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## **CHAPTER 1001. ORGANIZATION OF DEPARTMENT**

### **SUBCHAPTER A. GENERAL PROVISIONS**

#### **Section 1001.001. Definitions**

In this subtitle:

(1) "Board" means the board of the department.

(2) "Department" means the Texas Department of Motor Vehicles.

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

#### **Section 1001.002. Creation of Department; Duties**

(a) The department is created as an agency of this state.

(b) In addition to the other duties required of the Texas Department of Motor Vehicles, the department shall administer and enforce:

(1) Subtitle A;

(2) Chapters 621, 622, 623, 642, 643, 645, 646, and 648; and

(3) Chapters 2301 and 2302, Occupations Code.

**Section 1001.003. Composition of Department**

The department is composed of an executive director appointed by the board and other employees required to efficiently implement:

- (1) this subtitle;
- (2) other applicable vehicle laws of this state; and
- (3) other laws that grant jurisdiction to or are applicable to the department.

**Section 1001.004. Divisions**

The executive director shall organize the department into divisions to accomplish the department's functions and the duties assigned to the department.

**Section 1001.005. Sunset Provision**

The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2019.

**Section 1001.006. Defense by Attorney General**

The attorney general shall defend an action brought against the board or the department or an action brought against an employee of the department as a result of the employee's official act or omission, regardless of whether at the time of the institution of the action that person has terminated service with the department.

**Section 1001.007. Protection and Use of Intellectual Property and Publications**

(a) The department may:

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

- (A) a literary work;
- (B) a logo;
- (C) a service mark;
- (D) a study;
- (E) a map or planning document;
- (F) a graphic design;
- (G) a manual;
- (H) automated systems software;

(I) an audiovisual work; or

(J) a sound recording;

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

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

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

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

(4) adopt and enforce rules necessary to implement this section.

(b) Money collected by the department under this section shall be deposited to the credit of the Texas Department of Motor Vehicles fund for use by the department in supporting the department's operations and the administration of the department's functions.

#### **Section 1001.008. Donations and Contributions**

(a) Except as provided by Subsection (b), for the purpose of carrying out its functions and duties, the board may accept a donation or contribution in any form, including real or personal property, money, materials, or services.

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

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

#### **Section 1001.009. Collection of Fees for Department Goods and Services**

(a) The board may adopt rules regarding the method of collection of a fee for any goods sold or services provided by the department or for the administration of any department program.

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

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

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

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

(3) require an overpayment of a motor vehicle or salvage dealer license fee of:

(A) less than \$ 10 to be credited toward a future fee requirement; and

(B) more than \$ 10 to be refunded.

(d) Revenue generated from the collection of discount or service charges under Subsection (c) shall be deposited to the credit of the Texas Department of Motor Vehicles fund for use by the department in supporting the department's operations and the administration of the department's functions.

**Section 1001.010. Authority to Contract**

(a) The department may enter into an interlocal contract with one or more local governments in accordance with Chapter 791, Government Code.

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

**Section 1001.011. Educational Campaigns and Training**

The department may conduct public service educational campaigns related to its functions.

**Section 1001.012. Immunity from Liability**

(a) Notwithstanding any other law, the executive director, a board member, or an employee is not personally liable for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance.

(b) To the extent a person described by Subsection (a) is personally liable for damages for which the state provides indemnity under Chapter 104, Civil Practice and Remedies Code, this section does not affect the state's liability for the indemnity.

**Section 1001.013. Performance of Certain Department Functions by Authorized Business**

(a) The executive director of the department may authorize a business entity to perform a department function in accordance with rules adopted under Subsection (b).

(b) The board by rule shall prescribe:

- (1) the classification types of businesses that are authorized to perform certain department functions;
- (2) the duties and obligations of an authorized business;
- (3) the type and amount of any bonds that may be required for a business to perform certain functions; and
- (4) the fees that may be charged or retained by a business authorized under this section.

**Section 1001.014. Advertising Inside Certain Department Facilities**

The department may enter into an agreement with a public or private entity for a digital message display system to promote department information or news items of general interest in a publicly accessible area of a facility operated by the department. For the purpose of funding the system, a portion of the information displayed on the system may consist of digital advertisements. The department may review and has the right to reject any proposed advertising to be displayed on a system.

**SUBCHAPTER B.**  
**BOARD OF DEPARTMENT OF MOTOR VEHICLES**

**Section 1001.021. Board**

(a) The board consists of nine members appointed by the governor with the advice and consent of the senate.

