

1-1 By: Menéndez S.B. No. 2062
1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 April 9, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hancock	X		
1-10	Nichols	X		
1-11	Campbell	X		
1-12	Creighton	X		
1-13	Johnson	X		
1-14	Menéndez	X		
1-15	Paxton	X		
1-16	Schwertner	X		
1-17	Whitmire	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2062 By: Hancock

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

1-21 relating to the establishment of the Motor Fuel Metering and
1-22 Quality Advisory Board.

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

1-24 SECTION 1. Chapter 2310, Occupations Code, is amended by
1-25 adding Subchapter A-1 to read as follows:

1-26 SUBCHAPTER A-1. ADVISORY BOARD

1-27 Sec. 2310.031. DEFINITIONS. In this subchapter:

1-28 (1) "Board" means the Motor Fuel Metering and Quality
1-29 Advisory Board.

1-30 (2) "Distributor," "supplier," and "wholesaler" have
1-31 the meanings assigned by Section 2310.2001.

1-32 Sec. 2310.032. BOARD MEMBERSHIP. (a) The board consists
1-33 of nine members appointed by the presiding officer of the
1-34 commission, with the approval of the commission, as follows:

1-35 (1) four members who are dealers or representatives
1-36 designated by the dealers, including:

1-37 (A) one dealer that has fewer than 501 motor fuel
1-38 metering devices registered with the department;

1-39 (B) one dealer that has more than 1,000 but fewer
1-40 than 5,000 motor fuel metering devices registered with the
1-41 department;

1-42 (C) one dealer that has more than 5,000 motor
1-43 fuel metering devices registered with the department; and

1-44 (D) one dealer without regard to the dealer's
1-45 number of motor fuel metering devices registered with the
1-46 department;

1-47 (2) two members who represent service companies, as
1-48 defined by Section 2310.151;

1-49 (3) one member who represents a wholesaler or
1-50 distributor;

1-51 (4) one member who represents a supplier; and

1-52 (5) one member of the public.

1-53 (b) The presiding officer of the commission, with the
1-54 approval of the commission, shall appoint two ex officio nonvoting
1-55 members of the board. An ex officio member is not counted as a
1-56 member for purposes of establishing a quorum. The ex officio
1-57 members must include:

1-58 (1) one member who represents:

1-59 (A) a financial institution, as defined by
1-60 Section 277.001, Finance Code; or

2-1 (B) a credit card issuer other than a financial
2-2 institution; and
2-3 (2) one member who represents a law enforcement
2-4 agency.

2-5 (c) Appointments to the board shall be made without regard
2-6 to the race, color, disability, sex, religion, age, or national
2-7 origin of the appointees.

2-8 Sec. 2310.033. TERMS; VACANCY. (a) Members of the board
2-9 serve staggered six-year terms, with the terms of three or four
2-10 members expiring on February 1 of each odd-numbered year.

2-11 (b) If a vacancy occurs during a member's term, the
2-12 presiding officer of the commission, with the commission's
2-13 approval, shall appoint a replacement to fill the unexpired term.

2-14 Sec. 2310.034. PRESIDING OFFICER. The presiding officer of
2-15 the commission, with the approval of the commission, shall appoint
2-16 one of the board members to serve as presiding officer of the board
2-17 for a term of one year.

2-18 Sec. 2310.035. DUTIES. The board may advise the commission
2-19 and department on:

2-20 (1) the adoption of appropriate standards for the
2-21 installation, maintenance, calibration, alteration, operation,
2-22 testing, or inspection, as applicable, of:

- 2-23 (A) motor fuel dispensing devices;
- 2-24 (B) motor fuel metering devices; and
- 2-25 (C) motor fuel;

2-26 (2) education and curricula for applicants for a
2-27 license issued under this chapter and license holders;

2-28 (3) the content of examinations;

2-29 (4) proposed rules and standards on technical issues
2-30 related to motor fuel metering and quality and payment card
2-31 skimmers; and

2-32 (5) other issues affecting motor fuel metering and
2-33 quality.

2-34 Sec. 2310.036. MEETINGS. The advisory board shall meet at
2-35 the call of the executive director or the presiding officer of the
2-36 commission.

2-37 SECTION 2. (a) Not later than February 1, 2022, the
2-38 presiding officer of the Texas Commission of Licensing and
2-39 Regulation shall appoint members to the Motor Fuel Metering and
2-40 Quality Advisory Board in accordance with Section 2310.032,
2-41 Occupations Code, as added by this Act.

2-42 (b) Notwithstanding Section 2310.033, Occupations Code, as
2-43 added by this Act, in making the initial appointments to the Motor
2-44 Fuel Metering and Quality Advisory Board, the presiding officer of
2-45 the Texas Commission of Licensing and Regulation shall designate
2-46 three members of the advisory board to serve terms expiring
2-47 February 1, 2023, four members to serve terms expiring February 1,
2-48 2025, and four members to serve terms expiring February 1, 2027.

2-49 SECTION 3. This Act takes effect immediately if it receives
2-50 a vote of two-thirds of all the members elected to each house, as
2-51 provided by Section 39, Article III, Texas Constitution. If this
2-52 Act does not receive the vote necessary for immediate effect, this
2-53 Act takes effect September 1, 2021.

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