

TEXAS DEPARTMENT OF MOTOR VEHICLES

VEHICLE TITLES AND REGISTRATION ADVISORY COMMITTEE  
MEETING

1:00 p.m.  
Thursday,  
December 19, 2019

Lone Star Room  
Building 1  
4000 Jackson Avenue  
Austin, Texas

COMMITTEE MEMBERS:

ROBERT "BOBBY" ROBERTI, Presiding  
THOMAS JOHNSON DRAKE (absent)  
DAVID PAUL FONTENOT (via telephone)  
TAWNA M. KUNI (via telephone)  
SHAY ADAM LUEDECKE (via telephone)  
KEITH P. MILLARD (via telephone)  
DANA CLARK MOORE  
IVAN NINO (via telephone)  
JAMES ERNEST PASCHALL  
JACKIE LOU POLK (via telephone)  
FARON LEE SMITH  
KRISTI ANN TORRES (absent)  
CHRISTAL LEE VINCENT (via telephone)

*ON THE RECORD REPORTING*  
*(512) 450-0342*

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P R O C E E D I N G S

1  
2 MR. ROBERTI: Good afternoon. My name is Bobby  
3 Roberti. I am pleased to open the meeting of the Vehicle  
4 Titles and Registration Advisory Committee. I am the  
5 presiding officer of this Advisory Committee. For ease of  
6 reference, I will refer to this Advisory Committee as  
7 VTRAC, which is the acronym for this meeting.

8 It is 1:03 p.m., and I am now calling the VTRAC  
9 meeting for December 19, 2019, to order. I want to note  
10 for the record that the public notice of this meeting  
11 containing all items on the agenda was filed with the  
12 Office of the Secretary of State on December 11, 2019.

13 Before we begin today's meeting, please place  
14 all cell phones and other communication devices in silent  
15 mode, and please, as a courtesy to others, do not carry on  
16 side conversations or other activities in the meeting  
17 room. If you're joining us by phone today, please let us  
18 know immediately if you're no longer able to participate  
19 for any reason.

20 If your phone call drops and you're  
21 disconnected, Texas DMV staff will interrupt the meeting  
22 to let us know to get you back on the line before we  
23 proceed with the agenda. Any members of the public who  
24 aren't an Advisory Committee member can address the  
25 Advisory Committee or speak on the -- on an agenda item

1 during today's meeting, if they complete a speaker's sheet  
2 at the registration table.

3 Your time will be limited to three minutes.  
4 Please identify on the sheet the specific item you are  
5 interested in commenting on, and indicate if you wish to  
6 appear before the Advisory Committee and present your  
7 comment, or if you only wish to have it -- to have your  
8 written comment read into the record.

9 If your comment does not pertain to a specific  
10 agenda item, we will take your comment during the general  
11 public comment portion of the meeting. Comments should be  
12 pertinent to the issues stated on the comment sheet. When  
13 addressing the Advisory Committee, please state your name  
14 and affiliation for the record.

15 So we will move to Agenda Item 1, roll call and  
16 establishment of a quorum. Please let me know if I  
17 pronounce your name correctly or incorrectly, I should  
18 say. When I call your name, please indicate if you are  
19 present. Member Drake?

20 (No response.)

21 MR. ROBERTI: Member Fontenot?

22 MR. FONTENOT: Yes, I'm here.

23 MR. ROBERTI: Member Kuni?

24 MS. KUNI: Member Kuni present.

25 MR. ROBERTI: Thank you. Member Luedecke?

1 MR. LUEDECKE: Member Luedecke present.

2 MR. ROBERTI: Thank you. Member Millard?

3 MR. MILLARD: Present.

4 MR. ROBERTI: Thank you. Member Moore?

5 MR. MOORE: Here.

6 MR. ROBERTI: Sitting right next to me. Member

7 Nino?

8 MR. NINO: Member Nino present.

9 MR. ROBERTI: Thank you. Member Paschall?

10 MR. PASCHALL: Here.

11 MR. ROBERTI: Member Polk?

12 MS. POLK: Member Polk here.

13 MR. ROBERTI: Thank you. Member Smith?

14 MR. SMITH: I'm right here.

15 MR. ROBERTI: Right here. Member Torres?

16 (No response.)

17 MR. ROBERTI: Member Vincent?

18 MS. VINCENT: Member Vincent here.

19 MR. ROBERTI: Thank you. And let the record  
20 reflect that I, Bobby Roberti, am here as well. Just a  
21 second. Gwen, how many do you have?

22 FEMALE VOICE: We have enough. Yes.

23 MR. ROBERTI: Okay. We have a quorum, so we  
24 will continue with the meeting. We will now move to  
25 Item 2, "Nominations and Selection of First Vice Chair to

1 Act as the Presiding Officer When the Presiding Officer is  
2 Not Available and to Make Presentations to the Board."

3 I want to remind the members to please state  
4 your name before you speak so we'll have a record on what  
5 each person said. So what I'm going to do is, the way I  
6 did it back at my own city, we'll open a nomination  
7 committee -- a nomination window, take nominations, close  
8 the window, and then we will take comments, or people can  
9 speak for themselves if they want to nominate themselves.

10 If they have nominated themselves during the  
11 window, they can speak for themselves as well. So with  
12 that, I'd like to open a nomination window. Do I have a  
13 motion to open the nomination window?

14 MR. MOORE: Motion.

15 MR. ROBERTI: Motion by Member Moore. Second?

16 MR. SMITH: Second.

17 MR. ROBERTI: Second by Member Smith.

18 Nominations are now opened. Do I have a nomination for  
19 First Vice Chair?

20 MR. SMITH: I'll do it.

21 MR. ROBERTI: I have a nomination for Member  
22 Smith. Do I have any other nominations? I have -- I'd  
23 like to --

24 MS. KUNI: This is Member --

25 MR. ROBERTI: Yeah. Go ahead, on the phone.

1 MS. KUNI: -- this is Member Kuni. I nominate  
2 Member Luedecke.

3 MR. ROBERTI: We have a nomination for Member  
4 Luedecke. Do I have any other nominations? Do I have a  
5 motion to close the nomination window?

6 MR. MOORE: Motion.

7 MR. ROBERTI: Motion by Member Moore, second  
8 by --

9 MR. NINO: Member Nino.

10 MR. ROBERTI: -- Member Nino. All in favor,  
11 say aye.

12 (A chorus of ayes.)

13 MR. ROBERTI: Any opposed to closing the  
14 nomination window?

15 (No response.)

16 MR. ROBERTI: The nomination window is now  
17 closed. All right. So at this point, Member Smith, do  
18 you want to give a speech?

19 MR. SMITH: I'm here. I'm actually going to be  
20 here at every single meeting.

21 MR. ROBERTI: Okay, okay. That's good. Member  
22 Luedecke, do you want to -- is that it? Okay. Member  
23 Luedecke, do you want to make any comments?

24 MR. LUEDECKE: Sure. Shay Luedecke. I'm Bell  
25 County Tax Assessor Collector, and I'm going to present at

1 every DMV Board meeting as well as the Advisory meetings.

2

3 I'm not there today because I have a prior  
4 engagement at 5:00, and I didn't know how Austin traffic  
5 was going to be this afternoon when we let out, so I plan  
6 to be there at those meetings every single month or every  
7 other month for the DMV Board meeting.

8 So I appreciate your vote in support.

9 MR. ROBERTI: Okay. Does anybody else want to  
10 make any comments or questions for any of the nominees?

11 (No response.)

12 MR. ROBERTI: All right. We'll take a vote.  
13 All in favor of Member Smith as First Vice Chair, say aye?

14 (Ayes of those present: Moore, Roberti,  
15 Smith.)

16 MR. ROBERTI: One, two -- on the phone, say  
17 your name, and aye.

18 MS. VINCENT: Vincent, aye.

19 MR. FONTENOT: David Fontenot, aye.

20 MR. ROBERTI: All right. So any votes for  
21 Member Luedecke, say aye.

22 MR. PASCHALL: I'm one.

23 (Ayes of those present: Paschall.)

24 MS. POLK: Member Polk, aye.

25 MR. NINO: Member Nino, aye.



1 MS. KUNI: Member Kuni, aye.

2 MR. MILLARD: Member Millard --

3 MR. ROBERTI: Yeah. Say again, one at a time.

4 MR. MILLARD: Member Millard, aye.

5 MS. POLK: Member Polk, aye.

6 MR. NINO: Member Nino, aye.

7 MR. LUEDECKE: Member Luedecke, aye.

8 MS. KUNI: Member Kuni, aye.

9 MR. ROBERTI: Stand by. All right.

10 Congratulations to Member Luedecke for First Vice Chair.

11 MR. LUEDECKE: Thank you.

12 MR. ROBERTI: What was the -- do we have to  
13 call a vote? How many? One, two, three, four, five, six.

14 Six votes for Member Luedecke, and four -- five for  
15 Member Smith. Missed by one. Sorry, sir.

16 MR. SMITH: No worries.

17 MR. ROBERTI: All right. All right. So we're  
18 going to go on to Item 2(b), "Nominations and Selection of  
19 Second Vice Chair to Act as the Presiding Officer When the  
20 Presiding Officer and the First Vice Chair Are Not  
21 Available and to Gather and Organize Presentations for the  
22 Board."

23 So do I have a motion to open the nomination  
24 window?

25 MR. MOORE: Motion.

1 MR. ROBERTI: Motion by Member Moore. Second  
2 by Member Paschall. All in favor, say aye?

3 (A chorus of ayes.)

4 MR. ROBERTI: Any opposed?

5 (No response.)

6 MR. ROBERTI: The nomination window is now  
7 open. Now taking nominations for Second Vice Chair.

8 MR. MOORE: I nominate Member Smith.

9 MR. ROBERTI: Member Smith.

10 MR. MOORE: We'll get you in there --

11 MR. ROBERTI: Do I have any other nominations?

12 (No response.)

13 MR. ROBERTI: Anyone? Nominations are now  
14 closed. So we don't have to vote. Congratulations to  
15 Member Smith.

16 MR. SMITH: Thank you.

17 MR. ROBERTI: Appreciate your service. All  
18 right. Next up, Item 2(c), "Recommendations Regarding  
19 Digital License Plate Rules." I will turn the item over  
20 to Texas DMV Titles -- Vehicle Titles and Registration  
21 Division staff to provide an overview on the issues on  
22 which Texas DMV wants VTRAC to provide recommendations.

23 MS. PARR-LAMB: For the record, Tammera Parr-  
24 Lamb. Thank you all for being here in person, as well as  
25 on the phone. I know this is the first opportunity you

1 all have had as a group to discuss this, so this will be  
2 our good opportunity for that open discussion.

3 We sent you a copy of the statute, the excerpt  
4 from the Senate Bill 604, a copy of the administrative  
5 rules as we've drafted them so far, as well as a list of  
6 questions that we had, that as we were drafting the rules  
7 and going through everything, these were the items that, I  
8 guess, created the most discussion amongst our group, as  
9 we were going through them.

10 So if it's all right with the Presiding  
11 Officer, I thought we would just read through the  
12 questions and maybe discuss them one at a time, or --

13 MR. ROBERTI: Yeah.

14 MS. PARR-LAMB: -- Bobby, did you have a  
15 different approach?

16 MR. ROBERTI: No. I think that would be great.

17 MS. PARR-LAMB: Okay. With me today -- I've  
18 got two of our lead team members on the Digital Plates  
19 Project Team, David Pyndus and Romeo McCain. So we're  
20 going to look to them if we have any questions, and our  
21 manager, Candy Southerland.

22 So this should be a good opportunity for  
23 discussion. So I'm sure y'all have all had a chance to  
24 read the rule. And one of the items that we'll start with  
25 is the administrative fee that's going to be charged for

1 this. What is an equitable administrative fee for  
2 attaining digital license plates?

3 And when should the administrative fee be  
4 collected, one time or annually? So I don't know if,  
5 Bobby, y'all want to start with that, or if you want me to  
6 have one of the team members provide a little background  
7 on our methodology?

8 MR. ROBERTI: Anything you pick is --

9 MS. POLK: This is Member Polk. Oh, sorry.

10 MR. ROBERTI: Yeah. Go ahead, Member Polk. Do  
11 you have a point of order question?

12 MS. POLK: I do, because I was looking through  
13 the calculations, and I did have some questions on the  
14 calculations, based on, you know, the five-year recovery  
15 and the fact that it's estimated that actually you would  
16 have to get a new plate every three years.

17 So I would like to walk through some of the  
18 calculations if possible.

19 MR. ROBERTI: Yeah. So why don't we do this:  
20 we'll have the presentation from staff, and then after  
21 Texas DMV staff has finished with the presentation, do you  
22 want to segment it into different segments, and then have  
23 discussion afterwards?

