

SUBJECT: Mission and duties of the Texas Motor Vehicle Board

COMMITTEE: Transportation — committee substitute recommended

VOTE: 8 ayes — Alexander, Siebert, Finnell, Hartnett, Hawley, Hill, Pickett, Uher
0 nays
1 absent — Edwards

WITNESSES: For — Gene Fondren, Texas Auto Dealers Association; Leigh Nichols, American Automobile Manufacturers Association
Against — None
On — Brett Bray and Bill Burnett, Texas Department of Transportation

BACKGROUND : The Texas Motor Vehicle Board, a part of the Texas Department of Transportation (TxDOT), regulates and licenses motor vehicle dealers, manufacturers, and distributors.

DIGEST: CSHB 1595 would amend the Texas Motor Vehicle Commission Code to establish that the Motor Vehicle Board is an independent entity, rather than an advisory body, within TxDOT possessing regulatory and policymaking authority. The bill would make the TxDOT executive director an ex-officio member of the board without voting privileges. Provisions of the code that pertained to board members would not apply to the executive director.

CSHB 1595 would require that the board, in coordination with TxDOT, develop and implement policies to clearly delineate policymaking responsibilities of the board and management responsibilities of the department. TxDOT, with board agreement, could provide personnel and other services to the board to carry out its duties. The board could delegate responsibilities to personnel as needed.

CSHB 1595 also would amend statutory provisions relating to board hearings. It would require that the board give a separate finding of fact for each specific issue it considered in issuing an order or decision.

The bill would include within the code definitions of nonfranchised dealers and franchised dealers, and make other technical and conforming changes to the code.

CSHB 1595 would take immediate effect if finally approved by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

CSHB 1595 would clean up the Texas Motor Vehicle Commission Code by updating references to other statutes and reflecting the current agency structure. The bill also would clarify the relationship between TxDOT and the Texas Motor Vehicle Board and clearly define the duties and responsibilities of each in order to ensure efficient operations. This would track standard provisions recommended by the Sunset Advisory Commission whenever a state agency houses an independent entity. It is unnecessary, however, to include standard sunset language on employment and public access, since TxDOT already has in place policies and implementing guidelines for these areas.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute made the executive director of TxDOT an ex-officio member of the board, required the board and the department to develop policies on their respective duties, and deleted provisions for career ladder programs, performance evaluations, public information, and equal opportunity plans.