

BILL ANALYSIS

Senate Research Center
87R5161 TYPED

S.B. 2062
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background:

S.B. 2119 (86th (R)) transferred the motor fuel metering and quality (motor fuel) program to the Texas Department of Licensing and Regulation (TDLR) from the Texas Department of Agriculture (TDA). TDLR is responsible for the regulation of motor fuel sold, motor fuel metering devices, and service companies and service technicians in Texas.

S.B. 2119 authorized the creation of a stakeholder workgroup to provide input, advice, and recommendations to TDLR and TDA regarding the transfer of the motor fuel program. The workgroup was only established on a temporary basis through October 1, 2020, after the final transition of the program on September 1, 2020.

TDLR established a 15-member stakeholder group that included three ex-officio members from TDLR, TDA, and the Office of the Attorney General, as well as the following industry representatives:

3 motor fuel retail facility operators; 2 service companies; 2 fuel wholesaler, distributor, or jobber; 1 bulk meter operator; 1 liquid petroleum gas operator; 1 member of law enforcement; 1 financial institution; 1 credit card issuer.

Members of the motor fuel workgroup met with TDLR staff to develop program rules, a criminal penalty matrix, and criminal conviction guidelines.

Solution:

S.B. 2062 would create a permanent nine-member advisory board for the motor fuel metering and quality program. Members will include:

2 motor fuel retail facility operators; 1 service company licensed by TDLR; 1 wholesaler, distributor, or jobber; 1 service company; 1 supplier; 1 liquid petroleum gas operator; 1 member of law enforcement; 1 financial institution.

Establish six-year staggered terms for all members, with a presiding officer to be appointed by the presiding officer of the Texas Commission of Licensing and Regulation (TCLR) Authorize the board to advise the TCLR and TDLR on technical standards of operation and testing, education and examination requirements for licensees, and other issues affecting motor fuel metering and quality. This would take immediate effect or September 1, 2021, based on the vote in the House and Senate.

As proposed, S.B. 2062 amends current law relating to the establishment of a Motor Fuels Metering and Quality Advisory Board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2310, Occupations Code, by adding Subchapter F, as follows:

SUBCHAPTER B. MOTOR FUEL METERING AND QUALITY ADVISORY BOARD.

Sec. 2310.220. Board; Membership. (a) Provides that the Motor Fuel Metering and Quality Advisory Board (board) consists of nine certain members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (TCLR), with TCLR's approval.

(b) Requires that appointments to the board be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 2310.221. Terms; Vacancy. (a) Provides that members of the board serve staggered six-year terms, with the terms of one or two members expiring on the same date each odd-numbered year.

(b) Requires the presiding officer of TCLR, if a vacancy occurs during a member's term, with TCLR's approval, to appoint a replacement to fill the unexpired term.

Sec. 2310.222. Presiding Officer. Requires the presiding officer of TCLR, with TCLR's approval, to designate one member of the board as presiding officer to serve in that capacity for a one-year term.

Sec. 2310.223. Board Duties. Authorizes the board to advise TCLR and the Texas Department of Licensing and Regulation (TDLR) on:

(1) the adoption of appropriate standards for the installation, maintenance, calibration, alteration, operation, testing, and inspection of motor fuel dispensers, devices, and fuel;

(2) education and curricula for applicants and licensees;

(2) the content of examinations;

(3) proposed rules and standards on technical issues related to motor fuel metering and quality and payment card skimmers; and

(4) other issues affecting motor fuel metering and quality.

(b) Requires the board to meet at the call of the executive director of TDLR or the presiding officer of TCLR.

SECTION 2. Requires TCLR, no later than December 1, 2021, to appoint members to the board.

SECTION 3. Effective date: upon passage or September 1, 2021.