24 MS. PARR-LAMB: We can certainly start with the  
25 methodology on how we came up with the figures and walk

1 through that. Would that --

2 MR. ROBERTI: We'll do it in segments, then.

3 MS. PARR-LAMB: Okay.

4 MR. ROBERTI: Okay. So we'll have the  
5 presentation on what you just said --

6 MS. PARR-LAMB: Okay.

7 MR. ROBERTI: -- and then we'll take Committee  
8 questions and comments, after each segment.

9 MS. PARR-LAMB: I think that works.

10 MR. ROBERTI: Okay.

11 MS. PARR-LAMB: David, would you like to walk  
12 us through --

13 MR. ROBERTI: Is that okay, Member Polk? Is  
14 that okay?

15 MS. POLK: Yeah, that's great. Is it a visual  
16 presentation or just verbal?

17 MR. ROBERTI: It's -- we'll just give them the  
18 time to give the presentation, and then we'll set aside  
19 time for us to ask them questions where they will  
20 respond --

21 MS. POLK: Okay.

22 MR. ROBERTI: -- respond freely after that.

23 MS. POLK: Okay. Thank you.

24 MR. PYNDUS: Hi. My name is David Pyndus. I'm  
25 a Registration Services planner, and was involved in

1 analyzing the bill, as we call it. And of course, as  
2 earlier this month, we had sent you an excerpt from the  
3 bill that establishes digital license plates, just  
4 Article 3, as well as a list of questions that we're now  
5 currently discussing.

6 And the bill, as written and passed, under  
7 504.154(d) (2), does authorize us to establish an  
8 administrative fee. So just as a purpose -- a starting  
9 point for discussion, we were trying to recoup the costs.

10 There are some costs involved with implementing this  
11 program, like the programming.

12 There's programming in our system. I don't  
13 want to get too deep into this, but we have a registration  
14 and title system when you come in to renew your vehicle,  
15 and you get a sticker and/or a plate. This is recorded in  
16 a system for passenger cars and trucks in Texas.

17 There's another separate system. It's called  
18 the Texas International Registration Plan System. This is  
19 for heavier vehicles, commercial vehicles, and that system  
20 would also be programmed. So basically, just based on the  
21 programming costs -- and I think these figures were  
22 outlined in the document that we sent you, as well as some  
23 additional head count or FTEs we need to help us implement  
24 the program.

25 We took that full amount, which was about

1 1.8 million, and we were determining a proposed  
2 administrative fee based on that. We used the State of  
3 California as a template. That's the only state that's  
4 had an ongoing digital plate program for several years.

5 They're just finishing the third year now. So  
6 we took the number of vehicles in California that were  
7 registered with digital plates, and we divided that by  
8 five, in an attempt to -- the idea was we were trying to  
9 recoup the costs in a five-year period. And this is  
10 normally how we do our legislative analysis.

11 We do everything on a five-year fiscal year  
12 template. So then we did -- at the time, we took the  
13 number of vehicles, which I believe was 1,300 vehicles,  
14 divided that by five, and from that figure, we again  
15 divided it by three, which was just -- that was our rough  
16 estimate of a potential shelf life of a digital product.

17 The tricky thing is, this is a new technology.  
18 So we really don't know what the shelf life is. There's  
19 not really any data on it. This week, we discussed as a  
20 group -- I reached out to California, since they've been  
21 having the project for a few years now.

22 And Arizona is the other state that actually  
23 has gone live. In January this year, they went live with  
24 the digital license plate program. They have about  
25 100 plates issued.

1           Anyway, I reached out to both Arizona and  
2 California just to see if they had gathered any data, and  
3 it turns out, neither of these states is tracking the  
4 information. So they weren't able to provide me any kind  
5 of a figure on the digital license plates that have been  
6 replaced, you know, due to malfunction or the digital  
7 characters not reading right, you know, any other reason  
8 we would normally replace a license plate.

9           You know, for the metal plate on your car, we  
10 generally refer to that as -- you need a replacement if  
11 it's lost, stolen or mutilated. So these same things  
12 would also apply to a digital plate, but then there could  
13 be other, you know, connectivity issues or issues with the  
14 integrity of the software of the plate, things we don't  
15 really know.

16           And I've gotten a little off field, but we use  
17 that three-year to again divide, and that's how we got  
18 the -- I believe we had a \$95 administrative fee proposed,  
19 or at least as a means to start discussion. And I don't  
20 know if I explained that well enough, but I think we  
21 provided the math on the questions that we sent you.

22           So again --

23           MS. POLK: This is Member Polk. Oh, sorry.

24           MR. PYNDUS: Yeah? Go on.

25           MR. ROBERTI: One second, Member Polk. Just to



1 make sure he's finished first?

2 MR. PYNDUS: Please, go on.

3 MR. ROBERTI: Okay. If -- are you guys -- is  
4 everybody finished on that one? Are you finished on that  
5 one?

6 MR. PYNDUS: For the moment.

7 MR. ROBERTI: Okay. Member Polk, go ahead.

8 MS. POLK: Okay. So I followed the  
9 calculations. The only question I had is: if you believe  
10 that the license plate will be -- the lifespan is three  
11 years, would you not take the 285 and divide it by 1.667?  
12 Instead of the three years, that will be good for three  
13 years, you'd actually be replacing it, you know, 1.67  
14 times during the five years?

15 So in effect, you would charge \$171 rather than  
16 95.

17 MR. PYNDUS: This is David Pyndus. That's  
18 certainly another approach, and another tricky thing with  
19 this is, because it is a new technology and there's not a  
20 lot of digital license plates on the road in the U.S.,  
21 it's -- you know, it's just hard to know where to draw the  
22 line.

23 I mean, you could also -- you know, you could  
24 also assume the shelf life is five years, very easily, or  
25 use that five-year, since that's such a -- we're trying to

1 recoup the cost within that time period, you know, stick  
2 with that five years, and then the final figure would go  
3 down a little bit.

4 But -- and that's the key -- that's the hard  
5 question. You know, what's equitable?

6 MS. POLK: Here's the -- oh, this is Member  
7 Polk. I guess, here's the question I have for you.  
8 Because, you know, working with companies with commercial  
9 motor vehicles, we see a lot of rear plates getting  
10 replaced, just simply because they back into, you know,  
11 where they're going to load.

12 Those things get crinkled all the time, so I'm  
13 finding myself thinking, okay. If someone actually wants  
14 to pay to have an electronically-displayed license plate,  
15 I just foresee issues with it being damaged.

16 Have you looked at what rate of replacement  
17 Texas does on average for plates today?

18 MR. ROBERTI: So metal plates. Is that what  
19 you're asking?

20 MR. KUNTZ: So what --

21 MS. POLK: Yeah.

22 MR. PYNDUS: Okay.

23 MS. POLK: Yes.

24 MR. KUNTZ: So Member Polk, Jeremiah Kuntz, the  
25 director of Vehicle Titles and Registration Division. So

1 one of the things that I want to sure, as we're talking  
2 about this administrative fee, that everybody is kind of  
3 understanding what this is as well -- so there is a cost  
4 for the plate itself that is not reflected here, because  
5 the assumption is, is that the customer would purchase the  
6 digital license plate from the digital plate provider.

7 So there's a separate cost for replacement. If  
8 that plate was damaged, they would have to go back to the  
9 plate provider to seek a replacement. I don't, at this  
10 point, know if -- I'll just use the example of my Apple  
11 phone.

12 You can purchase AppleCare. I don't know if  
13 the vendor's going to provide any kind of insurance  
14 coverage like that on damage to the plate. Don't know,  
15 because we don't know what vendor would potentially get  
16 this.

17 If not, they would have to just get a  
18 replacement plate or go back to a metal plate. This  
19 administrative fee is the fee the Department would be  
20 collecting on these plates in order to recoup our cost for  
21 developing the technology interface.

22 So the cost that you're seeing, the 500,000,  
23 approximately, per system, that is to develop an API or an  
24 interface between us and the plate providers so that we  
25 can connect to whatever software they have, and we need to

1 recover that cost.

2           So this is purely limited to recovery of that  
3 technology cost and our cost of managing the contract.  
4 Any other costs for replacement would be borne by the  
5 customer for replacement with the company. Is that  
6 helping clarify anything for you?

7           MS. POLK: Well -- this is Member Polk again --  
8 I did realize that, but I thought there might be some  
9 administrative work with the issuance of a replacement  
10 plate by the two employees that will be, you know, kind  
11 of, I guess, monitoring the data, if you will.

12           MR. KUNTZ: Yeah. We --

13           MS. POLK: So I didn't --

14           MR. KUNTZ: -- yeah. We don't anticipate any  
15 fulfillment on the Department's side. Our anticipation is  
16 the vendor would do all of the fulfillment, sending the  
17 plate to the customer, activation. All of those kind of  
18 things would be handled by the vendor.

19           Those two FTEs are actually for contract  
20 management and oversight. So when we have a contract with  
21 a vendor, we've got ongoing activities developing our  
22 request for proposals, you know, evaluating those,  
23 monitoring the contractor to make sure that they're  
24 performing the way they're supposed to.

25           In other words, they're not taking money from

1 customers and not giving them service, those kind of  
2 things. So those are ongoing monitoring activities for  
3 the contract.

4 MS. POLK: Okay. So -- this is Member Polk  
5 again -- just to clarify, then: as far as your  
6 Department, when you process a request for a license  
7 plate, whether it would be a digital plate or a metal  
8 plate, you will basically follow the same procedures in  
9 your office and incur the same administration costs as  
10 if -- I mean, it will be basically a wash.

11 The only cost will be in building the system  
12 and making sure that that API is functioning so that when  
13 they purchase that electronic plate from the other -- from  
14 the provider, that that data is synced between the two.

15 If they don't renew, that the system sends the  
16 message so that the plate will display that it's, you  
17 know, not a valid registration and such, so --

18 MR. KUNTZ: Correct.

19 MS. POLK: -- so there isn't actually any human  
20 intervention that is necessary, that is different than you  
21 have with a metal plate. Is that correct?

22 MR. KUNTZ: Correct. Yes. There would not be  
23 any --

24 MS. POLK: Okay.

25 MR. KUNTZ: -- kind of, you know, handling, if

1 you will, on our part. So --

2 MS. POLK: Okay. That helps.

3 MR. ROBERTI: Do we have any other questions?

4 MR. MILLARD: This is Member Millard.

5 MR. ROBERTI: Go ahead on the phone.

6 MR. MILLARD: Member Millard.

7 MR. ROBERTI: Go ahead.

8 MR. MILLARD: I have a comment. Just to  
9 clarify, if you have a metal plate and you need a  
10 replacement, they're going to issue a new plate number. I  
11 assume on this particular kind of plate, if your plate is  
12 crushed in an accident or whatever, ruined, you're going  
13 to be issued the same plate number again?

14 MS. SOUTHERLAND: Correct.

15 MR. MILLARD: Okay. Thank you.

16 MR. ROBERTI: Do we have any other questions on  
17 this? We'll wrap it up at the end, too, if anybody has  
18 any questions along the way. So we'll go on to the next  
19 segment.

20 MS. PARR-LAMB: Okay. Tammera Parr-Lamb again,  
21 for the record. In our questions document that we sent  
22 you all, it also had a couple of recommendations as it  
23 relates to this administrative fee. I can read those out  
24 for you, and then we can have a little bit of discussion  
25 on each recommendation, if that's all right with you,

1 Bobby?

2 MR. ROBERTI: Yes.

3 MS. PARR-LAMB: Okay. The first  
4 recommendation: proposed rule to collect an  
5 administrative fee of \$95 or a different fee as  
6 recommended by the Committee for registration of a vehicle  
7 with a digital license plate.

8 1(b). The administrative fees are currently  
9 collected for certain departmental actions, Transportation  
10 Code, Section 504.154, regarding digital license plates,  
11 says that departmental rule may establish a fee in an  
12 amount necessary to cover any administrative costs  
13 incurred that relate to the issuance of a digital license  
14 plate and exceed the administrative cost incurred for the  
15 issuance of a physical license plate.

16 Proposed Administrative Code rules allow for  
17 the collection of the administrative fee anytime the  
18 vehicle is to be equipped with a digital license plate,  
19 initial issuance, and at the time of renewal --  
20 registration -- excuse me -- renewal.

21 The methodology shown for setting the  
22 administrative fee in 1(a) includes annual fee collection  
23 to recoup the costs for implementing the digital license  
24 plate program. So in essence, this would be the  
25 collection of that \$95 on an annual basis.

1           So I would turn it over to y'all for any  
2 discussion or questions on that recommendation.

3           MR. ROBERTI: Anybody have any questions or  
4 comments on that?

5           MS. POLK: This is Member Polk again.

6           MR. ROBERTI: Go ahead.

7           MS. POLK: I believe I read something, maybe in  
8 the -- this bill. I don't remember, but I know it was  
9 somewhere I think I saw where you won't supposed to have a  
10 fee higher than what you're trying to recoup.