(b) Three members must be persons who hold a dealer's license issued under Chapter 2301, Occupations Code, of whom two must be franchised dealers of different classes and one must be an independent dealer; one member must be a representative of a manufacturer or distributor that holds a license issued under Chapter 2301, Occupations Code; one member must be a tax assessor-collector; one member must be a representative of a law enforcement agency of a county or municipality; and one member must be a representative of the motor carrier industry. The remaining members must be public members.

(c) Except as necessary to comply with Subsection (b), a person is not eligible for appointment as a member of the board if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the department;

(2) directly or indirectly owns or controls more than 10 percent interest in a business entity or other organization that is regulated by or receives funds from the department;

(3) uses or receives a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses; or

(4) is registered, certified, or licensed by the department.

(d) A person required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department may not serve as a member of the board.

(e) Appointments to the board shall be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees and shall reflect the diversity of the population of the state as a whole.

**Section 1001.022. Terms**

Members of the board serve staggered six-year terms, with the terms of either one or two members expiring February 1 of each odd-numbered year.

**Section 1001.0221. Board; Duties**

(a) The board shall oversee and coordinate the development of the department and shall ensure that all components of the motor vehicle industry function as a system.

(b) The board shall carry out its policy-making functions in a manner that protects the interests of the public and industry, maintains a safe and sound motor vehicle industry, and increases the economic prosperity of the state.

### **Section 1001.023. Chair and Vice Chair; Duties**

(a) The governor shall appoint one of the board's members chair of the board. The chair serves at the pleasure of the governor. The board shall elect one of its members vice chair of the board. The vice chair serves at the pleasure of the board.

(b) The chair shall:

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

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

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

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

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

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

(7) designate at least one employee of the department as a civil rights officer of the department and receive regular reports from the officer or officers on the department's efforts to comply with civil rights legislation and administrative rules;

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

(9) appoint a member of the board to act in the absence of the chair and vice chair; and

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

### **Section 1001.024. Board Meetings**

The board shall hold regular meetings at least quarterly and special meetings at the call of the chair. Board members shall attend the meetings of the board. The chair shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each board member at least seven days before the meeting.

### **Section 1001.025. Recommendations to Legislature**

(a) The board shall consider ways in which the department's operations may be improved and may periodically report to the legislature concerning potential statutory changes that would improve the operation of the department.

(b) On behalf of the board, the chair shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of relevant

legislative committees on legislative recommendations adopted by the board and relating to the operation of the department.

### **Section 1001.026. Compensation**

A member of the board is entitled to compensation as provided by the General Appropriations Act. If compensation for board members is not provided by that Act, each member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the board.

### **Section 1001.027. Grounds for Removal**

- (a) It is a ground for removal from the board if a board member:
- (1) does not have at the time of appointment or maintain during service on the board the qualifications required by Section 1001.021;
  - (2) violates a prohibition provided by Section 1001.021;
  - (3) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or
  - (4) is absent from more than half of the regularly scheduled board meetings that the board member is eligible to attend during a calendar year, unless the absence is excused by majority vote of the board.
- (b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.
- (c) If the executive director of the department knows that a potential ground for removal exists, the director shall notify the chair of the board of the ground, and the chair shall notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal relates to the chair, the director shall notify another board member, who shall notify the governor and the attorney general that a potential ground for removal exists.

### **Section 1001.028. Conflict of Interest**

- (a) A member of the board shall disclose in writing to the executive director if the member has an interest in a matter before the board or has a substantial financial interest in an entity that has a direct interest in the matter.
- (b) The member shall recuse himself or herself from the board's deliberations and actions on the matter in Subsection (a) and may not participate in the board's decision on the matter.
- (c) A person has a substantial financial interest in an entity if the person:
- (1) is an employee, member, director, or officer of the entity; or
  - (2) owns or controls, directly or indirectly, more than a five percent interest in the entity.



### **Section 1001.029. Information on Qualifications and Conduct**

The department shall provide to the members of the board, as often as necessary, information concerning the members' qualifications for office and their responsibilities under applicable laws relating to standards of conduct for state officers.

### **Section 1001.030. Training on Department and Certain Laws Relating to Department**

(a) To be eligible to take office as a member of the board, a person appointed to the board must complete at least one course of a training program that complies with this section.

