

1-1 By: Goldman (Senate Sponsor - Alvarado) H.B. No. 3408
1-2 (In the Senate - Received from the House May 3, 2021;
1-3 May 12, 2021, read first time and referred to Committee on Business
1-4 & Commerce; May 21, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3408 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the regulation of motor fuel metering devices and motor
1-22 fuel quality.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 2310.001(a), Occupations Code, is
1-25 amended by amending Subdivisions (1), (3), (6), (7), and (8) and
1-26 adding Subdivisions (1-a), (4-a), (5-a), (9-a), and (9-b) to read
1-27 as follows:

1-28 (1) "Automotive fuel rating" has the meaning assigned
1-29 by 15 U.S.C. Section 2821.

1-30 (1-a) "Commercial [~~weighing or~~] measuring device"
1-31 means a [~~weighing or~~] measuring device used in a commercial
1-32 transaction.

1-33 (3) "Dealer" means a person who[+]
1-34 [~~(A)~~] is the operator of a [~~service station or~~
1-35 ~~other~~] retail motor fuel facility [~~outlet, and~~
1-36 [~~(B) delivers motor fuel into the fuel tanks of~~
1-37 ~~motor vehicles or motor boats~~].

1-38 (4-a) "Distributor" means a person who makes retail or
1-39 wholesale sales of motor fuel.

1-40 (5-a) "Measuring device" means a mechanical or
1-41 electronic device used to:

1-42 (A) dispense or deliver a motor fuel by volume,
1-43 flow rate, or other measure; or

1-44 (B) compute the charge for a service related to
1-45 motor fuel.

1-46 (6) "Motor fuel" means gasoline, diesel fuel, gasoline
1-47 blended fuel, aviation gasoline, aviation jet fuel, compressed
1-48 natural gas, liquefied natural gas, and other products that are
1-49 capable of use as fuel for a gasoline-powered engine or a
1-50 diesel-powered engine [~~has the meaning assigned by Section 162.001,~~
1-51 Tax Code].

1-52 (7) "Motor fuel metering device" means a commercial
1-53 [~~weighing or~~] measuring device used for motor fuel sales.

1-54 (8) "Operator" or "user" means a person in possession
1-55 or control of a [~~weighing or~~] measuring device, including an owner,
1-56 custodian, or seller.

1-57 (9-a) "Supplier" has the meaning assigned by Section
1-58 162.001, Tax Code.

1-59 (9-b) "Wholesaler" means a person who purchases
1-60 tax-paid motor fuel for resale or distribution at wholesale.

2-1 SECTION 2. Section 2310.002(c), Occupations Code, is
 2-2 amended to read as follows:

2-3 (c) The department may contract with one or more license
 2-4 holders under Subchapter D [~~of this chapter or Subchapter I,~~
 2-5 ~~Chapter 13, Agriculture Code,~~] to perform the department's duties
 2-6 under this chapter related to motor fuel metering devices. A
 2-7 reference in this chapter to the commission or department in the
 2-8 context of a contracted service means the contractor.

2-9 SECTION 3. Chapter 2310, Occupations Code, is amended by
 2-10 adding Subchapter A-1 to read as follows:

2-11 SUBCHAPTER A-1. ADVISORY BOARD

2-12 Sec. 2310.031. DEFINITION. In this subchapter, "board"
 2-13 means the Motor Fuel Metering and Quality Advisory Board.

2-14 Sec. 2310.032. BOARD MEMBERSHIP. (a) The board consists of
 2-15 nine members appointed by the presiding officer of the commission,
 2-16 with the approval of the commission, as follows:

2-17 (1) four members who are dealers or representatives
 2-18 designated by the dealers, including:

2-19 (A) one dealer that has fewer than 501 motor fuel
 2-20 metering devices registered with the department;

2-21 (B) one dealer that has more than 1,000 but fewer
 2-22 than 5,000 motor fuel metering devices registered with the
 2-23 department;

2-24 (C) one dealer that has more than 5,000 motor
 2-25 fuel metering devices registered with the department; and

2-26 (D) one dealer without regard to the dealer's
 2-27 number of motor fuel metering devices registered with the
 2-28 department;

2-29 (2) two members who represent service companies, as
 2-30 defined by Section 2310.151;

2-31 (3) one member who represents a wholesaler or
 2-32 distributor;

2-33 (4) one member who represents a supplier; and

2-34 (5) one member of the public.

