
fuel metering devices registered with the department; and

1 (D) one dealer without regard to the dealer's
2 number of motor fuel metering devices registered with the
3 department;

4 (2) two members who represent service companies, as
5 defined by Section 2310.151;

6 (3) one member who represents a wholesaler or
7 distributor;

8 (4) one member who represents a supplier; and

9 (5) one member of the public.

10 (b) The presiding officer of the commission, with the
11 approval of the commission, shall appoint two ex officio nonvoting
12 members of the board. An ex officio member is not counted as a
13 member for purposes of establishing a quorum. The ex officio
14 members must include:

15 (1) one member who represents:

16 (A) a financial institution, as defined by
17 Section 277.001, Finance Code; or

18 (B) a credit card issuer other than a financial
19 institution; and

20 (2) one member who represents a law enforcement
21 agency.

22 (c) Appointments to the board shall be made without regard
23 to the race, color, disability, sex, religion, age, or national
24 origin of the appointees.

25 Sec. 2310.033. TERMS; VACANCY. (a) Members of the board
26 serve staggered six-year terms, with the terms of three or four
27 members expiring on February 1 of each odd-numbered year.

1 (b) If a vacancy occurs during a member's term, the
2 presiding officer of the commission, with the commission's
3 approval, shall appoint a replacement to fill the unexpired term.

4 Sec. 2310.034. PRESIDING OFFICER. The presiding officer of
5 the commission, with the approval of the commission, shall appoint
6 one of the board members to serve as presiding officer of the board
7 for a term of one year.

8 Sec. 2310.035. DUTIES. The board may advise the commission
9 and department on:

10 (1) the adoption of appropriate standards for the
11 installation, maintenance, calibration, alteration, operation,
12 testing, or inspection, as applicable, of:

13 (A) motor fuel dispensing devices;

14 (B) motor fuel metering devices; and

15 (C) motor fuel;

16 (2) education and curricula for applicants for a
17 license issued under this chapter and license holders;

18 (3) the content of examinations;

19 (4) proposed rules and standards on technical issues
20 related to motor fuel metering and quality and payment card
21 skimmers; and

22 (5) other issues affecting motor fuel metering and
23 quality.

24 Sec. 2310.036. MEETINGS. The advisory board shall meet at
25 the call of the executive director or the presiding officer of the
26 commission.

27 SECTION 2. (a) Not later than February 1, 2022, the

1 presiding officer of the Texas Commission of Licensing and
2 Regulation shall appoint members to the Motor Fuel Metering and
3 Quality Advisory Board in accordance with Section 2310.032,
4 Occupations Code, as added by this Act.

5 (b) Notwithstanding Section 2310.033, Occupations Code, as
6 added by this Act, in making the initial appointments to the Motor
7 Fuel Metering and Quality Advisory Board, the presiding officer of
8 the Texas Commission of Licensing and Regulation shall designate
9 three members of the advisory board to serve terms expiring
10 February 1, 2023, four members to serve terms expiring February 1,
11 2025, and four members to serve terms expiring February 1, 2027.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.