11           But I'm still kind of looking at the numbers,  
12 thinking, okay. I understand the 1,425. I understand  
13 dividing it by five, because you're going to collect the  
14 fee every year, but I'm still not sure I understand the  
15 three-year, why you would divide it by three?

16           MR. ROBERTI: Mr. Pyndus, do you want to answer  
17 that?

18           MR. PYNDUS: This is David Pyndus. And again,  
19 that was an estimate for draft discussion. We use the  
20 number three based on what we assumed to be an average  
21 life for an electronic device, and again, as was alluded  
22 to earlier, this is a device that would be used by some  
23 commercial vehicles on the roadways, and are probably  
24 subject to more wear and tear than your typical electronic  
25 device.



1 MR. KUNTZ: I mean, at the end of the day --

2 MS. POLK: Sure.

3 MR. KUNTZ: -- at the end of the day, the way  
4 the calculation ultimately works out is, it's a 15-year  
5 replacement -- I mean, collection cycle. So if you're  
6 collecting the \$95 annually, then basically in 15 years of  
7 collecting \$95 on 1,300 plates, you would be at break-  
8 even.

9 MS. POLK: Right. But I thought we were  
10 providing for a five-year?

11 MR. KUNTZ: We can, but again -- and I think  
12 part of this -- and I don't know if it's necessarily years  
13 or not, but I mean, what we're trying to do in some of  
14 this is to create a reasonable fee. The dilemma we've got  
15 with this is, if there's a lower number of plates -- the  
16 lower the number of plates, either the longer it takes to  
17 recover, or the higher the fee has to be in five years to  
18 recover.

19 And so that's kind of --

20 MS. POLK: Uh-huh.

21 MR. KUNTZ: -- the dilemma we've got. I mean,  
22 three, I think, was a way to kind of mitigate some of the  
23 highness of a \$285 annual fee. It was just to spread that  
24 out a little bit longer. Basically, if you have three  
25 times as many customers, or you take 15 years, that's

1 basically what you're getting there.

2 It's a little bit of a way to discount, I  
3 guess, the fee. Ninety-five dollars is somewhat  
4 consistent with our other specialty plate fees for metal  
5 plates, and so we were trying to get something that was at  
6 least similar in line to the other specialty plate fees  
7 that we charge.

8 But yes, I recognize that this is going to  
9 string this out as a 15-year, basically, replacement fee  
10 at 1,300 vehicles.

11 MR. ROBERTI: So --

12 MS. POLK: Okay. I -- Member Polk again. I  
13 just wanted to make sure, because I'm -- I was working  
14 with that five-year number, and I'm, like, okay. This  
15 isn't going to get us there.

16 MR. KUNTZ: It won't.

17 MS. POLK: And while I do see the logic of the  
18 specialty plates being the \$95, that seems very logical,  
19 but one question, I guess, I do have is: if -- because we  
20 know how technology works, if in five years electronic  
21 display of license plates is old technology, will this  
22 system be able to actually be used for something else?

23 Is there another benefit that can be gained by  
24 having this new system, other than with this application?

25 Does that make --

1 MR. KUNTZ: Yeah. And I get you. Creating a  
2 web service to our system, I guess, could facilitate other  
3 technologies. Let's say, RFID. Let's say, all of a  
4 sudden, the State completely did away with license plates  
5 and just went to RFID chips.

6 Whoever was selling those RFID chips would have  
7 some database that would need to connect to our system,  
8 and having that API would allow for the connection of any  
9 kind of technology into the system to report who had, you  
10 know, paid for their registration or had not paid for  
11 their registration.

12 So I guess there could be some portability, if  
13 you will, if there was some other technology that had a  
14 database that needed to talk to our system, but beyond  
15 that, I don't really know. You know, if it wasn't a  
16 registration-based type of system, if it was completely  
17 changed in totality, I have no idea whether it would be  
18 effective or not.

19 MS. AUCOIN: Just for the record -- this is  
20 Aline Aucoin -- I just want to spell out some of the  
21 acronyms that we're just using.

22 MR. KUNTZ: Sorry.

23 MS. AUCOIN: So RFID stands for Radio Frequency  
24 Identification, I believe.

25 MR. KUNTZ: Like your toll tags, like -- yeah.

1 So like the toll tags and the reader for that.

2 MS. AUCOIN: And API stands for --

3 MR. KUNTZ: I have no idea. All I know is it's  
4 an interface that -- it's a web service for computers.  
5 It's a way for databases to talk to each other, via the  
6 internet.

7 MS. POLK: Yeah.

8 MR. KUNTZ: I don't know what that actual IT  
9 acronym is. I just know what they call --

10 MR. ROBERTI: So --

11 MS. POLK: There's a lot of value connecting an  
12 API with your system. That's for sure.

13 MR. KUNTZ: And we do have other APIs that do  
14 exist for the system today, for other very specific  
15 purposes.

16 MR. ROBERTI: So I'd like to see if I could  
17 summarize this, and you guys could correct me if I'm  
18 right. Okay. So this was basically voted into law. This  
19 is S.B. 604. Correct?

20 MR. KUNTZ: Yes.

21 MR. ROBERTI: Okay. That staff has come up  
22 with an administrative fee to recover some of the  
23 technology costs to implement this, because it has to  
24 happen. Correct?

25 MS. AUCOIN: Correct. Technology as well as

1 the employee costs.

2 MR. KUNTZ: Yeah, but --

3 MR. ROBERTI: Employee is --

4 MR. KUNTZ: -- yes. We have a requirement to  
5 implement the legislation. Yes. And we need to recover  
6 those fees.

7 MR. ROBERTI: Okay. And it's staff's opinion  
8 that this is probably the best balance and the lowest cost  
9 they could do this in. Correct?

10 MR. KUNTZ: That's what we're trying to come  
11 to. We're trying to keep the fee as low as possible,  
12 while still being able to recover the costs to the  
13 Department. Yes.

14 MR. ROBERTI: Okay. Let the record show  
15 everybody's nodding their head, yes.

16 Okay. All right. Member Polk, is that okay?  
17 You didn't see that, so I just thought --

18 MR. KUNTZ: That's why I verbalized it.

19 MR. ROBERTI: Okay. All right.

20 FEMALE VOICE: You are correct.

21 MR. ROBERTI: Okay. All right.

22 MS. POLK: This is Member Polk. I definitely  
23 understand. I just don't want to see our State be one  
24 that, you know, goes into a deficit. So I'm just, you  
25 know, looking out for the State of Texas.

1 MR. ROBERTI: Okay. So let's go there. I'll  
2 ask a question. If we do run a deficit, where does the  
3 recovery come from?

4 MR. KUNTZ: So -- again, for the record,  
5 Jeremiah Kuntz -- the funds to do this programming were  
6 appropriated to the Department by the Legislature. Those  
7 funds come from the fees and taxes that you all pay for  
8 registration.

9 So when this agency receives funding from a  
10 registration, we collect what's known as a processing  
11 handling fee. There are other fees that are collected  
12 during the titling and registration event that go into the  
13 DMV fund, and so those are the funds that will be used to  
14 pay for this.

15 So all of the citizens of the state of Texas  
16 have already funded this, if you will, through the payment  
17 of their registration fees. So basically, it's recovering  
18 the costs for everybody who's already paid for this, if  
19 that makes sense.

20 MR. ROBERTI: Okay. Does anybody have any  
21 questions on that? Are you guys good?

22 MS. POLK: No.

23 MR. ROBERTI: All right. So once again, we'll  
24 come back to all of this. We -- before we ask for any  
25 kind of motion or -- we'll make sure everybody has at

1 least another a chance or two to speak on this.

2 So Ms. Tammera?

3 MS. PARR-LAMB: Okay. Thank you. Again,  
4 Tammera Parr-Lamb. I'm going to present another TxDMV  
5 recommendation for consideration and discussion as it  
6 relates to the collection of the administrative fee. This  
7 one would be to proposed rule to collect the  
8 administrative fee for initial registration for the  
9 digital license plate and at time of renewal.

10 Note that the digital license plate customer  
11 may opt to remove their digital plate, attach their metal  
12 plate to the vehicle, and affix their windshield  
13 registration sticker, if applicable, at any time. If a  
14 digital plate customer switches back to using their metal  
15 plate, the customer will not be required to pay an  
16 additional administrative fee, if they've already paid the  
17 administrative fee for the digital plate for that  
18 registration period.

19 And I'll open it up. Does anybody on the phone  
20 or in the room have any questions or discussions on that?

21 Would you like our team to elaborate?

22 MR. ROBERTI: Anyone?

23 (No response.)

24 MR. ROBERTI: Okay. You can keep going.

25 MS. PARR-LAMB: Okay. The second question we

1 posed -- and again, these are items that came up for  
2 discussion as we were drafting the rule -- should a  
3 customer be able to opt out of digital license plate  
4 advertising that is proposed by the digital plate provider  
5 and approved by the Department?

6           Transportation Code -- and this is lengthy, so  
7 I'm going to read it all to you, and then we can discuss  
8 it. Transportation Code 504.155 states a rule adopted by  
9 the Department may establish procedures to allow the  
10 following displays on a digital license plate: (a) an  
11 emergency alert or other public safety alert issued by a  
12 governmental entity, including an alert authorized under  
13 Subchapter L, M, or P of Chapter 411 of the Government  
14 Code; (b) a vehicle manufacture safety recall notice; (c)  
15 static logo displays, including unique displays for fleet  
16 vehicles; or (d) advertising approved by the Department.

17           Chapter 411 of the Government Code, Subchapters  
18 L, M, and P, are concerned with Amber alerts for abducted  
19 children and certain missing persons, silver alerts for  
20 missing senior citizens, and persons with Alzheimer's  
21 disease, and the blue alert system, which is activated to  
22 aid in the apprehension of a person suspected of killing  
23 or causing serious bodily injury to a law enforcement  
24 officer. Static logo displays are currently available to  
25 commercial vehicle fleet owners under Transportation Code,



1 Section 502.0023(d), and do not need further approval by a  
2 digital plate provider or the Department.

3 Under Transportation Code, Section 504.155,  
4 certain advertising may be allowed on digital license  
5 plates, if the advertising is approved by the Department.

6 While the Department has statutory authority to approve  
7 non-registration information to be displayed on digital  
8 license plates, some customers may not want advertising or  
9 certain advertising to appear on their digital plate.

10 With this in mind, should a process be  
11 established in rule for customers to opt out of  
12 advertising on their digital license plates? Bobby, I  
13 would turn it over to y'all for questions or discussions.

14 MR. ROBERTI: Anybody have any questions on  
15 this, on this recommendation? Anyone on the phone?

16 MS. KUNI: Yeah. This is Member Kuni. I have  
17 a question. Are we talking about commercial advertising  
18 or is this just those alerts?

19 MR. KUNTZ: So the -- this Jeremiah Kuntz, for  
20 the record, again. There are, as Ms. Parr-Lamb read  
21 out -- there are five types of advertising, or I guess,  
22 messages that could be displayed on the digital plate.  
23 And so it's emergency alerts.

24 You could actually have safety recalls that  
25 display on the plate. Static logo displays. Unique

1 displays for fleet vehicles, so like UPS could have UPS on  
2 the plate. Advertising approved by the Department. So  
3 that could just be advertisement for McDonald's that's  
4 displaying on your license plate.

5 It could be advertisements for Mercedes-Benz or  
6 BMW or any number of different private advertising that  
7 could run on that license plate -- use this as a mini-  
8 billboard, if you will.

9 MS. KUNI: Okay. So I think it would be  
10 important to distinguish the difference, then you let  
11 people opt out of some of that advertising. That's like  
12 choosing my bumper sticker for me, and I may not agree  
13 with wanting to market some of that.

14 But I also see that would be a way to generate  
15 some revenue, and maybe offset the fees and the cost of  
16 the program.

17 MR. KUNTZ: Okay.

18 MS. KUNI: Is that correct?

19 MR. KUNTZ: We will have to develop the RFP to  
20 determine whether or not any of that revenue would come to  
21 the Department or if it would stay with the digital plate  
22 provider. At this point, that's something that would have  
23 to still be determined, if there would be any kind of --

24 MS. KUNI: Oh.

25 MR. KUNTZ: -- revenue sharing. It's not clear

1 at this point whether or not there would be revenue  
2 sharing on that, but even then, I think what we're trying  
3 to figure out is -- even beyond the private advertising,  
4 if somebody has a digital plate, should they be required  
5 to display the safety recall on their vehicle?

6 Should they be required to display Amber  
7 alerts, those kinds of things? Are there certain ones --  
8 it seems to me that you're kind of indicating maybe some  
9 of those should be required, and others, they would have  
10 the option-ality to?