2-35 (b) The presiding officer of the commission, with the
 2-36 approval of the commission, shall appoint two ex officio nonvoting
 2-37 members of the board. An ex officio member is not counted as a
 2-38 member for purposes of establishing a quorum. The ex officio
 2-39 members must include:

2-40 (1) one member who represents:

2-41 (A) a financial institution, as defined by
 2-42 Section 277.001, Finance Code; or

2-43 (B) a credit card issuer other than a financial
 2-44 institution; and

2-45 (2) one member who represents a law enforcement
 2-46 agency.

2-47 (c) Appointments to the board shall be made without regard
 2-48 to the race, color, disability, sex, religion, age, or national
 2-49 origin of the appointees.

2-50 Sec. 2310.033. TERMS; VACANCY. (a) Members of the board
 2-51 serve staggered six-year terms, with the terms of three or four
 2-52 members expiring on February 1 of each odd-numbered year.

2-53 (b) If a vacancy occurs during a member's term, the
 2-54 presiding officer of the commission, with the commission's
 2-55 approval, shall appoint a replacement to fill the unexpired term.

2-56 Sec. 2310.034. PRESIDING OFFICER. The presiding officer of
 2-57 the commission, with the approval of the commission, shall appoint
 2-58 one of the board members to serve as presiding officer of the board
 2-59 for a term of one year.

2-60 Sec. 2310.035. DUTIES. The board may advise the commission
 2-61 and department on:

2-62 (1) the adoption of appropriate standards for the
 2-63 installation, maintenance, calibration, alteration, operation,
 2-64 testing, or inspection, as applicable, of:

2-65 (A) motor fuel dispensing devices;

2-66 (B) motor fuel metering devices; and

2-67 (C) motor fuel;

2-68 (2) education and curricula for applicants for a
 2-69 license issued under this chapter and license holders;

3-1 (3) the content of examinations;
3-2 (4) proposed rules and standards on technical issues
3-3 related to motor fuel metering and quality and payment card
3-4 skimmers; and
3-5 (5) other issues affecting motor fuel metering and
3-6 quality.

3-7 Sec. 2310.036. MEETINGS. The advisory board shall meet at
3-8 the call of the executive director or the presiding officer of the
3-9 commission.

3-10 SECTION 4. The heading to Subchapter B, Chapter 2310,
3-11 Occupations Code, is amended to read as follows:

3-12 SUBCHAPTER B. STANDARD ~~[WEIGHTS AND]~~ MEASURES FOR MOTOR FUEL

3-13 SECTION 5. Sections 2310.051(a), (c), and (d), Occupations
3-14 Code, are amended to read as follows:

3-15 (a) The legal standard for the ~~[weight or]~~ measure of a
3-16 motor fuel in this state is the standard ~~[weight or]~~ measure adopted
3-17 and used by the government of the United States for that motor fuel.
3-18 If the United States does not provide a standard ~~[weight or]~~ measure
3-19 for a motor fuel, the standard for the motor fuel is that
3-20 established by this subchapter.

3-21 (c) Except as otherwise provided by an express contract, a
3-22 contract for work or sales by ~~[weight or]~~ measure of a motor fuel
3-23 shall be construed in accordance with the standards of this
3-24 subchapter.

3-25 (d) The standards of this subchapter shall be the guide for
3-26 making any adjustment of ~~[weighing or]~~ measuring devices under the
3-27 law of this state.

3-28 SECTION 6. Section 2310.053, Occupations Code, is amended
3-29 by adding Subsection (c) to read as follows:

3-30 (c) Notwithstanding Section 2310.002, this chapter does not
3-31 apply to a weighing or measuring device, as defined by Section
3-32 13.001, Agriculture Code, that measures liquefied petroleum gas.

3-33 SECTION 7. Section 2310.054, Occupations Code, is amended
3-34 to read as follows:

3-35 Sec. 2310.054. SALE OF MOTOR FUEL BY PROPER MEASURE. (a)
3-36 Except as otherwise provided by this section, motor fuel shall be
3-37 sold by liquid measure.

3-38 (b) Compressed natural gas and liquefied natural gas shall
3-39 be sold by gallon equivalent ~~[weight]~~.

3-40 (c) A person violates this chapter if ~~[, in violation of this~~
3-41 ~~section,~~ the person sells motor fuel in a manner ~~[by]~~ other than
3-42 the manner required by this section ~~[weight or liquid measure]~~.