(b) The training program must provide information to the person regarding:

- (1) this subchapter;
- (2) the programs operated by the department;
- (3) the role and functions of the department;
- (4) the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the department;
- (6) the results of the most recent formal audit of the department;
- (7) the requirements of the:
  - (A) open meetings law, Chapter 551, Government Code;
  - (B) open records law, Chapter 552, Government Code; and
  - (C) administrative procedure law, Chapter 2001, Government Code;
- (8) the requirements of the conflict of interest laws and other laws relating to public officials; and
- (9) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the board.

### **Section 1001.031. Advisory Committees**

(a) The board shall retain or establish one or more advisory committees to make recommendations to the board or the executive director. A committee has the purposes, powers, and duties, including the manner of reporting its work, prescribed by the board. A committee and each committee member serves at the will of the board.

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

(b) The board shall appoint persons to each advisory committee who:

- (1) are selected from a list provided by the executive director; and

(2) have knowledge about and interests in, and represent a broad range of viewpoints about, the work of the committee or applicable division.

(c), (d) *Repealed by Acts 2011, 82<sup>nd</sup> Leg., ch. 1290, § 44(a)(3), effective September 1, 2011.*

(e) A member of an advisory committee may not be compensated by the board or the department for committee service.

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

## **SUBCHAPTER C. PERSONNEL**

### **Section 1001.041. Department Personnel**

(a) Subject to the General Appropriations Act or other law, the executive director shall appoint deputies, assistants, and other personnel as necessary to carry out the powers and duties of the department under this code, other applicable vehicle laws of this state, and other laws granting jurisdiction or applicable to the department.

(b) A person appointed under this section must have the professional and administrative experience necessary to qualify the person for the position to which the person is appointed.

### **Section 1001.0411. Executive Director; Duties**

(a) The board shall appoint an executive director to serve at the pleasure of the board. The executive director shall perform all duties assigned by the board.

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

### **Section 1001.042. Division of Responsibilities**

The board shall develop and implement policies that clearly define the respective responsibilities of the executive director and the staff of the department.

### **Section 1001.043. Equal Employment Opportunity Policy; Report**

(a) The executive director or the director's designee shall prepare and maintain a written policy statement to ensure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with Chapter 21, Labor Code;

- (2) a comprehensive analysis of the department workforce that meets federal and state guidelines;
  - (3) procedures by which a determination can be made of significant underuse in the department workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and
  - (4) reasonable methods to appropriately address those areas of significant underuse.
- (b) A policy statement prepared under this section must:
- (1) cover an annual period;
  - (2) be updated annually;
  - (3) be reviewed by the civil rights division of the Texas Workforce Commission for compliance with Subsection (a); and
  - (4) be filed with the governor.
- (c) The governor shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports made to the legislature.

#### **Section 1001.044. Qualifications and Standards of Conduct**

The executive director shall provide to department employees, as often as necessary, information regarding their:

- (1) qualification for office or employment under this subtitle; and
- (2) responsibilities under applicable laws relating to standards of conduct for state employees.

#### **Section 1001.045. Career Ladder Program; Performance Evaluations**

(a) The executive director or the director's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of all nonentry level positions concurrently with any public posting.

(b) The executive director or the director's designee shall develop a system of annual performance evaluations. All merit pay for department employees must be based on the system established under this subsection.

### **SUBCHAPTER D. ELECTRONIC ISSUANCE OF LICENSES**

#### **Section 1001.101. Definitions**

In this subchapter:

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

(2) "License" includes:

- (A) a motor carrier registration issued under Chapter 643;
- (B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;
- (C) specially designated or specialized license plates issued under Chapter 504; and
- (D) an apportioned registration issued according to the International Registration Plan under Section 502.091.

### **Section 1001.102. Application for and Issuance of License**

The board by rule may provide for the filing of a license application and the issuance of a license by electronic means.

### **Section 1001.103. Digital Signature**

(a) A license application received by the department is considered signed if a digital signature is transmitted with the application and intended by the applicant to authenticate the license in accordance with Subsection (b).

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

- (1) comply with any applicable rules of another state agency having jurisdiction over department use or acceptance of a digital signature; and
- (2) provide for consideration of factors that may affect a digital signature's reliability, including whether a digital signature is:
  - (A) unique to the person using it;
  - (B) capable of independent verification;
  - (C) under the sole control of the person using it; and
  - (D) transmitted in a manner that makes it infeasible to change the data in the communication or digital signature without invalidating the digital signature.

## **SUBCHAPTER E.**

### **TEXAS DEPARTMENT OF MOTOR VEHICLES FUND**

#### **Section 1001.151. Texas Department of Motor Vehicles Fund**

(a) The Texas Department of Motor Vehicles fund is a special fund in the treasury outside the general revenue fund and the state highway fund.