11 MS. KUNI: Yeah. I --

12 MR. KUNTZ: Okay.

13 MS. KUNI: -- could see maybe the emergency  
14 alerts, but I'm not so sure about the recall notices or  
15 the retail advertising. I think maybe those should be  
16 optional.

17 MR. KUNTZ: Okay.

18 MR. MILLARD: This is Member Millard.

19 MR. ROBERTI: Go ahead.

20 MR. MILLARD: This looks to me like the DMV  
21 recommendation is customers should be able to opt out of  
22 approved advertising which is part (d), not (a), (b) and  
23 (c). That would be my recommendation also, that they  
24 could opt out of advertising, but it doesn't include (a),  
25 (b) and (c).

1 MR. ROBERTI: Okay.

2 MR. LUEDECKE: This is Member Luedecke. I  
3 agree with that. I would not want to -- if I was a  
4 business out there, my Coca Cola truck, I wouldn't want a  
5 Pepsi to be displayed on my license plate, so I would want  
6 to opt out of all that.

7 MR. ROBERTI: So could we -- we could just make  
8 that part of our motion? Stand by.

9 MS. POLK: This is Member Polk.

10 MR. ROBERTI: Yeah.

11 MS. POLK: Oh.

12 MR. ROBERTI: Member Polk, hang on real quick.  
13 Go ahead.

14 MS. POLK: Sure.

15 MS. AUCOIN: For the record, it's Aline Aucoin.  
16 So the motion can definitely limit the scope of this item  
17 to just advertising. In actuality, our recommendation was  
18 limited to advertising. It didn't include the safety  
19 recalls or the emergency alerts.

20 MR. KUNTZ: I just brought it up just because  
21 it seemed like that was part of the discussion. So --

22 MR. PASCHALL: I do have a question. Member  
23 Paschall. The safety recall notices, would there be a way  
24 to, if you got that recall fixed, to not be displayed?

25 MR. KUNTZ: My assumption is that this would --

1 it's not real clear, but it's not my -- it's my assumption  
2 that this would only display open recalls. Just -- I  
3 bring that one up, I mean, I think, because there's  
4 probably some sensitivity to somebody broadcasting that  
5 they're --

6 MR. PASCHALL: Yeah.

7 MR. KUNTZ: -- operating a vehicle that's got  
8 an open recall on it, but that's why I kind of raise that  
9 issue. I mean, especially if you're a commercial carrier,  
10 you may not want everybody on the road knowing that you  
11 haven't addressed your recall, but maybe that's exactly  
12 what we want.

13 I mean, that's kind of why we're asking these  
14 questions -- is do we want that to be broadcast to  
15 everybody on the road, that that's a person operating a  
16 vehicle with an open recall?

17 Or do we want that to be --

18 MR. PASCHALL: Well, we've run into problems  
19 where recalls cannot be fixed.

20 MR. KUNTZ: Yes, sir.

21 MS. POLK: I mean, I recall --

22 MR. KUNTZ: Yes, sir.

23 MR. ROBERTI: All right. So --

24 MS. POLK: This is Member Polk.

25 MR. ROBERTI: -- stand by, Member Polk. But

1 before we -- I just want to make sure everybody on the  
2 phone knows and everybody in the room knows -- before we  
3 move on or make any motions, we will make sure motions  
4 will be crafted the way you want it, if you want to make a  
5 motion that way.

6 Okay. Member Polk, go ahead.

7 MS. POLK: I'm just wondering, do we know that  
8 the system -- if the system will allow to pick and choose  
9 what information is able to be included, so that each item  
10 would be optional?

11 MR. KUNTZ: I'll use this, because my IT folks  
12 love it when I ask this question of what's possible, and  
13 they tell me, anything's possible with time and money. So  
14 my assumption is that you could have those selected, but  
15 again, I wouldn't know until we actually have a provider  
16 actually give us the system, and say, here's what my  
17 system will or won't do.

18 MR. MOORE: This is Member Moore.

19 MS. POLK: Okay.

20 MR. MOORE: Member Moore. I agree that showing  
21 the open recalls, that's okay but I think it needs to be  
22 an option for just the reason somebody brought up a while  
23 ago about commercial vehicles. And the advertisement is a  
24 great idea.

25 Besides, I believe the recalls are captured

1 during vehicle inspection, are they not?

2 MR. SMITH: Theoretically.

3 FEMALE VOICE: I don't know that.

4 MR. SMITH: For the most part. I used to be a  
5 service writer --

6 MR. ROBERTI: Right.

7 MR. SMITH: -- and this is Faron Smith, for the  
8 record -- and when we would go through and we'd pull up  
9 the VIN number from the vehicle, it would show recalls,  
10 but it was kind of up to the service writer whether he was  
11 going to do it or not.

12 MR. ROBERTI: Yeah. Stand by on the phone.

13 MR. KUNTZ: Okay. Sorry. This is Jeremiah  
14 Kuntz, for the record. I was just trying to consult. I  
15 believe there may have been a bill this last legislative  
16 session requiring that those be on the vehicle inspection.

17 I think that may be what you're referencing.

18 MR. SMITH: That's what I'm referencing, yes.

19 MR. KUNTZ: Yeah. So that's legislation that  
20 just passed. I don't know if that's been put into effect  
21 yet by DPS, but that's --

22 MR. SMITH: Right.

23 MR. KUNTZ: -- I think that's what you're  
24 getting at.

25 MR. SMITH: Yes, it is. Correct.

1 MR. KUNTZ: Yeah.

2 MR. ROBERTI: Okay.

3 MR. SMITH: With that being said --

4 MR. ROBERTI: Mr. Smith, Member Smith?

5 MR. SMITH: Sorry. With that being said --

6 MR. ROBERTI: They have to hear it on the mic.

7 MR. SMITH: Okay.

8 MR. ROBERTI: Yeah.

9 MR. SMITH: Faron Smith. Sorry. With that  
10 being said, when I was a service writer, the customer  
11 could opt in or out on whether they wanted to do that --

12 MR. KUNTZ: Oh, yeah, yeah --

13 MR. SMITH: -- at that point.

14 MR. KUNTZ: -- yeah, yeah. I think the --

15 MR. SMITH: So I mean --

16 MR. KUNTZ: -- bill that we're talking about  
17 was a bill to require the inspection service centers to  
18 notify customers if they had an open recall and it came in  
19 for inspection. So there was a bill that just passed to  
20 make -- that they had to look them up.

21 Every time somebody did an inspection, they had  
22 to look up to see if there was an open recall and notify  
23 that customer that they had an open recall on it. So I  
24 think that's -- the issue is, there should be some  
25 visibility for the customer themselves through that



1 process -- is what you're getting at.

2 MR. ROBERTI: All right. Does anybody else  
3 have any questions or comments? Member Smith?

4 MR. SMITH: Faron Smith, for the record. How  
5 does this affect law enforcement when they're looking at  
6 the license plates when they come -- when they're going  
7 down the road, and when they should be seeing the actual  
8 plate being displayed as far as the call letters?

9 How does that affect?

10 MR. KUNTZ: Yeah. So the way that we had  
11 contemplated this in the rules was that that advertisement  
12 can only be run when the vehicle is in a stopped position.

13 MR. SMITH: Okay.

14 MR. KUNTZ: So yeah. In park. So they would  
15 have -- so if you were walking through the aisle here at  
16 the -- you know, in a parking lot, you may have digital  
17 license plates that are running ads, and basically, there  
18 would be, the way it's drafted, a small display in the,  
19 like, top, right-hand corner that would display the  
20 license plate kind of on top of the -- so you'd have the  
21 advertising in the back, and you'd have a small display in  
22 the top, right-hand corner that had the license plate.

23 But yeah. It wouldn't be while you're  
24 operating on that.

25 MR. ROBERTI: We should probably discuss what

1 all you guys just talked about. Especially, members on  
2 the phone, you know, correct me if I'm wrong. Okay? So  
3 step in if you need to. Law enforcement has automatic  
4 digital license plate readers that read your license plate  
5 coming and going, and it stores in a database. Correct?

6 MR. KUNTZ: So you're referring to LPRs, which  
7 would be license plate readers.

8 MR. ROBERTI: Right. Is that what you're  
9 talking about, Mr. -- Member Smith?

10 MR. SMITH: Uh-huh.

11 MR. ROBERTI: Okay. All right. So he was just  
12 wondering, when does the advertising display? Hopefully  
13 it's not while you're going 40 miles an hour in a 25 and  
14 the automatic license plate reader can't read it because  
15 they've got, you know, McDonald's two-for-one.

16 MR. KUNTZ: Correct.

17 MR. ROBERTI: Okay. Is everybody clear on  
18 that? If not, just speak up. Okay.

19 MR. MILLARD: This is Member Millard.

20 MR. ROBERTI: Okay. Go ahead, Member Millard.

21 MR. MILLARD: What I read was that the  
22 advertising or messages would only be in the secondary  
23 region of interest, between the bolt holes of the license  
24 plate, not in the primary region.

25 MR. ROBERTI: Stand by. We're looking --

1 they're looking into that right now.

2 MR. KUNTZ: Do you have a reference? I'm  
3 looking for it right now. I just want to make sure I'm  
4 looking in the right spot.

5 MR. PYNDUS: This is David Pyndus with  
6 Registration Services. The bill with regard to the  
7 operation of -- when certain displays appear on the  
8 license plate are not spelled out. So we have to make  
9 some general assumptions.

10 As we all agree, nobody wants the primary  
11 region of interest to be affected while the vehicle is in  
12 operation, but even when the vehicle is in park position,  
13 it's still to be determined, from what I can tell reading  
14 the bill, where the other information may or may not  
15 appear, and especially if it's a visual that's related to  
16 advertising.

17 MS. AUCOIN: So for the record, it's Aline  
18 Aucoin. The bill itself, Section 504.155(b)(2) says that  
19 a digital license plate must include information that is  
20 required to be included on a physical license plate, a  
21 metal license plate, or what we have today, and legibly  
22 display that information at all times and in all light  
23 conditions, provided that the license plate may display  
24 the advertisements in smaller typeface when the vehicle is  
25 parked.

1 MR. MOORE: This is Member Moore. I --

2 MR. ROBERTI: One second.

3 MR. MOORE: -- I'm sorry.

4 MR. ROBERTI: Mr. Millard, did that answer your  
5 question?

6 MR. MILLARD: Yes. Thank you.

7 MR. ROBERTI: Okay. Mr. Moore, again?

8 MR. MOORE: Member Moore. Question for you,  
9 David. Does that include the logos like we see, UPS and  
10 other ones that already have the logos on their license  
11 plate? Will that include the logos that will only be  
12 displayed when the vehicle is driving?

13 MR. PYNDUS: Well, the logos are kind of an  
14 interesting aspect of it, because we allow -- the Texas  
15 IRP system currently issues logo plates to certain  
16 commercial vehicles that want to pay for the privilege of  
17 having their logo on the license plate.

18 On a metal plate, of course, there's a  
19 specified position for that logo. It's near the bottom.  
20 I think it's the bottom left. But of course, on the  
21 digital license plate --

22 MR. KUNTZ: So --

23 MR. PYNDUS: -- you know, there's way --

24 MR. KUNTZ: -- the way --

25 MR. PYNDUS: -- more real estate.

1 MR. KUNTZ: -- the way that I think we need to  
2 probably separate these two, is there's -- that there  
3 would be a special license plate version. So if you -- so  
4 let's say you have your logo on your plate.

5 That would be able to be displayed while the  
6 vehicle is in motion. However, when you stop, the  
7 background may change to advertising. Does that make  
8 sense? And that logo would go away, and you would now  
9 have advertising on the license plate with a number up in  
10 the top, right-hand corner.

11 So you still are going to have -- so I wish I  
12 had a specialty license plate here. When we talk primary  
13 and secondary areas of interest, you're talking about the  
14 actual alphanumeric character area of interest, and then,  
15 like, on the left-hand side, you have another area of  
16 interest, which is for specialty license plates.

17 UT plate, A&M plate, you know, those kind of  
18 plates. USC?

19 MALE VOICE: Yes, sir.

20 MR. KUNTZ: Okay. USC plate. I didn't want to  
21 leave you out there, buddy. That that could still be  
22 displayed, just like a specialty license plate displays  
23 that image today, even while it's operating, but what  
24 we're really talking about is advertising.

25 So where you've got -- the whole background

1 goes to two-for-one McDonald's, you know, Big Macs, or  
2 whatever it is that's displaying in the background. Does  
3 that help kind of clarify?