3-43 SECTION 8. Section 2310.056, Occupations Code, is amended
3-44 to read as follows:

3-45 Sec. 2310.056. FALSE REPRESENTATION OF MOTOR FUEL QUANTITY.
3-46 A person violates this chapter if the person or the person's
3-47 representative or agent:

3-48 (1) sells or offers or exposes for sale a quantity of
3-49 motor fuel that is less than the quantity the person represents; or

3-50 (2) as a buyer furnishing the ~~[weight or]~~ measure of a
3-51 motor fuel by which the amount of the motor fuel is determined,
3-52 takes or attempts to take more than the quantity the person
3-53 represents.

3-54 SECTION 9. Section 2310.057, Occupations Code, is amended
3-55 to read as follows:

3-56 Sec. 2310.057. USE OF INCORRECT MOTOR FUEL METERING DEVICE.

3-57 (a) A person commits an offense if the person or the person's
3-58 representative or agent knowingly uses an incorrect ~~[weighing or]~~
3-59 measuring device in:

3-60 (1) buying or selling motor fuel;

3-61 (2) computing a charge for services rendered on the
3-62 basis of ~~[weight or]~~ measure; or

3-63 (3) determining the ~~[weight or]~~ measure of motor fuel,
3-64 if a charge is made for the determination.

3-65 (b) For the purpose of this section, a ~~[weighing or]~~
3-66 measuring device is incorrect if it:

3-67 (1) does not conform as closely as practicable to the
3-68 official standards;

3-69 (2) is not accurate;

4-1 (3) is of a construction that is not reasonably
 4-2 permanent in adjustment or does not correctly repeat its
 4-3 indications;

4-4 (4) facilitates the perpetration of fraud; or

4-5 (5) does not conform to the specifications and
 4-6 tolerances under Section 2310.107.

4-7 SECTION 10. Sections 2310.059(a) and (c), Occupations Code,
 4-8 are amended to read as follows:

4-9 (a) The department shall from time to time [~~weigh or~~]
 4-10 measure an amount of motor fuel that is kept or offered for sale,
 4-11 sold, or in the process of delivery, in order to determine:

4-12 (1) if the motor fuel is of the amount or quantity
 4-13 represented; or

4-14 (2) if the motor fuel is being offered for sale or sold
 4-15 in accordance with law.

4-16 (c) A person commits an offense if the person or the
 4-17 person's employee or agent refuses to exhibit motor fuel being sold
 4-18 or offered for sale at a given [~~weight or~~] quantity, or ordinarily
 4-19 sold in that manner, to the department for testing and proving as to
 4-20 quantity.

4-21 SECTION 11. Sections 2310.060(a) and (b), Occupations Code,
 4-22 are amended to read as follows:

4-23 (a) If the department has reason to believe that motor fuel
 4-24 is being sold or kept, offered, or exposed for sale in violation of
 4-25 this chapter or that motor fuel is being sold or offered for sale by
 4-26 or through the use of a motor fuel metering device that is in
 4-27 violation of this chapter, the executive director may issue an
 4-28 order to stop the sale of the motor fuel. The executive director
 4-29 shall issue the order to the dealer or operator of the retail motor
 4-30 fuel facility selling [~~owner or custodian of~~] the motor fuel or
 4-31 offering the motor fuel for sale [~~or seller of the motor fuel~~]. The
 4-32 person receiving the order may not sell the motor fuel until
 4-33 discharged by a court under Subsection (b) or until the executive
 4-34 director finds that the motor fuel or motor fuel metering device is
 4-35 in compliance with this chapter.

4-36 (b) A dealer or operator [~~The owner, custodian, or seller of~~
 4-37 ~~motor fuel~~] prohibited from selling motor fuel [~~sale~~] by an order of
 4-38 the executive director is entitled to sue in a court where the motor
 4-39 fuel is found or is being sold or offered for sale for a judgment as
 4-40 to the justification of the order and for the discharge of the motor
 4-41 fuel in accordance with the findings of the court.

4-42 SECTION 12. Section 2310.061(b), Occupations Code, is
 4-43 amended to read as follows:

4-44 (b) It is a defense to prosecution or to the imposition of a
 4-45 civil or administrative penalty for a violation of Section 2310.057
 4-46 or 2310.059 that a discrepancy between the actual [~~weight or~~]
 4-47 volume at the time of sale to a consumer or a discrepancy between
 4-48 the fill of a container and the capacity of the container is due to
 4-49 unavoidable leakage, shrinkage, evaporation, waste, or causes
 4-50 beyond the control of the seller acting in good faith.

