

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, JUNE 1, 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. Excuse Absences**
- 3. Chair's Reports** - Chairman Raymond Palacios
- 4. Executive Director's Reports** - Whitney Brewster
Awards, Recognition of Years of Service, and Announcements

BRIEFING AND ACTION ITEMS

- 5. Finance and Audit**
 - A. TxDMV Fund Update - Linda M. Flores and Renita Bankhead
(BRIEFING ONLY)
 - B. FY 2017 Quarterly Financial Report - Linda M. Flores and Renita Bankhead
(BRIEFING ONLY)
 - C. FY 2018 Preliminary Operating Budget - Linda M. Flores and Renita Bankhead
(BRIEFING ONLY)
 - D. Facilities Update - Linda M. Flores (BRIEFING ONLY)
 - E. Internal Audit Division Status Report - Sandra Menjivar-Suddeath
(BRIEFING ONLY)
 - F. Amendment to the FY 2017 Annual Audit Plan - Sandra Menjivar-Suddeath
- 6. Legislative and Public Affairs** - Caroline Love (BRIEFING ONLY)
 - A. Update on TxDMV Board Recommendations to the 85th Legislature
 - B. General Overview of 85th Legislature Outcomes
- 7. Projects and Operations** - Judy Sandberg (BRIEFING ONLY)
Enterprise Projects Update

8. **Specialty Plates Designs** - Jeremiah Kuntz
 - A. Eastern Star (New Non-Vendor Plate)
 - B. University of Texas, Longhorn Tower (Vendor Plate Redesign)
 - C. Porsche Club of America (New Vendor Plate)

CONTESTED CASE

9. **Franchised Dealer's Protested Distributor's Notice of Termination under Occupations Code, §2301.453** - Daniel Avitia and David Richards
MVD Docket Nos. 14-0010.LIC and 15-0013.LIC;
SOAH Docket No. 608-14-3211.LIC
Bates Nissan, Inc., Complainant v. Nissan North America, Inc., Respondent

RULES - ADOPTIONS

Title 43, Texas Administrative Code

10. **Chapter 206, Management** - David D. Duncan
Amendments, §206.131, Digital Certificates
(Proposal Published January 27, 2017 - 42 Tex. Reg. 300)
Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders
Amendments, §§221.16, 221.53, and 221.73
(Proposal Published January 27, 2017 - 42 Tex. Reg. 301)
11. **Chapter 209, Finance** - Jeremiah Kuntz and Linda M. Flores
Amendments, §209.2, Charges for Dishonored Checks
(Proposal Published March 24, 2017 - 42 Tex. Reg. 1389)
12. **Chapter 215, Motor Vehicle Distribution** - Bill Harbeson and Daniel Avitia
Amendments, §215.140, Established and Permanent Place of Business
(Proposal Published March 24, 2017 - 42 Tex. Reg. 1390)
13. **Chapter 215, Motor Vehicle Distribution** - Jeremiah Kuntz
Amendment, §215.155, Buyer's Temporary Tags
(Proposal Published March 24, 2017 - 42 Tex. Reg. 1392)
14. **Chapter 217, Vehicle Titles and Registration** - Jimmy Archer
Amendments, §217.56, Registration Reciprocity Agreements
(Proposal Published March 24, 2017 - 42 Tex. Reg. 1393)
15. **Chapter 218, Motor Carriers** - Jimmy Archer and Bill Harbeson
Amendments, §§218.13, 218.17, 218.56, 218.57, 218.65, and 218.73
Repeal, §218.74, Settlement Agreements
New, §218.75, Cost of Preparing Agency Record
(Proposal Published April 7, 2017 - 42 Tex. Reg. 1876)

- 16. Chapter 219, Oversize and Overweight Vehicles and Loads** - Jimmy Archer and Bill Harbeson
Amendments, §§219.2, 219.3, and 219.124
Repeal, §219.125, Settlement Agreements
New, §219.127, Cost of Preparing Agency Record
(Proposal Published April 7, 2017 - 42 Tex. Reg. 1885)

RULE - PROPOSAL

Title 43, Texas Administrative Code

- 17. Chapter 218, Motor Carriers** - Bill Harbeson
Amendments, §218.61, Claims

EXECUTIVE SESSION

- 18. 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 551.076** - Security devices or security audits:
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.

19. ACTION ITEMS FROM EXECUTIVE SESSION

20. Public Comment

21. 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.