4 MR. MOORE: Yes, it does.

5 MR. KUNTZ: Yeah. So this would not preclude  
6 that you could not have a specialty plate image on the  
7 vehicle. Yeah. So this is what we're talking about here.  
8 You've got your primary -- right -- and then our primary  
9 area of interest, secondary area of interest --

10 MS. SOUTHERLAND: Secondary is the Texas -- for  
11 the record, Candy Southerland.

12 MR. KUNTZ: Yeah.

13 MS. SOUTHERLAND: Secondary is the Texas  
14 between the top two bolt holes. For those of you on the  
15 phone, our draft administrative rules do contemplate how  
16 the advertising will display when the vehicle is in park.

17 It's under little "g", digital plate displays.

18 It starts at the bottom of page 3. When we say, when the  
19 vehicle is in park -- and we, of course, have a definition  
20 of park that ties back to the statute -- it says it may  
21 display any of these things, the safety alerts or  
22 advertising.

23 But if you go to the top of page 4, and  
24 number 4 at the top of page 4, it talks about how, when it  
25 is in park and displaying that advertising, its primary

1 and secondary regions of interest can be minimized, but we  
2 give actual dimensions it may be no smaller than, so that  
3 more real estate on the actual digital plate may be used  
4 for display.

5 One thing we did not contemplate is the logo  
6 for these entities that may want a logo on a plate.  
7 Normally, we consider that logo when it's part of the  
8 plate design as part of the plate design, and we could  
9 go -- since this is our, you know, first stab at these  
10 rules, I think it would be good to apply that logo as part  
11 of, and maybe call it a third or fourth region of  
12 interest, so that the whole plate design just shrinks up  
13 in the corner and minimizes, and it's not just the Texas,  
14 the jurisdiction and the plate number.

15 So that certainly is a great thing that's come  
16 forth that we could add this clarity to the rules.

17 MR. ROBERTI: Okay. So --

18 MR. KUNTZ: Sorry y'all aren't get the benefit  
19 of the visual that we're holding up, but --

20 MS. AUCOIN: Aline Aucoin, for the record. We  
21 can provide all of the VTRAC members a copy of this  
22 document, which includes this image, so you can see where  
23 the holes are, the primary and secondary region of  
24 interest.

25 MR. KUNTZ: That's our plate specification

1 copy.

2 MS. SOUTHERLAND: Yeah. Candy Southerland, for  
3 the record. That document actually is on our website, but  
4 we certainly can make it available.

5 MR. ROBERTI: Okay. Anyone else? Questions on  
6 this? This is -- we're still on Recommendation 2.`

7 MS. PARR-LAMB: So are we ready to move on --

8 MR. ROBERTI: Are we done on this one?

9 (No response.)

10 MR. ROBERTI: Okay. We'll go to the next one.

11 MS. PARR-LAMB: Okay. All right. I believe  
12 this is the last question that we have to cover. Again,  
13 Tammera Parr-Lamb. Should the Department adopt a rule on  
14 what digital plate provider may do with the Global  
15 Positioning System, or GPS, data collected from the  
16 customer's digital license plate?

17 Some digital license plates contain GPS  
18 technology to assist with locating the motor vehicle, trip  
19 navigation and mileage tracking. While this can provide  
20 benefits to the motorists, such data could also be  
21 maintained and used for other purposes by a digital plate  
22 provider.

23 The Department does not anticipate having or  
24 requesting access to this data. For any GPS data gathered  
25 by a digital plate provider, what is the responsibility



1 for the protection and use of such information?

2 Should Administrative Code rule provide  
3 guidelines for the protection and use of GPS data  
4 retrieved from the digital license plates? TxDMV  
5 recommendation for discussion and consideration:  
6 Administrative Code rules should be proposed that  
7 establish guidelines for the protection and use of the GPS  
8 data retrieved from a digital license plate.

9 Bobby, I'll open up for discussion.

10 MR. ROBERTI: Anybody have any questions on  
11 this?

12 MR. LUEDECKE: Yes. This is Member Luedecke.  
13 So for GPS, they kind of go hand-in-hand with the  
14 advertising too, because if you turn it off, then how do  
15 advertisers know where they are parked to display the  
16 advertisement?

17 MR. KUNTZ: So let's -- I'll take a stab at  
18 this one, Mister Chairman. The thing that we were  
19 contemplating here is, all of our records that are  
20 contained in the registration and titling system, your  
21 name, your address, your vehicle information, those are  
22 protected by both state and federal law under what is  
23 known as the Driver's Privacy Protection Act.

24 The Driver's Privacy Protection Act does not  
25 contemplate GPS data contained in a system as personal,

1 private information, and so this is somewhat of a new area  
2 of law that neither state nor federal law that I'm aware  
3 of really contemplates that we would have either a state  
4 or a private company operating on behalf of the state is  
5 in possession of your GPS tracking data.

6 And so that's really -- the question is:  
7 should we as an agency attempt to try and put some  
8 parameters with this vendor around whose data that is,  
9 whether or not it could be sold. To kind of your point,  
10 could it be sold for advertising purposes to other  
11 advertisers?

12 Could it be provided to somebody that wanted to  
13 purchase that data from the digital plate provider to find  
14 out, you know, where are all of the trucks in UPS  
15 traveling most frequently? So there's things like that we  
16 are somewhat sensitive about, that this is a kind of new  
17 realm that we were putting to this group on -- what should  
18 we do with this?

19 This is not really clearly defined anywhere as  
20 to who owns this data.

21 MR. ROBERTI: Is there anything in the bill  
22 that addresses that? As I look through it, I didn't see  
23 it, so I just started asking.

24 MR. KUNTZ: You are correct.

25 MR. ROBERTI: Okay.

1 MR. KUNTZ: This is kind of a weird one,  
2 because it's not really clearly defined anywhere, and we  
3 -- and like I said, I'm not aware of state or federal laws  
4 that really have taken this one up.

5 Now, we know that there are manufacturers  
6 collecting data about vehicles, in, you know, the black  
7 box or whatever that's in your vehicle, but I don't know  
8 that that's ever been addressed as to whether or not  
9 that's the property of the manufacturers. Like OnStar, I  
10 mean, they know where you are at any time.

11 I don't know if there's any state or federal  
12 laws that protect that data or would consider it the  
13 company's or the person's. This issue of data is  
14 definitely a hot topic nationally. So --

15 MR. PASCHALL: I have a question. Member  
16 Paschall. Does the DMV currently sell data obtained  
17 currently through registration?

18 MR. KUNTZ: Yes. So there -- under the  
19 Driver's Privacy Protection Act, there are allowances for  
20 the sale or access of that data for a permitted purpose.  
21 So statute very clearly goes through -- I'll give you the,  
22 kind of, prime example.

23 A tow truck company has a permitted purpose to  
24 notify an individual that they've towed their vehicle. So  
25 we have a lot of tow truck companies that access our data,

1 in order to run license plates to find out who the owner  
2 of the vehicle is so they can provide notice of an  
3 impounded vehicle to the owner.

4 Auto dealers purchase data from us in order to  
5 check if there's any liens on the title, to make sure that  
6 the vehicle that's being traded in is actually owned by  
7 the customer that's trading it in, make there's no stolen  
8 remarks, those kind of things, on the vehicle.

9 But there's a very explicit list of permitted  
10 purposes by which somebody can access our data, and so  
11 people can purchase those -- our data, but can only  
12 purchase it for those permitted purposes.

13 MR. MILLARD: This is Member Millard.

14 MR. ROBERTI: One second. Member Paschall, are  
15 you --

16 MR. PASCHALL: No, I --

17 MR. ROBERTI: -- done?

18 MR. PASCHALL: -- I'm fine.

19 MR. ROBERTI: Member Millard, go ahead.

20 MR. MILLARD: It appears that the personal  
21 information of a company or a person is already protected,  
22 so the GPS, it would just be general information used for  
23 the vendor to, you know -- or you know, zip code  
24 information, stuff like that.

25 But the personal information is not part of

1 this question, I don't think.

2 MR. KUNTZ: The real question here, though, is:  
3 we know for certain that data that resides in our system  
4 is covered by DPPA. We would not be in possession of the  
5 GPS data. The vendor would be in possession of that, and  
6 so they are not covered necessarily by those same  
7 provisions of law.

8 That's not in the State's database; it's in a  
9 vendor's database. So that would be your --

10 MR. MILLARD: It wouldn't be -- it wouldn't be  
11 covered under the Driver's Protection Act?

12 MR. ROBERTI: The third --

13 MR. KUNTZ: I'm going to point to general  
14 counsel.

15 MR. ROBERTI: -- the third party -- so the  
16 question is: is the third party's data covered under the  
17 DPPA?

18 MS. BEAVER: Hi.

19 MR. ROBERTI: Hi. Hey. Welcome.

20 MS. BEAVER: Tracey Beaver, general counsel,  
21 Texas DMV, for the record. State agencies are covered by  
22 the Public Information Act, which is in the Government  
23 Code.

24 THE REPORTER: Could you get a little closer to  
25 a microphone, please.

1 MS. BEAVER: Sure.

2 THE REPORTER: Thank you.

3 MR. MILLARD: Also my recollection, too, even  
4 when the U.S. Code was written, it was initially directed  
5 towards state DMVs --

6 MS. BEAVER: So Tracey Beaver, general counsel,  
7 DMV, for the record. So the Public Information Act covers  
8 state agencies. It's in the Government Code. If there  
9 was data that a private company had that the State did not  
10 have access to or was in possession of, then any privacy  
11 issues or release of that information or use of that  
12 information would be based on the company and the contract  
13 that we had with them.

14 If we were not able to access that information  
15 or have possession of it, that is not something that is  
16 contemplated by the statutes and codes that regulate State  
17 agencies --

18 MR. KUNTZ: Correct.

19 MS. BEAVER: -- for privacy here.

20 MR. KUNTZ: Yeah. DPPA relates to data that is  
21 collected by a state or federal agency. This would not be  
22 data that we are collecting. This would be data that the  
23 entity is collecting in their system. So it would not  
24 necessarily be covered by DPPA, because we're not the  
25 collectors of that data.

1 MR. ROBERTI: So to further clarify this, let  
2 me -- I'll finish, and then you can go. To --

3 MR. MILLARD: Okay.

4 MR. ROBERTI: -- further clarify, any  
5 information collected by the third-party vendor, we  
6 basically have no control over and they could do whatever  
7 they want with this information. Correct?

8 MR. KUNTZ: Unless there is a provision put  
9 into our administrative rule and the contract that says  
10 they cannot. That's what -- that's the question we're  
11 asking is, should a prohibition be placed upon anybody  
12 that is collecting this data that would prohibit them from  
13 using it for anything else?

14 MR. ROBERTI: Okay. Do we have anything in  
15 place to enforce that?

16 MR. KUNTZ: The contract. It would have to be  
17 a contractual term.

18 MR. ROBERTI: Okay. All right. Go ahead.

19 MR. MILLARD: This is Member Millard. I'll  
20 just be more specific. If the company vendor had  
21 information -- let's say, a third party wanted to know  
22 where I had been for the last three days, could they still  
23 have that information, based on who I am?

24 MR. KUNTZ: So the example we give -- yeah. So  
25 the example -- and I'll try to draw an analogy for you.

1 So if I walked into a auto dealership, and I started a  
2 transaction with that auto dealership, and they said,  
3 here, we would like for you to write down your name and  
4 address and all your information, and I provide that to  
5 the auto dealership, that auto dealership can use my name  
6 and address for marketing purposes.

7 It's not part of the motor vehicle record.  
8 They collected that data from you directly. When it was  
9 coming from the Department, in other words it was  
10 information that was put onto the title application and it  
11 was submitted in order to obtain title for your vehicle,  
12 that's when it becomes driver privacy protected data,  
13 because it's part of the motor vehicle record.

14 It was collected by the Department. And so  
15 there's a very nuanced distinction there, that if the  
16 vendor collected your name and address from a potential  
17 customer, then I don't know that there would necessarily  
18 be an extension of DPPA into that data that they had.

19 MR. MILLARD: Okay. I understand.

20 MS. AUCOIN: And Aline Aucoin, for the record.

21 And we could certainly do some research just to verify  
22 what we're saying, what Jeremiah is saying. I'm pretty  
23 sure he's correct, but I'll -- we'll research the issue  
24 just to make certain.

25 MR. ROBERTI: I've got a bunch of questions,



1 but I almost don't even know where to start at this point.

2 So just keep it -- we'll keep it open. Anybody have  
3 anything else? Anybody on the phone?

4 MR. KUNTZ: Does he need the microphone?

5 MR. ROBERTI: Yes.

6 THE REPORTER: Could you get your microphone --

7 MR. ROBERTI: Oh, sorry.

8 THE REPORTER: -- close in front of you?

9 MR. ROBERTI: I put that over -- sorry.

10 THE REPORTER: That's okay. Thank you.

11 MR. ROBERTI: So as -- so here's a question for  
12 anyone, any of the staff members or Committee members.  
13 Would -- could we put something into the motion or into  
14 this, saying something like, I don't know -- you know  
15 where I'm going?