4-51 SECTION 13. Section 2310.101(a), Occupations Code, is
 4-52 amended to read as follows:

4-53 (a) If the department has reason to believe that a motor
 4-54 fuel metering device is being used for a commercial transaction and
 4-55 the device is not registered with the department or is being used to
 4-56 facilitate the perpetration of fraud, the department may inspect
 4-57 the device and the records [~~of the owner, operator, or user of the~~
 4-58 ~~device~~] that relate to use of the device to determine whether the
 4-59 device is in compliance with this chapter.

4-60 SECTION 14. Sections 2310.106(b), (c), (f), and (g),
 4-61 Occupations Code, are amended to read as follows:

4-62 (b) The commission may adopt rules to regulate the frequency
 4-63 and place of inspection and correction of the standards for motor
 4-64 fuel used by an individual or business licensed by the department to
 4-65 perform device maintenance activities under Subchapter D [~~or an~~
 4-66 ~~individual or business licensed under Subchapter I, Chapter 13,~~
 4-67 ~~Agriculture Code~~].

4-68 (c) The department may inspect any standard for motor fuel
 4-69 used by an individual or business licensed by the department to

5-1 perform device maintenance activities described by Subchapter D [~~or~~
 5-2 ~~an individual or business licensed under Subchapter I, Chapter 13,~~
 5-3 ~~Agriculture Code~~], if the department has reason to believe a
 5-4 standard is no longer in compliance with this chapter.

5-5 (f) The state metrology laboratory, or a metrology
 5-6 laboratory certified by the National Institute of Standards and
 5-7 Technology and approved by the department, shall inspect and
 5-8 correct the standards for motor fuel used by the [a] department or
 5-9 [~~inspector, another department employee,~~] an individual or
 5-10 business licensed by the department to perform device maintenance
 5-11 activities under Subchapter D [~~or an individual or business~~
 5-12 ~~licensed under Subchapter I, Chapter 13, Agriculture Code~~].

5-13 (g) The department and the state metrology laboratory may
 5-14 [~~shall~~] enter into a memorandum of understanding to implement this
 5-15 section. The memorandum of understanding must provide department
 5-16 personnel and persons licensed under Subchapter D with access to
 5-17 state metrology laboratory services equal to the access provided to
 5-18 Department of Agriculture personnel and persons licensed under
 5-19 Subchapter I, Chapter 13, Agriculture Code, and under equivalent
 5-20 terms and conditions.

5-21 SECTION 15. Section 2310.110(b), Occupations Code, is
 5-22 amended to read as follows:

5-23 (b) A person commits an offense if the person or the
 5-24 person's representative or agent knowingly:

5-25 (1) offers or exposes for sale, hire, or award or sells
 5-26 an incorrect motor fuel metering device;

5-27 (2) possesses an incorrect motor fuel metering device;
 5-28 or

5-29 (3) sells, offers for sale, uses, or possesses for the
 5-30 purpose of sale or use a device or instrument to be used to falsify
 5-31 or intended to falsify a [~~weight or~~] measure for motor fuel.

5-32 SECTION 16. Section 2310.154(a), Occupations Code, is
 5-33 amended to read as follows:

5-34 (a) A person is not required to hold a license issued under
 5-35 this subchapter if the person:

5-36 (1) is a department employee who is performing device
 5-37 maintenance activities in the scope of the person's duties for the
 5-38 department;

5-39 (2) is the owner or operator of a motor fuel metering
 5-40 device or an employee of the owner or operator of a motor fuel
 5-41 metering device and the person:

5-42 (A) completely removes the motor fuel metering
 5-43 device from the location at which the device was installed,
 5-44 including a device subject to an out-of-order tag, stop-sale order,
 5-45 security seal, lock, condemnation notice, or other item placed on
 5-46 the device by the department to prohibit use of the device; and

5-47 (B) notifies the department of the motor fuel
 5-48 metering device's removal not later than the 10th day after the date
 5-49 the device was removed in the manner provided by commission rule; or

5-50 (3) performs device maintenance activities only on a
 5-51 motor fuel metering device that is:

5-52 (A) exempt from the inspection and registration
 5-53 requirements of Sections 2310.102 and 2310.103 under commission
 5-54 rules; and

5-55 (B) not required to be inspected by other
 5-56 commission rules [~~or~~

5-57 [~~(4) is a license holder under Subchapter I, Chapter~~
 5-58 ~~13, Agriculture Code~~].

