

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of Title 16, Part 6, Chapter 101, Practice and Procedure; Chapter 103, General Rules; Chapter 105, Advertising Rules; Chapter 107, Warranty Performance Obligations; Chapter 109, Lessors and Lease Facilitators; and Chapter 111, General Distinguishing Numbers.

The commission further finds it necessary to propose new Chapter 8, relating to motor vehicle distribution, including Subchapter A, §§8.1-8.6, General Provisions; Subchapter B, Adjudicative Practice and Procedure, §§8.21-8.58; Subchapter C, Licenses, Generally, §§8.81-8.87; Subchapter D, Franchised Dealers, Manufacturers, Distributors and Converters, §§8.101-8.113; Subchapter E, General Distinguishing Numbers, §§8.131-8.148; Subchapter F, Lessors and Lease Facilitators, §§8.171-8.181; Subchapter G, Warranty Performance Obligations, §§8.201-8.210; and Subchapter H, Advertising, §§8.241-8.271, to be codified under Title 43, Texas Administrative Code, Part 1.

The preambles and the proposed repeals and new sections, attached to this minute order as Exhibits A - N, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the repeals and new sections are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Brett Bray
Director, Motor Vehicle Division

Recommended by:

M. W. Behrens
Executive Director

110229 SEP 29 05

Minute Date
Number Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes the
3 repeal of Title 16, Part 6, Chapter 101, which consists of
4 §§101.1-101.16, concerning general rules, §§101.22-101.28,
5 concerning rulemaking proceedings and hearings, and §§101.41-
6 101.67, concerning adjudicative proceedings and hearings.

7
8 EXPLANATION OF PROPOSED REPEALS

9 House Bill 2702, 79th Legislature, Regular Session, 2005,
10 dissolved the Motor Vehicle Board (board) and transferred its
11 rulemaking responsibilities to the Texas Transportation
12 Commission (commission). Therefore it is necessary to propose
13 the repeal of Title 16, Part 6 and simultaneously propose new
14 sections under Title 43 to reflect the new delegation of duties
15 and to transfer the rules to the appropriate title. Some
16 sections will not be reenacted because they are specific to
17 board operations and are no longer necessary.

18
19 Subchapter A of Chapter 101, consisting of §§101.1-101.16, are
20 the General Rules of Practice and Procedure relating to
21 submissions to and practice before the director of the Motor
22 Vehicle Division. These sections will be reenacted in Title 43,
23 Chapter 8.

24
25 Subchapter B of Chapter 101, consisting of §§101.22-101.25 and

1 §101.27 and §101.28, relate to rulemaking by the board.
2 Sections 101.22-101.25 and §101.27 are unnecessary and will not
3 be reenacted. Section 101.28 will be reenacted in Chapter 8 of
4 Title 43.

5
6 Subchapter C of Chapter 101, consisting of §§101.41-101.67,
7 relate to Adjudicative Proceedings and Hearings before the
8 director of the Motor Vehicle Division. All sections except for
9 §101.63, Filing of Documents for Consideration by Board, will be
10 reenacted in Chapter 8 of Title 43. Section 101.63 imposed
11 deadlines for submission of documents that no longer apply,
12 inasmuch as contested cases are no longer considered at
13 regularly scheduled board meetings.

14

15 FISCAL NOTE

16 James Bass, Chief Financial Officer, has determined that for
17 each of the first five years the repeals as proposed are in
18 effect, there will be no fiscal implications for state or local
19 governments as a result of enforcing or administering the
20 amendments. There are no anticipated economic costs for persons
21 required to comply with the sections as proposed.

22

23 Brett Bray, Director, Motor Vehicle Division, has certified that
24 there will be no significant impact on local economies or
25 overall employment as a result of enforcing or administering the

1 repeals.

2

3 PUBLIC BENEFIT

4 Mr. Bray has also determined that for each year of the first
5 five years the sections are in effect, the public benefit
6 anticipated as a result of enforcing or administering the
7 repeals will be implementation of HB 2702 and a clearer
8 understanding by the public and motor vehicle distribution
9 industry of the location of rules relating to the Motor Vehicle
10 Division of the department. There will be no adverse economic
11 effect on small businesses.

12

13 PUBLIC HEARING

14 The department will hold public hearings on the proposed
15 repeals. A separate notice lists the date, times, and locations
16 of the hearings.

17

18 SUBMITTAL OF COMMENTS

19 Written comments on the proposed repeals may be submitted to
20 Brett Bray, Director, Motor Vehicle Division, Texas Department
21 of Transportation, P. O. Box 2293, Austin, Texas 78768-2293.
22 The deadline for receipt of comments is 5:00 p.m. on December
23 13, 2005.

24

1 STATUTORY AUTHORITY

2 The repeals are proposed under Transportation Code, §201.101,
3 which provides the commission with the authority to establish
4 rules for the conduct of the work of the department, and more
5 specifically, Occupations Code, §§2301.005(e) and 2301.155,
6 which provides the commission with the authority to adopt rules
7 to administer Occupations Code, Chapter 2301.

8

9 CROSS REFERENCE TO STATUTE

10 Occupations Code, §2301.002 and §2301.005.