16 Something that would say -- that would  
17 basically protect the user's information from third-party  
18 use?

19 MR. KUNTZ: I think that what we were trying to  
20 address here is having some kind of provision in our  
21 administrative rule that would direct the Department in  
22 its contract with the vendor to have a contract term and  
23 condition that says that any data collected for the sale  
24 of these marketing -- of the license plate or collected  
25 once the person has a license plate, cannot be used for

1 any other purpose than to operate the license plate.

2 In other words, you can use the GPS data for  
3 geofencing. So if anybody's familiar with geofencing for  
4 marketing -- if I walk into the Cowboy Stadium, and I've  
5 got my phone on, and I check Facebook, I'm going to get a  
6 Cowboys ad.

7 So the -- my phone knows where I'm at to know  
8 what ads to serve up. So we could limit their use of the  
9 GPS data for things like that, for -- I know, like, toll  
10 road companies, when you go through the toll road gantry,  
11 they're going to want to know that there's a GPS location  
12 that they get, as well as the RFID, the number.

13 So they actually try and collect both of those  
14 to make sure they get an accurate hit on that license  
15 plate. So we could limit the scope of the use of the GPS  
16 data purely for the operations of the license plate  
17 itself, and so you can't -- any data that you've collected  
18 from this may not be sold, redistributed for other  
19 marketing purposes, to other entities, any of that kind of  
20 stuff.

21 So it would be a contract term and condition to  
22 try and protect that data through contract.

23 MS. AUCOIN: Aline Aucoin, for the record.  
24 Just one minor clarification: the statute for digital  
25 license plates states that the Department by rule shall

1 establish the specifications and requirements for digital  
2 license plates, so this really is a rule issue that does  
3 tie into our contract.

4 So we're not asking the Advisory Committee  
5 to --

6 MR. ROBERTI: Okay. That was my next question.

7 MS. AUCOIN: -- say what needs to be in the  
8 contract. It's what needs to be in the rule as a  
9 specification or requirement.

10 MR. KUNTZ: Yeah. Which would be used for  
11 us --

12 MS. AUCOIN: For the contract.

13 MR. KUNTZ: -- to develop the contract.

14 MR. ROBERTI: All right. So --

15 MR. KUNTZ: Sorry.

16 MR. ROBERTI: -- basically, the language in the  
17 recommendation covers all that.

18 MS. AUCOIN: Correct. Well, it --

19 MR. ROBERTI: This sentence right here.

20 MS. AUCOIN: -- it covers it --

21 MR. KUNTZ: Conceptually.

22 MS. AUCOIN: -- plus all -- conceptually, plus  
23 all the detail that Jeremiah just said.

24 MR. KUNTZ: Yeah. So we would have to flush  
25 out the actual language to be used in a rule, but this was

1 kind of what we were getting is, how prescriptive should  
2 we be on that? Should we allow any use of that GPS data  
3 for other purposes?

4 MR. ROBERTI: Do we get another bite at the  
5 apple or is this sufficient? This recommendation is  
6 sufficient to basically cover the third-party data?

7 MR. KUNTZ: It really goes to -- if this  
8 Advisory Committee believes that it should all be  
9 completely boxed in, or is there any allowance -- in other  
10 words, does the Advisory Committee want to allow any use  
11 of that data beyond that?

12 So we're putting this in here to say, should  
13 there, for one, be anything in the rule? And then if so,  
14 how restrictive or prescriptive should it be? Should it  
15 say, you can't use it for anything? Or it could be used  
16 for some things, like, for the actual plate itself?

17 Or could it be sold to anybody for any other  
18 purpose?

19 MR. MOORE: Member Moore here. Got a question.  
20 When the vendor sells it to the person or the company,  
21 you know, there's going to be a price. Is it possible  
22 that they could discount the price if you let us, you  
23 know, advertise?

24 Or we'll discount the price if you let us look  
25 at your GPS data? Is that something that's possible?

1 MR. KUNTZ: I'm sure it is.

2 MR. MOORE: Okay.

3 MR. KUNTZ: So that -- I mean, that's kind of  
4 one of those things. I mean, we could write the rule that  
5 says, you can only share it if authorized by the  
6 customer --

7 MR. MOORE: Or an --

8 MR. KUNTZ: -- an opt-in or an opt-out, because  
9 then there's those two options, either --

10 MR. MOORE: Or possibly a positive opt-in or a  
11 positive, you know -- so in other words, it's not  
12 available unless you take the extra step and say that it  
13 is.

14 MR. KUNTZ: Okay.

15 MR. ROBERTI: Here's another question that has  
16 just popped into my head. Let's say somebody wants a  
17 digital license plate. Do they register first, and then  
18 get the plate? Or do they do the plate first and then get  
19 the registration?

20 Because if they do the registration first, then  
21 they have -- well, so I guess my question is, is how much  
22 information can -- if they buy the plate first, then they  
23 can give information to the plate manufacturer, you know,  
24 let's say, address, VIN number, all this fun stuff, that  
25 they're not going to collect from the agency.

1 Does that make sense?

2 MR. KUNTZ: Sure.

3 MR. ROBERTI: So what's first?

4 MR. KUNTZ: So could be either.

5 MR. ROBERTI: Because that would make a big  
6 difference on how much data they do have and how much data  
7 they do control.

8 MR. KUNTZ: So the -- Dana's point, I think, is  
9 pretty well taken in that the federal law actually has an  
10 opt-in allowance. In other words, federal law says all of  
11 your driver's privacy protection data is protected unless  
12 you have consent from them to release it. So I mean, I  
13 think that that is a -- probably a pretty reasonable way  
14 to go with this, to say it's all locked up, unless  
15 somebody positively --

16 MR. ROBERTI: Okay.

17 MR. KUNTZ: -- allows for the issuance of the  
18 data, because federal law contemplates that and allows for  
19 it, so -- and so does state.

20 MR. ROBERTI: Is everybody thoroughly confused?  
21 Well, again, anybody on the phone have any questions? Is  
22 everybody okay with how this recommendation is worded? In  
23 other words, Administrative Code rules should be proposed  
24 and establish guidelines for the protection and use of GPS  
25 data retrieved from a digital license plate?

1 MR. KUNTZ: What I was hearing -- and I don't  
2 know if the Committee wants to go this way. There could  
3 be additional language added for the ability for somebody  
4 to opt into sharing of the data. So that would be  
5 additional language --

6 MR. ROBERTI: All right. So let's put language  
7 down. So how would you want to word that?

8 MR. MOORE: Jeremiah said it pretty good. It's  
9 all privileged, unless a person opts into it.

10 MR. KUNTZ: So the --

11 MR. ROBERTI: With the additional language,  
12 additional -- what word would you want --

13 MR. KUNTZ: I would just say that all  
14 information contained regarding the person, vehicle and  
15 GPS data is protected, unless the owner --

16 MR. ROBERTI: Okay. Let's try that. With the  
17 addition --

18 MR. KUNTZ: Authorizes the disclosure --

19 MR. ROBERTI: All right. So --

20 MR. KUNTZ: We can draft something up to that  
21 effect, if we can do --

22 MR. ROBERTI: Well, as far as the motion goes,  
23 how do we word this? So we've got the recommendation  
24 here --

25 MR. KUNTZ: Sure.

1 MR. ROBERTI: -- additional -- with the  
2 addition of all information -- couldn't write fast enough.  
3 Sorry.

4 MR. KUNTZ: You could just -- if you're doing a  
5 motion, you would just say that -- instructing the  
6 Department to add an opt-in provision --

7 MR. ROBERTI: Okay.

8 MR. KUNTZ: -- for the authorized disclosure of  
9 personal information.

10 MR. ROBERTI: To add a --

11 MR. KUNTZ: Opt-in.

12 MR. ROBERTI: -- opt-in --

13 MR. KUNTZ: For authorization to disclose  
14 personal information, including GPS data.

15 MS. AUCOIN: Are we expanding the scope of  
16 number three now? Because it was limited to GPS data  
17 to --

18 MR. KUNTZ: Oh, I --

19 MS. AUCOIN: -- begin with.

20 MR. KUNTZ: -- I know. I mean, I think that it  
21 can go either way. I mean, it sounds like -- I'm hearing,  
22 kind of, all of it. I mean, you just opt into -- yes, I  
23 can -- I'll opt into the disclosure of my personal  
24 information and the GPS data -- is what I was hearing.

25 MR. ROBERTI: Uh-huh. I would agree.



1 MR. PASCHALL: I've got a question or a  
2 statement. This is Member Paschall. Should we look at  
3 the plate manufacturer disclosing beforehand, what they're  
4 doing with the information to the customer, before opting  
5 in or out?

6 MR. KUNTZ: Okay. They have a disclosure  
7 requirement. I mean --

8 MS. AUCOIN: Aline, for the record. That's a  
9 great point, because how would someone know --

10 MR. PASCHALL: Yeah. Well, if there -- yeah,  
11 exactly.

12 MS. AUCOIN: -- what they're opting into, if  
13 they don't even know the universe as to how their --

14 MR. PASCHALL: Yes.

15 MS. AUCOIN: -- GPS or other data is going to  
16 be used. That's --

17 MR. PASCHALL: Yeah.

18 MS. AUCOIN: -- a great point.

19 MR. KUNTZ: We can add that as well, that --  
20 and Aline, I'm trying to make them feel that I can kind of  
21 capture everything that Mr. Moore was saying, which I  
22 think included also an opt-in for the marketing, as well.

23 I know that's not necessarily in this, but I  
24 know that that was kind of all wrapped up in what he was  
25 discussing -- was opt-in provisions for both the

1 disclosure, as well as the marketing.

2 So if you wanted to market, that you would opt  
3 in. I think -- I know that was one of our previous ones.

4 MR. ROBERTI: So you want to opt-in for  
5 authorization to disclose personal information, GPS data,  
6 and marketing? Is that the language you want?

7 MR. MOORE: I think a person ought to be able  
8 to opt in. If they don't, then it's privileged.

9 MR. ROBERTI: Okay.

10 MS. AUCOIN: And for the record, Aline Aucoin.

11 So the language on advertising, we would need to add to  
12 Item No. 2.

13 MR. ROBERTI: All right. Does anybody have any  
14 more questions, anything on any of the three  
15 recommendations for Agenda Item 2(c)?

16 MS. POLK: I do have a question. This is  
17 Member Polk. I do have one other question on the  
18 replacement.

19 It's on the recommendation for No. 1. It  
20 states that if a digital plate customer switches back to  
21 using their metal plate, the customer will not be required  
22 to pay an additional administrative fee, if they already  
23 paid the administrative fee for the digital plate for that  
24 registration period.

25 And I guess I was just kind of curious. Will

1 they already have the metal plate, or will a metal plate  
2 and sticker have to be issued at that point?

3 MR. KUNTZ: That is a very good question, and  
4 something that I can kind of speak to. So the bill  
5 actually did something interesting with the metal plates,  
6 in that it requires that the vehicle display both the  
7 digital license plate as well as a metal plate in the  
8 front.

9 So you have to have both on the vehicle. You  
10 have to have a digital on the back and a metal on the  
11 front, unless, of course, your vehicle, like -- a heavy  
12 truck only has a front license plate. A lot of our IRP-  
13 type trucks only have the front plate. They don't have a  
14 back plate.

15 So the Department has always anticipated that  
16 when you get a digital plate, you will still receive a set  
17 of license plates. So we will still give you two, one for  
18 the front and one for the back, and that's partly because  
19 of a -- if your vehicle gets two.

20 My general counsel's keeping me on point here.

21 But basically that would allow a customer that wanted to,  
22 to just pull the plate off and put their metal plate on if  
23 they wanted to, or put it right back on.

24 That's what this was really kind of getting at,  
25 is -- you've already got the metal plate. It's got the

1 same number on it that is displaying on the digital plate.

2 So ABC, one, two, three, four is your license plate  
3 number on the metal plate on the front.

4 That's the same digital plate on the back. So  
5 if you unscrew the digital plate and took it off, you  
6 could take your second metal plate and put it on, and take  
7 the metal plate off and put the digital plate back on.

8 So it gives -- that's why that we had that  
9 recommendation, that there was no additional  
10 administrative fee for swapping those out, because you  
11 would already be in possession of both metal plates.

12 MS. POLK: That makes sense.

13 MS. AUCOIN: And for the record, Aline Aucoin.

14 So Subsection (i) of the draft rules addresses the  
15 issuance of metal plates, and also the possibility that  
16 the digital plate, for whatever reason, might cease to  
17 display information. It malfunctions or it's -- something  
18 happens to it. The person already has however many metal  
19 plates they're supposed to have, and the customer can then  
20 put the metal plates on, so they're legal.