5-59 SECTION 17. Section 2310.2012(a), Occupations Code, is
 5-60 amended to read as follows:

5-61 (a) Except as provided by Subsection (b), a distributor,
 5-62 supplier, or wholesaler [~~or jobber~~] of motor fuel may not deliver
 5-63 to an outlet in this state a motor fuel mixture that contains
 5-64 ethanol or methanol exceeding one percent by volume of the mixture
 5-65 unless, at the time of the delivery of the mixture, the person also
 5-66 delivers to the outlet receiving the delivery a manifest, bill of
 5-67 sale, bill of lading, or other document evidencing delivery of the
 5-68 mixture, that includes a statement containing:

5-69 (1) the percentage of ethanol or methanol contained in

6-1 the mixture; and

6-2 (2) the types and percentages of any associated
6-3 cosolvents contained in the mixture.

6-4 SECTION 18. Sections 2310.2013(b), (c), and (d),
6-5 Occupations Code, are amended to read as follows:

6-6 (b) Each distributor, supplier, and wholesaler [~~and~~
6-7 ~~jobber~~] of motor fuel shall keep a copy of each document required to
6-8 be delivered to the dealer by Section 2310.2012 until the fourth
6-9 anniversary of the delivery date.

6-10 (c) The department or an authorized representative of the
6-11 department may inspect documents described by this section. On
6-12 written notice issued by the department or an authorized
6-13 representative of the department to any employee at a dealer's
6-14 [~~station or~~] retail motor fuel facility [~~outlet~~] or mailed to the
6-15 principal place of business of a dealer, distributor, supplier, or
6-16 wholesaler, [~~or jobber~~], the dealer, distributor, supplier, or
6-17 wholesaler [~~or jobber~~] shall provide the department or authorized
6-18 representative of the department with the documents described by
6-19 this section within the period specified in the notice.

6-20 (d) The commission by rule may:

6-21 (1) require each dealer, distributor, supplier, and
6-22 wholesaler [~~and jobber~~] to maintain and make available to the
6-23 department:

6-24 (A) invoices, receipts, or other transmittal
6-25 documents or records, including electronically stored information,
6-26 showing or describing the purchase, sale, delivery, or distribution
6-27 of motor fuel;

6-28 (B) invoices, receipts, work orders, reports, or
6-29 other documents, including electronically stored information,
6-30 showing or describing the installation, maintenance, or repair of:

6-31 (i) motor fuel dispensing devices; and

6-32 (ii) any equipment used in connection with
6-33 motor fuel dispensing devices to record, display, or produce
6-34 receipts or audit trails concerning the purchase, sale, delivery,
6-35 or distribution of motor fuel; and

6-36 (C) any record or other document related to the
6-37 sampling and testing of motor fuel purchased, sold, delivered, or
6-38 distributed by the dealer, distributor, supplier, or wholesaler [~~or~~
6-39 ~~jobber~~]; and

6-40 (2) prescribe:

6-41 (A) the manner of filing documents or records
6-42 required to be kept under this section or by commission rule; and

6-43 (B) the time, place, and manner of inspection of
6-44 the documents or records.

6-45 SECTION 19. Sections 2310.2014(b) and (c), Occupations
6-46 Code, are amended to read as follows:

6-47 (b) Each distributor, [~~or~~] supplier, or wholesaler shall
6-48 keep for at least one year at the distributor's, [~~or~~] supplier's, or
6-49 wholesaler's principal place of business a copy of each delivery
6-50 ticket or letter of certification required to be delivered by the
6-51 distributor, [~~or~~] supplier, or wholesaler to a dealer in this state
6-52 under 16 C.F.R. Part 306.

6-53 (c) The department or an authorized representative of the
6-54 department may inspect a document required to be kept under this
6-55 section. On written notice issued by the department or an
6-56 authorized representative of the department to any employee at a
6-57 dealer's [~~station or~~] retail motor fuel facility [~~outlet~~] or mailed
6-58 to the dealer's principal place of business, the dealer shall
6-59 provide the department or authorized representative of the
6-60 department with the documents described by this section within the
6-61 period specified in the notice.

6-62 SECTION 20. Section 2310.2015(b), Occupations Code, is
6-63 amended to read as follows:

6-64 (b) A distributor, wholesaler, or supplier of motor fuel may
6-65 not deliver or transfer to a dealer in this state motor fuel that
6-66 has an automotive fuel rating lower than the certification of the
6-67 rating the distributor, wholesaler, or supplier is required to make
6-68 to the dealer under federal law.

