

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, DECEMBER 7, 2017
8:00 A.M.

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff or Board member or other staff as needed. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

- 1. Roll Call and Establishment of Quorum**
- 2. Chair's Reports** - Chairman Raymond Palacios
- 3. Executive Director's Reports** - Whitney Brewster
 - A. Awards, Recognition of Years of Service, and Announcements
 - B. Sunset Review Status Update
 - C. Hurricane Relief Response
 - D. Introduction of Interim Chief Information Officer

BRIEFINGS AND ACTION ITEMS

- 4. Finance and Audit**
Internal Audit Update - Sandra Menjivar-Suddeath (BRIEFING ONLY)
- 5. Legislative and Public Affairs** - Caroline Love (BRIEFING ONLY)
85th Legislative Implementation
- 6. Projects and Operations** - Judy Sandberg (BRIEFING ONLY)
Enterprise Projects Update
- 7. Consideration of issues related to the titling and registration of vehicles manufactured, assembled, or altered by persons other than licensed manufacturers or converters (street rods, custom vehicles, and dune buggies)**
- Jeremiah Kuntz (BRIEFING ONLY)

CONTESTED CASE

- 8. Licensure Application Denial and Appeal to SOAH under Occupations Code, §§2301.002(17), 2301.251(a), and 2301.651(a)(2); Transportation Code, §§503.21, 503.034(a)(1), 503.064(a)(1); and 43 Texas Administrative Code §§215.141(a)(1), (b)(17), 215.141(a)(19), and 215.89(b)(7) - (8) - Daniel Avitia and Heather Pierce**
MVD Docket No. 17-0175723 ENF; SOAH Docket No. 608-17-4725.ENF
Texas Department of Motor Vehicles v. Rickey A. Lyons d/b/a The Race House

RULE - ADOPTION

Title 43, Texas Administrative Code

- 9. Chapter 219, Oversize and Overweight Vehicles and Loads - Jimmy Archer**
New, §§219.34, 219.35, and 219.36
(Relating to HB 2319, North Texas Intermodal Permit; SB 1383, Fluid Milk Transport Permit; and SB 1524, Intermodal Shipping Container Port Permit)
(Proposal Published October 20, 2017 - 42 Tex. Reg. 5847)

RULES - PROPOSAL

Title 43, Texas Administrative Code

- 10. Chapter 215, Motor Vehicle Distribution - Jeremiah Kuntz**
Amendments, §215.144
Chapter 217, Vehicle Titles and Registration
Amendments, §§217.71-217.73; and New, §217.74
Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders
Amendments, §221.72
(Relating to document retention requirements for users of webDealer, including webSalvage)
- 11. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz**
- Amendments, §217.2
(Relating to clarification of definitions of All-Terrain Vehicle (ATV) and Recreational Off-highway Vehicle (ROV))
 - Amendments, §217.41
(Relating to HB 1790 on application for new disabled placard following seizure of placard)
 - Amendments, §217.123 and §217.124
(Relating to charges for motor vehicle records; waiving fees for governmental entities)

EXECUTIVE SESSION

12. The Board may enter into closed session under one or more of the following provisions of the Texas Open Meetings Act, Government Code, Chapter 551:

- **Section 551.071** - Consultation with and advice from legal counsel regarding:
 - pending or contemplated litigation, or a settlement offer;
 - a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551; or
 - any item on this agenda.

- **Section 551.074** - Personnel matters.
 - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

- **Section 551.089** - Security devices or security audits:
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.

13. Action Items from Executive Session

14. Public Comment

15 Adjournment

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

Agenda items may be presented by the named presenters or other TxDMV staff.

Pursuant to Sections 30.06 and 30.07, Penal Code (trespass by license holder with a concealed or openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun or a handgun that is carried openly.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Stacy Steenken by telephone at (512) 302-2380.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: David D. Duncan, General Counsel, (512) 465-5665.