21 MS. POLK: Perfect. What do they do for the  
22 window sticker?

23 MR. KUNTZ: That's a really good question.

24 MR. MILLARD: This is Member Millard. They're  
25 going to be issued a window sticker when they get both

1 plates. I assume they'll be able to keep it, attach it to  
2 the windshield, if they put their metal plate back on the  
3 rear of the vehicle.

4 MR. ROBERTI: They're looking it up right now.

5 MR. KUNTZ: As you're saying this, I'm  
6 thinking, because the bill actually relieves the  
7 obligation to have a window sticker placed in the window,  
8 when you have a digital plate displayed.

9 MS. POLK: Right.

10 MR. KUNTZ: So --

11 MR. PYNDUS: Well, this is David Pyndus. The  
12 good news is, if there's a malfunction of the digital  
13 plate, and they do revert back to metal plate, if they  
14 kept that sticker, again, they'll be good to go for that  
15 registration period, without having to pay an  
16 administrative or any other fee.

17 Chances are they may not hold onto the sticker,  
18 and will have to get a replacement.

19 MR. KUNTZ: Very good question.

20 MS. POLK: I just didn't know if -- this is  
21 Member Polk again -- I just didn't know if they would be  
22 issued a window sticker, because then they'd have this  
23 extra metal plate and a window sticker laying around, that  
24 someone could steal, and you know -- so I just wasn't  
25 sure.

1 MR. NINO: This is Member Nino. Can I ask a  
2 question?

3 MR. KUNTZ: Member Nino is asking if he can ask  
4 a question.

5 MR. ROBERTI: Yeah, Member Nino, go ahead.

6 MR. NINO: Yeah. Well, if they get issued a  
7 plate with a certain number, an actual, physical, metal  
8 plate, and they get the digitalized version, the same  
9 plate number is going to be on the digitalized version, or  
10 are they going to get a new number?

11 Because just like the current time, if you lose  
12 your plate, you could go get a replacement, and  
13 oftentimes, most of the time, or not -- 100 percent of the  
14 plate, you get a new plate number. So if they were going  
15 from just digital to a metal plate, that old plate number  
16 should be canceled out. Shouldn't it?

17 MR. KUNTZ: Yeah. So the way it will work is,  
18 there will be a front license plate, and the front license  
19 plate will have ABC, one, two, three, four on it. That  
20 same number would display on the digital plate. Let's  
21 say, for example, the front metal license plate, the  
22 screws fall off and the plate falls off while they're  
23 driving, and it's lost.

24 They could go and obtain a new license plate,  
25 CXY, one, two, three, four. That new license plate number

1 would be displayed on the digital plate once they attach  
2 the new metal plate to the front. So that the metal plate  
3 and the digital plate will always have to match.

4 MR. NINO: Sure. Okay, okay.

5 MR. ROBERTI: Any more questions, comments?  
6 We'll go ahead and we'll take public comments. First one  
7 up, we'll have Daniel Palmer. We're going to have you sit  
8 right up there, and say name and address for the record.

9 MAJ. PALMER: David Palmer, Texas Department of  
10 Public Safety, Texas Highway Patrol, 5805 North Lamar,  
11 Austin, Texas. I just want to say a few things. As you  
12 know, the Department of Public Safety specifically has --  
13 is statutorily involved in this rulemaking process from a  
14 law enforcement perspective.

15 And just to let you know, we didn't see the  
16 draft rules until this morning. So we haven't had a  
17 chance to circulate it internally. So we'd like to have  
18 the opportunity. The discussion has been very, very good.

19 I think you guys are asking some important  
20 questions. I've been -- I was reading through the rules  
21 during some of the discussion, and there are some  
22 concerns, you know, especially when we start talking about  
23 the advertisement, the shrinking of the numbers, even when  
24 it's parked.

25 You know, I think, there was a -- somebody

1 brought up a great question about the LPR piece, and DMV  
2 has done a good job in initial rules of talking about how  
3 it needs to be read by standard, commercial LPRs, but you  
4 also have to remember that it's not just when they're  
5 driving down the road that LPRs are used.

6 They're also used by law enforcement vehicles,  
7 repo folks, when the vehicles are parked, and there's a  
8 lot of stolen vehicles that are recovered that way when  
9 they're parked. So even when it reduces that license  
10 size, I think that's something that's going to have to be  
11 considered, as well.

12 The stuff you were talking about just now, with  
13 the two license plates. You know, there are some concerns  
14 initially, and we'll provide additional feedback, but I  
15 just wanted to touch on some of the higher points. When  
16 you issue two license plates, that's great, but -- and in  
17 a perfect world, I think that's a great idea. But you've  
18 now given somebody two real license plates, and you're  
19 expecting them to keep up with a plate, and then if you  
20 propose, because of the question of the sticker itself --  
21 if you've got the digital license plate, it can be  
22 displayed on the digital license plate, the validation.

23 However, if they take that off, and now they  
24 stick their other one on there, then they're going to have  
25 to have something to show that that plate's valid. If you



1 issue them ahead of time, and they don't have to put it on  
2 their windshield, now you've got a valid sticker that's  
3 out there, and in spite of the fact that it's got the  
4 license plate associated with it, you still have to worry  
5 about whether that gets stuck on another vehicle.

6 And the only way to identify that would be  
7 by -- just by chance, running the plate, and no, it  
8 doesn't belong on the vehicle. And then the other  
9 question that you, you know, just taught high-level is --  
10 I think it's great that everything's got to match up, but  
11 I'm guessing -- and I know this is new territory.

12 But I'm guessing that the digital plate itself  
13 will have some way to identify the plate itself through a  
14 serial number or something that you can then verify that  
15 really does belong on that vehicle, regardless of what  
16 license plate is displayed on it, in case, even through  
17 the best prevention, it's hacked. So those are the kinds  
18 of just high-level -- and we've got other notes, and when  
19 we circulate it, we will definitely provide that feedback  
20 to the DMV, so they have it and they can present it to the  
21 Committee as well.

22 So with that, that's all I've got for now. And  
23 I do appreciate the participation, the ability to listen  
24 in on your deliberations and discussion. And we're --  
25 DPS, I, and we're always available if you have questions

1 or need a resource.

2 MR. ROBERTI: Thank you, Mr. Palmer. Next up,  
3 we have Neville Boston. Let's get name and address for  
4 the record, please.

5 MR. BOSTON: Neville Boston, name. I'm the  
6 founder of Reviver, and I'm from Foster City. Is that  
7 good?

8 MR. ROBERTI: Yeah. Address as well.

9 MR. BOSTON: Oh. 4000 East Third Street, Suite  
10 150.

11 MR. ROBERTI: Foster City, California?

12 MR. BOSTON: Foster City, California.

13 MR. ROBERTI: Okay. Thank you.

14 MR. BOSTON: 94404. You guys touched on a lot  
15 of things today. I was taking a bunch of notes, and I  
16 wanted to be as helpful as possible. So I started the  
17 company about 10 years ago, back in 2009, and we've been  
18 testing plates for at least seven years.

19 So there's a ton of data and information that  
20 we have out, that we'd be willing to provide to the  
21 Committee, you know, just grab it, so that you have it,  
22 not just stuff that we've done, but we've done through  
23 third parties. We're currently working in nine of the top  
24 10 vehicle markets, and what I mean by that -- we either  
25 have legislation passed, legislation in process, or pilots

1 that are going on, and the two places that we have pilots  
2 are both Maryland and Pennsylvania.

3 But, you know, we have full authorization in  
4 Arizona and Michigan and Illinois. We passed legislation  
5 here in Texas. This is one of two bills, and I'll get  
6 back to that. California will be fully authorized, I  
7 believe, next year, probably Q1, but we have access to  
8 sell in that state.

9 We're also working internationally in Dubai and  
10 Abu Dhabi and Qatar, and we've been there for a couple  
11 years. We've, I think, taken a lot of time to get a lot  
12 of feedback. I'm actually part of the digital license  
13 plate committee that AMBA is going to be starting here  
14 soon.

15 I thought we've worked fairly well with law  
16 enforcement, trying to make sure that everybody's on the  
17 same page with the technology that we have. There is, I  
18 think, another company in South Carolina that was, you  
19 know, contemplating doing the same thing, but I think we  
20 may be the only provider that's doing exactly what we're  
21 doing.

22 There's other people that have RFID technology  
23 that they utilize. My big thing in being here was wanting  
24 to help out and share whatever data and information that  
25 could be helpful. We've been working in California since,

1 I would say, 2011, '12.

2 We passed legislation, I'd say -- I think, in  
3 Florida in about the same time, but we haven't been there  
4 doing anything just yet. I think that's going to be next  
5 year. There were a couple of things that were brought up  
6 that I wanted to address, like, the life in the plate.

7 We do regression tests on the plate. We've  
8 done internally and then on a third party. Right now,  
9 it's looking like a five- to seven-year lifespan for the  
10 plate. We've had a test that we've done that had it for  
11 10 years, and we've made it with -- so that it's -- it has  
12 a secure RFID chip in the plate.

13 It has Bluetooth, accelerometer, all those  
14 kinds of things that are built in. In addition to that,  
15 we've worked on different glass technologies. So we're  
16 working with -- I think Corning has this thing called  
17 Super Glass, that's really flexible, so that is able to be  
18 utilized.

19 We also use Gorilla Glass on the plate as well.

20 There's a plate that's plugged in, and then there's  
21 actually one that is battery-operated, so you have a  
22 couple different choices of plates. From a cost  
23 perspective -- I think you guys have brought that up as  
24 well -- we're charging -- I think it's 12.95 and 17.95 a  
25 month, depending on the plate that you get, and that's,

1 you know, again, just additional information.

2 When it comes to privacy information that was  
3 brought up, there is a couple of things. GDPR, which was  
4 General Data Protection Regulation, that came out in  
5 Europe, and I think implemented in 2018, was about how you  
6 take data from one source and kind of move it out, if  
7 somebody wants their data back.

8 And when we set up our system, we set it based  
9 on that provision. In California in particular, they have  
10 the CCPA, which is the California Consumer Privacy Act,  
11 which deals with a lot of how information is -- data is  
12 stored and utilized.

13 So it may be something that would be  
14 interesting, to pull that data, if you guys don't have  
15 anything in Texas that's the same. That way, you're not,  
16 you know, kind of duplicating efforts. I think that's  
17 information that's available that could be utilized.

18 You had brought up information as far as  
19 platforms and how they're set up, what information's  
20 available or not. I look at it more like a smorgasbord of  
21 data, and it would be kind of a choice on how you want to  
22 integrate it and utilize it or not utilize it. And that  
23 would be more of what the state decides to do.

24 In Georgia, in particular, we are in the  
25 process of passing full authorization there, which will be

1 Q1 of next year. But it was an administrative issue that  
2 stopped it from being passed last year, so we've been  
3 actually -- I met with the Governor's Office and the  
4 Lieutenant Governor in working with the DMV, so they have  
5 the new registration system, that we're using APIs, to  
6 actually integrate with their systems.

7 And just for the record, API is application  
8 program interface, so that you're interfacing the  
9 information, you have a right. So with that being said,  
10 what we're doing is that we're doing the API integration  
11 now, so that by March of next year, we'll have  
12 authorization to kind of roll it out in that state.

13 And I -- you know, I'm looking at it from the  
14 perspective -- when the company was started, it was  
15 started with the mindset of being a partner, not a vendor,  
16 as much, and partnering with information and data that we,  
17 you know, have been working on for the last 10 plus years.

18 So -- oh, I'm sorry. So that being said, I'm  
19 just willing to share any information that's needed,  
20 whether you guys use us or somebody else. It's absolutely  
21 fine, but I just wanted to be helpful. That was it.

22 MR. ROBERTI: Thank you, Mr. Boston. And of  
23 course, members reserve the right to ask questions of  
24 anybody. So just to let you know. Thank you.

25 MR. BOSTON: Okay. No problem.

1 MR. ROBERTI: Is anyone here to speak for or  
2 against Item 2(c)?

3 (No response.)

4 MR. ROBERTI: Okay. All right. So we'll just  
5 come back around, open the floor again. Does anybody have  
6 any comments, questions, comments, questions for our two  
7 speakers or for staff? I do have a question for Mr.  
8 Boston.

9 Would you mind going back up there, so you're  
10 on the -- I'm sorry. Mr. Palmer. Sorry.

11 MAJ. PALMER: You were looking at me, but --

12 MR. ROBERTI: I know. I had the wrong sheet  
13 up. Just so you're on the microphone.

14 MAJ. PALMER: Sure.

15 MR. ROBERTI: So my question is that -- so you  
16 have a statutory, you know, obligation to implement this,  
17 but it's under my -- it's my understanding that you guys  
18 need the final blessing for everything to move forward.  
19 Is that correct?

20 MAJ. PALMER: The Department does have a  
21 provision that the rules will go in effect unless the  
22 Director, within 30 days of the time they issue the rule,  
23 sends a letter to the -- what is it -- Secretary of State,  
24 invalidating the rules.