6-69 SECTION 21. Sections 2310.203(a), (c), and (d), Occupations

7-1 Code, are amended to read as follows:

7-2 (a) The department or an authorized [a] representative of
 7-3 the department may collect samples and conduct testing at any
 7-4 location where motor fuel is kept, transferred, sold, or offered
 7-5 for sale to verify that the motor fuel complies with the minimum
 7-6 standards required by Section 2310.202. A person who holds a
 7-7 license issued under Subchapter D is considered an authorized
 7-8 representative of the department for purposes of this section.

7-9 (c) On arriving at a facility to conduct testing under
 7-10 Subsection (a), the department or an authorized [a] representative
 7-11 of the department shall notify the owner or manager of the facility
 7-12 of the department's or representative's presence and purpose. The
 7-13 department or representative shall follow the most recent
 7-14 applicable procedures specified by the American Society for Testing
 7-15 and Materials (ASTM) International Standard D4057, D4177, D5842, or
 7-16 D5854 for the collection, sampling, and handling of fuel to prepare
 7-17 for laboratory analysis.

7-18 (d) A person commits an offense if the person refuses to
 7-19 allow the [a] department or an authorized representative of the
 7-20 department to collect samples or conduct motor fuel testing under
 7-21 Subsection (a).

7-22 SECTION 22. Sections 2310.207(a) and (b), Occupations Code,
 7-23 are amended to read as follows:

7-24 (a) If a dealer or a distributor, supplier, or wholesaler[
 7-25 ~~or jobber~~] of motor fuel violates Section 2310.201, 2310.2012,
 7-26 2310.2013, 2310.2014, or 2310.2015, a person [motor fuel user] who
 7-27 purchased the motor fuel and sustained damages or who has a
 7-28 complaint about the product may bring an action against the dealer,
 7-29 distributor, supplier, or wholesaler[~~, or jobber~~].

7-30 (b) The action may be brought, without regard to the
 7-31 specific amount of damages, in the district court in any county in
 7-32 which:

- 7-33 (1) the dealer, distributor, supplier, or
- 7-34 wholesaler[~~, or jobber~~] transacts business; or
- 7-35 (2) the dealer resides.

7-36 SECTION 23. Section 2310.208, Occupations Code, is amended
 7-37 to read as follows:

7-38 Sec. 2310.208. CIVIL PENALTY. A dealer, distributor,
 7-39 supplier, or wholesaler[~~, or jobber~~] who violates Section 2310.201,
 7-40 2310.2012, 2310.2013, 2310.2014, or 2310.2015 is liable to this
 7-41 state for a civil penalty of not less than \$200 and not more than
 7-42 \$10,000.

7-43 SECTION 24. The following provisions of the Occupations
 7-44 Code are repealed:

- 7-45 (1) Sections 2310.001(a)(10), (a)(11), and (b);
- 7-46 (2) Section 2310.101(b);
- 7-47 (3) Section 2310.106(e);
- 7-48 (4) Section 2310.2001; and
- 7-49 (5) Section 2310.203(b).

7-50 SECTION 25. (a) Not later than February 1, 2022, the
 7-51 presiding officer of the Texas Commission of Licensing and
 7-52 Regulation shall appoint members to the Motor Fuel Metering and
 7-53 Quality Advisory Board in accordance with Section 2310.032,
 7-54 Occupations Code, as added by this Act.

7-55 (b) Notwithstanding Section 2310.033, Occupations Code, as
 7-56 added by this Act, in making the initial appointments to the Motor
 7-57 Fuel Metering and Quality Advisory Board, the presiding officer of
 7-58 the Texas Commission of Licensing and Regulation shall designate
 7-59 three members of the advisory board to serve terms expiring
 7-60 February 1, 2023, four members to serve terms expiring February 1,
 7-61 2025, and four members to serve terms expiring February 1, 2027.

7-62 SECTION 26. (a) The changes in law made by this Act to
 7-63 Chapter 2310, Occupations Code, do not affect the validity of a
 7-64 proceeding pending before a court or other governmental entity on
 7-65 the effective date of this Act.

7-66 (b) An offense or other violation committed before the
 7-67 effective date of this Act is governed by the law in effect on the
 7-68 date the offense or violation was committed, and the former law is
 7-69 continued in effect for that purpose. For purposes of this section,

8-1 an offense or violation was committed before the effective date of
8-2 this Act if any element of the offense or violation was committed
8-3 before that date.

8-4 SECTION 27. This Act takes effect September 1, 2021.

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