(b) Except as provided by Subsection (c), and unless otherwise dedicated by the Texas Constitution, the fund consists of:

- (1) money appropriated by the legislature to the department;

- (2) money allocated to pay fund accounting costs and related liabilities of the fund;
- (3) gifts, grants, and donations received by the department;
- (4) money required by law to be deposited to the fund;
- (5) interest earned on money in the fund; and
- (6) other revenue received by the department.

(c) Money appropriated to the department for Automobile Burglary and Theft Prevention Authority purposes and other revenue collected or received by the Automobile Burglary and Theft Prevention Authority may not be deposited into the fund.

#### **Section 1001.152. Use of Money in Fund**

Money that is required to be deposited in the state treasury to the credit of the Texas Department of Motor Vehicles fund may be used by the department only:

- (1) to support the department's operations and the administration and enforcement of the department's functions; or
- (2) to pay the accounting costs and related liabilities for the fund, including fringe benefits, workers' compensation, and unemployment compensation.

#### **Section 1001.153. Applicability of Other Law**

Subchapter D, Chapter 316, Government Code, and Section 403.095, Government Code, do not apply to the fund created under Section 1001.151.

### **CHAPTER 1002. RULES**

#### **Section 1002.001. General Rulemaking Authority**

The board may adopt any rules necessary and appropriate to implement the powers and duties of the department under this code and other laws of this state.

#### **Section 1002.002. Rules Restricting Advertising or Competitive Bidding**

The board may not adopt rules restricting advertising or competitive bidding by a person regulated by the department except to prohibit false, misleading, or deceptive practices by the person.

### **CHAPTER 1003. DEPARTMENT PROCEDURES**

#### **Section 1003.001. Applicability of Certain Laws**

Except as specifically provided by law, the department is subject to Chapters 2001 and 2002, Government Code.

### **Section 1003.002. Summary Procedures for Routine Matters**

- (a) The board or the department by rule may:
  - (1) create a summary procedure for routine matters; and
  - (2) designate department activities that otherwise would be subject to Chapter 2001, Government Code, as routine matters to be handled under the summary procedure.
- (b) An activity may be designated as a routine matter only if the activity is:
  - (1) voluminous;
  - (2) repetitive;
  - (3) believed to be noncontroversial; and
  - (4) of limited interest to anyone other than persons immediately involved in or affected by the proposed department action.
- (c) The rules may establish procedures different from those contained in Chapter 2001, Government Code. The procedures must require, for each party directly involved, notice of a proposed negative action not later than the fifth day before the date the action is proposed to be taken.
- (d) A rule adopted by the board under this section may provide for the delegation of authority to take action on a routine matter to a salaried employee of the department designated by the board.

### **Section 1003.003. Review of Action on Routine Matter**

- (a) A person directly or indirectly affected by an action of the board or the department on a routine matter taken under the summary procedure adopted under Section 1003.002 is entitled to a review of the action under Chapter 2001, Government Code.
- (b) The person must apply to the board not later than the 60th day after the date of the action to be entitled to the review.
- (c) The timely filing of the application for review immediately stays the action pending a hearing on the merits.
- (d) The board may adopt rules relating to an application for review under this section and consideration of the application.

### **Section 1003.004. Informal Disposition of Certain Contested Cases**

The board or the department, as applicable, may, on written agreement or stipulation of each party and any intervenor, informally dispose of a contested case in accordance with Section 2001.056, Government Code, notwithstanding any provision of this code or other law that requires a hearing before the board or the department, as applicable.

**Section 1003.005. Delegation of Power**

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

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

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

- (1) one or more of the board's members;
- (2) the executive director; or
- (3) the director of a division within the department designated by the board or the executive director to carry out the requirements of this chapter.

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

**CHAPTER 1004. PUBLIC ACCESS**

**Section 1004.001. Access to Programs and Facilities**

(a) The department shall prepare and maintain a written plan that describes how a person who does not speak English may be provided reasonable access to the department's programs.

(b) The department shall comply with federal and state laws for program and facility accessibility.

**Section 1004.002. Public Comment**

The board and the department shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board or the department and to speak on any issue under the jurisdiction of the board or the department.

**CHAPTER 1005. STANDARDS OF CONDUCT**

**Section 1005.001. Application of Law Relating to Ethical Conduct**

The board, the executive director, and each employee or agent of the department is subject to the code of ethics and the standard of conduct imposed by Chapter 572, Government Code, and any other law regulating the ethical conduct of state officers and employees.