

**AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, DECEMBER 5, 2019
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. Pledges of Allegiance - U.S. and Texas**
- 3. Vice Chair's Report** - Vice Chair Bacarisse
#EndTheStreakTX Texas Department of Transportation Campaign
- 4. Executive Director's Reports** - Whitney Brewster
 - A. Vehicle Titles and Registration Advisory Committee Update
 - B. Contracts Update
 - C. Awards, Recognition of Years of Service, and Announcements
- Introduction of Deputy Chief Information Officer, Wendy Barron

CONTESTED CASE

- 5. Denial of Renewal Application, Revocation of General Distinguishing Number, and Appeal to SOAH under Occupations Code, §§53.021-53.023, 2301.251(a), and 2301.651; Transportation Code, §503.038; and 43 Texas Administrative Code §§215.88(c), (i), (j), and 215.141.** MVD Docket Case No. 19-0001062.ENF, SOAH Docket No. 608-19-4209.ENF; *Texas Department of Motor Vehicles v. Flying A Auto, LLC - Daniel Avitia and Brian Coats*

RULES - ADOPTION

- 6. Chapter 215, Motor Vehicle Distribution** - Daniel Avitia
Amendments, §215.133
Repeal, §215.102
New, §215.161

(Relating to:

- HB 1667, allowing independent motor vehicle general distinguishing number license holders to perform certain salvage related activities without holding a salvage dealer's license;
- HB 3842, requiring a separate general distinguishing number for most consignment locations; and
- SB 604, eliminating representative licenses and adding licensing education and training requirements for independent motor vehicle dealers.)

(Proposal Published August 23, 2019 - 44 Tex. Reg. 4462)

7. Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders - Daniel Avitia
Amendments, §§221.1, 221.2, 221.11, 221.13, 221.20, and 221.41
Repeal, §221.12
New, §221.54

(Relating to:

- Sunset Advisory Commission's recommendations establishing a risk-based approach to salvage vehicle dealer inspections;
- SB 604, eliminating salvage endorsements and salvage agent licenses; authority to set salvage license terms, and prorate fees; and
- HB 1667, allowing independent motor vehicle general distinguishing number license holders to perform certain salvage related activities without holding a salvage dealer's license.)

(Proposal Published August 23, 2019 - 44 Tex. Reg. 4468)

8. Chapter 215, Motor Vehicle Distribution - Daniel Avitia
Amendments, §215.83
Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders
Amendments, §221.17

(Relating to SB 1200, authority of certain military spouses to engage in a business or occupation in this state.)

(Proposals Published August 23, 2019 - 44 Tex. Reg. 4460 and 44 Tex. Reg. 4472)

9. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz
Amendments, §§217.2, 217.45, and 217.46

(Relating to:

- HB 1548, establishing procedure for issuance of license plates to golf carts and off-highway vehicles, charging a fee, and updating statutory citations;
- HB 1755, classification and operation of sand rails;
- HB 3068, use of certain license plates on classic motor vehicles and travel trailers, custom vehicles, street rods, and certain exhibition vehicles; use of embossed disabled veterans' license plates on certain vehicles; and
- HB 3171, classification and operation of mopeds.)

(Proposal Published August 30, 2019 - 44 Tex. Reg. 4467)

10. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz

New, §217.15

(Relating to HB 2315, evidence of ownership of temporary housing provided by a government agency in response to a natural disaster or other declared emergency; and automatic issuance of title to travel trailer owned by government agency in certain circumstances.)

(Proposal Published August 30, 2019 - 44 Tex. Reg. 4678)

11. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz

Amendments, §217.40

New, §217.16

(Relating to HB 3842, new Transportation Code, §501.0236, Issuance of Title and Permits When Dealer Goes Out of Business; waiving certain fees.)

(Proposal Published August 30, 2019 - 44 Tex. Reg. 4680)

12. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz

Amendments, §217.27

(Relating to HB 1262, the extended registration of certain trailers not subject to inspection.)

(Proposal Published August 30, 2019 - 44 Tex. Reg. 4684)

13. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz

Amendments, §217.41

(Relating to HB 643, expanding the county locations at which an application for a disabled parking placard may be submitted.)

(Proposal Published August 30, 2019 - 44 Tex. Reg. 4686)

RULES - PROPOSAL

14. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz

Amendments, §§217.3 and 217.141-217.143

New Subchapter L, §§217.401-217.407

(Relating to:

- HB 1755, title and registration for assembled vehicles;
- HB 3171, motor driven cycles; and
- Transportation Code, §501.036 and §501.037, farm trailers, farm semitrailers, trailers, semitrailers, and house trailers.)

BRIEFING AND ACTION ITEMS

15. Specialty Plate Designs - Jeremiah Kuntz

- A. Texas A&M Maroon, Redesign proposed by My Plates under Transportation Code, §504.851
- B. Texas A&M Classic, Crossover Redesign proposed by My Plates under Transportation Code, §504.6011 and §504.851

16. Finance and Audit

- A. Delegation of Authority to the Executive Director for the Approval and Execution of the Innovative Technology Deployment (ITD) Commercial Vehicle Information Exchange Window (CVIEW) Services Contract - Jimmy Archer
- B. Internal Audit Division Status Report - Sandra Menjivar-Suddeath (BRIEFING ONLY)

EXECUTIVE SESSION

17. 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.
 - Discussion relating to TxDMV dispute resolution process and recent EEOC complaints and internal Civil Rights Office complaints.
- **Section 551.076** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.
- **Section 551.089** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
 - security assessments or deployments relating to information resources technology;
 - network security information as described by Section 2059.055(b); or
 - the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

18. Action Items from Executive Session

19. Public Comment

20. 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. In accordance with 43 Texas Administrative Code §206.22, any person wishing to address the Board must complete a speaker's form at the registration table prior to the agenda item being taken up by the Board. Public comment will only be accepted in person. Each speaker will be limited to three minutes and time allotted to one speaker may not be reassigned to another speaker.

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 Carrie Fortner by telephone at (512) 465-3044.

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

CERTIFYING OFFICIAL: Tracey Beaver, General Counsel, (512) 465-5665.