

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, FEBRUARY 8, 2018
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. Pledge of Allegiance**
- 3. Chair's Reports** - Chairman Raymond Palacios
 - A. Chair's Annual Report to Governor on State of Affairs 2017
 - B. Introduction of Board Liaison
- 4. Executive Director's Reports** - Whitney Brewster
 - A. Awards, Recognition of Years of Service, and Announcements
 - B. Sunset Review Status Update
 - C. Hurricane Response
 - D. Introduction of Compliance and Investigations Division Director, Tim Menke

BRIEFINGS AND ACTION ITEMS

- 5. Automobile Burglary and Theft Prevention Authority** - Bryan Wilson and Linda M. Flores
Request TxDMV Board to recommend Unexpended Balance Authority for ABTPA
- 6. Delegation of Signature Authority to the Executive Director for Execution of New Contract for Standard Presumptive Value Calculator** - Jonathan O'Quinn
- 7. Specialty Plate Design** - Jeremiah Kuntz
 - A. Route 66 (New Vendor Plate)
 - B. Red Racing Stripes (New Vendor Plate)
- 8. Finance and Audit**
 - A. 2017 End of the Year Reports - Linda M. Flores and Sergio Rey (BRIEFING ONLY)
 - Annual Financial Report
 - Annual Report of Nonfinancial Data

- B. FY 2018 Quarterly Financial Report - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)
- C. FY 2018 Operating Budget Contracts - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)
- D. Facilities Update - Linda M. Flores and Ann Pierce (BRIEFING ONLY)
- E. Peer Review Process - Sandra Menjivar-Suddeath (BRIEFING ONLY)
- F. Internal Audit Update - Sandra Menjivar-Suddeath (BRIEFING ONLY)
 - Open Records Audit
 - TxDMV Fund Audit
 - Advisory Service on Law Enforcement Training Oversight by Tx. Commission on Law Enforcement (TCOLE)

RULES - ADOPTION

Title 43, Texas Administrative Code

- 9. Chapter 209, Finance** - Linda M. Flores
New, §209.24
(Relating to charges for public information)
(Proposal Published November 10, 2017 - 42 Tex. Reg. 6346)

- 10. Chapter 210, Contract Management** - Linda M. Flores
Amendments, §210.22
(Relating to the Historically Underutilized Business Program)
(Proposal Published November 10, 2017 - 42 Tex. Reg. 6347)

- 11. Chapter 215, Motor Vehicle Distribution** - Corrie Thompson
Amendments, §215.210
(Relating to compliance with order granting relief for warranty performance obligations)
(Proposal Published November 10, 2017 - 42 Tex. Reg. 6348)

- 12. Chapter 215, Motor Vehicle Distribution** - Jeremiah Kuntz
Amendments, §215.144
(Proposal Published December 22, 2017 - 42 Tex. Reg. 7366)
Chapter 217, Vehicle Titles and Registration
Amendments, §§217.71-217.73; and New, §217.74
(Proposal Published December 22, 2017 - 42 Tex. Reg. 7372)
Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders
Amendments, §221.72
(Proposal Published December 22, 2017 - 42 Tex. Reg. 7378)
(Relating to document retention requirements for users of webDealer, including webSalvage)

13. 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))

(Proposal Published December 22, 2017 - 42 Tex. Reg. 7369)

- Amendments, §217.41

(Relating to HB 1790 on application for new disabled placard following seizure of placard)

(Proposal Published December 22, 2017 - 42 Tex. Reg. 7371)

- Amendments, §217.123 and §217.124

(Relating to charges for motor vehicle records; waiving fees for governmental entities)

(Proposal Published December 22, 2017 - 42 Tex. Reg. 7375)

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

Amendments, §§217.43, 217.45, and 217.46

(Relating to amending registration expiration dates to 12 months for consistency)

(Proposal Published December 1, 2017 - 42 Tex. Reg. 6777)

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

Amendments, §217.168 and §217.185

(Relating to petition for rulemaking on dealer deputy compensation)

(Proposal Published November 10, 2017 - 42 Tex. Reg. 6351)

16. Chapter 217, Vehicle Titles and Registration - Aline Aucoin

Amendments, §217.54

(Relating to HB 1793 - modifying the language regarding the payment of inspection fees and SB 2075 - clarifying the situations in which the one-time fee is due)

(Proposal Published November 10, 2017 - 42 Tex. Reg. 6349)

17. Chapter 219, Oversize and Overweight Vehicles and Loads - Aline Aucoin

Amendments, §§219.11, 219.42- 219.45, and 219.62-219.64

(Relating to modernizing the permitting process via electronic submissions and rule language cleanup)

(Proposal Published November 10, 2017 - 42 Tex. Reg. 6353)

RULES - PROPOSAL

Title 43, Texas Administrative Code

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

Amendments, §217.122 and §217.123

New, §§217.125 - 217.130

(Relating to motor vehicle record information and DPPA)

19. Chapter 218, Motor Carriers - Aline Aucoin

Amendments, §218.13

(Relating to the requirement for sole proprietor applicants to scan a copy of their identification document into the eLINC system, as well as rule language cleanup regarding HB 3254)

20. Chapter 219, Oversize and Overweight Vehicles and Loads - Aline Aucoin

Amendments, §§219.2, 219.34, 219.35, and 219.36

(Relating to definitions and clarification of statutory language)

EXECUTIVE SESSION

21. 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.

22. Action Items from Executive Session

23. Public Comment

24. 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.