25 The Department does have the ability to

1 invalidate the rule if they don't agree with it, and of  
2 course, the Department doesn't want to do that.

3 MR. ROBERTI: Right.

4 MAJ. PALMER: That's why we want to work ahead  
5 of time to resolve any concerns that we would have.

6 MS. AUCOIN: And for the record, Aline Aucoin.  
7 When Major Palmer says, the Department, he's talking  
8 about the Department of Public Safety --

9 MAJ. PALMER: Public Safety.

10 MS. AUCOIN: -- which is a different agency  
11 than the --

12 MR. ROBERTI: Correct.

13 MS. AUCOIN: -- Department of Motor Vehicles,  
14 which --

15 MAJ. PALMER: Yeah. Thank you.

16 MS. AUCOIN: -- selected and put this Vehicle  
17 Title and Registration Advisory Committee into place.

18 MR. ROBERTI: Correct. Okay. Thank you. Does  
19 anybody else have any questions for Mr. Palmer -- is it  
20 Major Palmer?

21 MAJ. PALMER: Major.

22 MR. ROBERTI: Major Palmer.

23 (No response.)

24 MR. ROBERTI: Okay. Thank you, sir.

25 MAJ. PALMER: You bet.



1 MR. ROBERTI: So basically, if we approve  
2 something today, the Department of Public Safety still has  
3 oversight on whether these recommendations go forward. Is  
4 that correct?

5 MS. AUCOIN: Aline, for the record. Correct,  
6 for the most part. I'll add in some detail.

7 MR. ROBERTI: Okay. Good.

8 MS. AUCOIN: So the detail is -- the Vehicle  
9 Title and Registration Advisory Committee provides  
10 recommendations to our Board. Our Board may or may not  
11 accept, or I guess, pass rules that are exactly in sync  
12 with y'all's recommendations, but our Board will  
13 definitely consider your recommendations.

14 MR. ROBERTI: Okay.

15 MS. AUCOIN: Whatever rules our Board approves,  
16 the Department of Public Safety basically has veto  
17 authority to either allow or not allow those rules to  
18 become effective, if they exercise their -- I'll call it,  
19 veto authority.

20 MR. ROBERTI: Is everybody clear on that? On  
21 the phone, everybody good?

22 (No response.)

23 MALE VOICE: Yes.

24 MR. ROBERTI: All right. With that being said,  
25 I believe we're probably ready to make a motion. Does

1 anybody have any final thoughts before we craft a motion?

2 (No response.)

3 MR. ROBERTI: Okay. So let me do this. So  
4 I'll ask for a motion, a motion to approve, with the  
5 inclusion of the language that there's an opt-in for  
6 authorization to disclose personal information and --  
7 personal information, GPS data and marketing.

8 Is that language okay, or do I need to be more  
9 specific --

10 MS. AUCOIN: So are you choosing to go to  
11 number three first instead of number one? There's --

12 MR. ROBERTI: So did you want me to make a  
13 motion for each separate recommendation? Would that be  
14 cleaner?

15 MS. AUCOIN: Aline Aucoin, for the record. I  
16 think it would be cleaner if you take the items one by  
17 one, and even on number one, there's a subpart A and a  
18 subpart B. I think it would be cleaner if you take each  
19 individual item --

20 MR. ROBERTI: Okay. We'll do that.

21 MS. AUCOIN: -- for the motion, and that way,  
22 it's cleaner, because if you get a problem --

23 MR. ROBERTI: I agree, I agree, I agree. Okay.  
24 But -- so do I have a motion on recommendations -- so  
25 this is for Item 2(c), to --

1 MS. AUCOIN: Of the agenda item.

2 MR. ROBERTI: -- of the agenda item. So it  
3 would be Recommendation 1(a). Do I have a motion to  
4 approve Recommendation 1(a) for Item -- Agenda Item 2(c)?

5 MALE VOICE: And what was 1(a), do you know?

6 MR. MILLARD: Mr. President?

7 MR. ROBERTI: Yes, sir. Who is this? Mr.  
8 Millard?

9 MR. MILLARD: Member Millard.

10 MR. ROBERTI: Yes?

11 MR. MILLARD: According to the agenda -- and  
12 correct me if I'm wrong, but before a vote on any Advisory  
13 Committee agenda items, would any Board action be taken  
14 today?

15 MS. AUCOIN: Aline Aucoin, for the record.  
16 Agenda Item No. 2, the large heading says, "Discussion and  
17 Action Items" -- so we have posted proper notice that this  
18 Committee could discuss and take action on any of the  
19 items, including any of the items in 2(c), and 2(c) covers  
20 the document that we provided to you all that has the  
21 Department's three issues and the recommendation.

22 MR. KUNTZ: Aline, I think the confusion is in  
23 the heading up here, and what it's saying is, a quorum of  
24 the Board of the Texas Department of Motor Vehicles may be  
25 present at the meeting for information-gathering purposes.

1       However, the Board members -- and when it's talking about  
2 Board there, they're talking about -- the Texas Department  
3 of Motor Vehicles Board will not vote on any Advisory  
4 Committee agenda items, nor will any Board action be  
5 taken.

6               That's reference to the DMV Board, not y'all.

7               MR. ROBERTI: That's in case there's a quorum  
8 of DMV Board members here, but it does state that this  
9 isn't considered an action item. Correct?

10              MS. AUCOIN: For the Vehicle Title and  
11 Registration Advisory Committee --

12              MR. ROBERTI: For the VTRAC, and us only.  
13 Correct.

14              MR. KUNTZ: Did that clear the --

15              MR. ROBERTI: Yeah. Does that clarify it --

16              MR. MILLARD: Clear.

17              MR. ROBERTI: -- Mr. Millard?

18              MR. MILLARD: Clear to me.

19              MR. ROBERTI: Okay. Do I have a motion on --  
20 for Agenda Item 2(c), do I have a motion on Recommendation  
21 1(a)? You could say, I make a motion to approve, or you  
22 could say somebody --

23              MS. POLK: I make a motion. This is Member  
24 Polk. I make a motion to accept the Texas DMV  
25 recommendation for Section 1(a).

1 MR. ROBERTI: I have a motion by Member Polk.  
2 Do I have a second?

3 MR. SMITH: I'll second.

4 MR. ROBERTI: Second by Member Smith. All in  
5 favor, say aye.

6 (A chorus of ayes.)

7 MR. ROBERTI: Any opposed, say nay.

8 (No response.)

9 MR. ROBERTI: Motion passes unanimously, I  
10 believe. No nays? Correct? On the phone?

11 (No response.)

12 MR. ROBERTI: Okay. So do I have a motion on  
13 Recommendation 1(b)? Do I have a motion to approve Item  
14 1(b) -- Recommendation 1(b)?

15 MR. SMITH: I'll motion that.

16 MR. ROBERTI: Motion by Member Smith. Motion  
17 to approve. Correct?

18 MR. SMITH: Yes, sir.

19 MR. ROBERTI: Motion by Member Smith. Do I  
20 have second?

21 MS. AUCOIN: Aline, for the record. So just to  
22 be clear, is your motion to approve the recommendation  
23 provided by the Department in the document we provided to  
24 you, or is your motion something else?

25 MR. SMITH: No. That's it. It's to approve

1 it.

2 MS. AUCOIN: Okay.

3 MR. ROBERTI: As per staff recommendation.

4 MR. SMITH: Correct.

5 MR. ROBERTI: Say something simple like that.

6 Okay. So motion by Member Smith to approve staff

7 recommendations on 1(b). Do I have a second?

8 MR. PASCHALL: I'll second.

9 MR. ROBERTI: I have a motion -- second by  
10 Member Paschall. All in favor, say aye.

11 (A chorus of ayes.)

12 MR. ROBERTI: Any opposed?

13 (No response.)

14 MR. ROBERTI: Motion passes, unanimously. We  
15 will go on to Item -- so this is still on Agenda Item  
16 2(c). Do you want to go through all four of these  
17 separate?

18 MS. AUCOIN: I guess it depends on the person  
19 that wants to make the motion.

20 MR. ROBERTI: Well, it depends on the person  
21 that wants to make the motions, because --

22 MS. AUCOIN: Aline, for the record. The  
23 Department's recommendation just addressed Item -- I'm  
24 going to say, (d), on our recommendation for Item No. 2.  
25 The Department's recommendation just dealt with allowing

1 the customer to opt out of approved advertising, and did  
2 not address the other listed items, which are the  
3 emergency alerts, public safety alerts, vehicle  
4 manufacturer recalls, or static logos.

5 MR. KUNTZ: So let me --

6 MS. AUCOIN: I mean --

7 MR. KUNTZ: -- try and help out a little bit  
8 here, because I want to make sure that we get a clear one  
9 on this one. So before you, you've got options, where you  
10 could either say, you only want to take up the issue of  
11 advertising, or you could take up all of those issues and  
12 treat them all the same, where it's all opt-in or opt-out.

13 Right now, the recommendation from staff was an  
14 opt-out. What I believe I heard Mr. Moore recommend was  
15 that, instead of an opt-out, it would be an opt-in, so  
16 that amendment in this recommendation is going to have to  
17 altered for the motion, to make it an opt-in instead of an  
18 opt-out, and the question then becomes, do you want it to  
19 be for anything other than advertising?

20 Would it be for all things, or would it just be  
21 for advertising?

22 MR. MOORE: This is Member Moore. I was also  
23 wanting to include the safety recall notice as well. I  
24 believe in the emergency alert system -- I don't think  
25 that ought to be -- I think that ought to be mandatory --

1 MR. KUNTZ: Okay.

2 MR. MOORE: -- is my personal -- but the  
3 advertising and the safety recall notices, I think, ought  
4 to be opt-in, a positive opt-in.

5 MR. ROBERTI: So you think A and B should be --  
6 how would we structure that?

7 MR. KUNTZ: It would be B and D.

8 MR. ROBERTI: B and D. Sorry.

9 MR. MOORE: B and D should be positive opt-in.

10 MS. AUCOIN: So for the record, Aline Aucoin.  
11 So when you're saying "opt-in," you're saying that the  
12 customer will not get these things unless they expressly  
13 say, Yes, I do want vehicle manufacturer recall notices,  
14 and I do want advertising on --

15 MR. MOORE: Correct.

16 MS. AUCOIN: -- the plate that I'm about to  
17 buy.

18 MR. MOORE: Absolutely, it's what I'm saying.  
19 Yes.

20 MS. AUCOIN: So are you -- okay.

21 MR. ROBERTI: No, no. That's okay. Do you  
22 want to --

23 MR. MOORE: Sure. I'll make a motion on that  
24 one.

25 MR. ROBERTI: Let's -- do you want to split it



1 up, or do you want to just reference the document in front  
2 of us?

3 MS. AUCOIN: So I guess we could leave it to  
4 the option of the --

5 MR. ROBERTI: Okay.

6 MS. AUCOIN: -- motion maker.

7 MR. MOORE: Okay. Member Moore. I make a  
8 motion that we accept the staff's recommendation, with the  
9 exception of -- Items B and D require the purchaser to  
10 positively opt in.

11 MR. KUNTZ: And B and D being vehicle  
12 manufacturer safety recall notices and advertising  
13 approved by the Department.

14 MR. MOORE: Well, yeah. That's what I'm  
15 talking about. The recall notices, the -- and the  
16 advertising has to be opted in.

17 MR. ROBERTI: Okay. Write this down. Here's a  
18 pen. Let's do this. Here's what is going to be -- if  
19 that's what you want --

20 MR. MOORE: That's I'm --

21 MR. ROBERTI: Okay. So this is what your  
22 motion should be. Say, for Agenda Item 2(c),  
23 Recommendation No. 2 -- so we get all that on the record.

24 MR. MOORE: Right.

25 MR. ROBERTI: Okay. And then everything you

1 just said.

2 MR. MOORE: Okay.

3 MR. ROBERTI: Start with the Agenda Item --  
4 Recommendation 2.

5 MR. MOORE: Two. The Committee recommends  
6 accepting the staff's recommendation.

7 MR. ROBERTI: Well, say the whole thing. I  
8 make a motion --

9 MR. MOORE: I make a motion --

10 MR. ROBERTI: Okay.

11 MR. MOORE: -- this is Member Moore. I make a  
12 motion that the Committee accept staff recommendation in  
13 relation to Item No. 2, with the exception that Item No.  
14 (b) and Item No. (d) require a positive opt-in from the  
15 consumer.

16 MS. AUCOIN: And let me add one thing as well.  
17 Since the -- Aline, for the record -- since our  
18 recommendation only addressed advertising, if you're  
19 intending your motion to also say that the customer  
20 automatically gets -- okay.

21 Let's try it again. You're right. You're  
22 right.

23 MR. MOORE: Is everybody clear on that?

24 MR. ROBERTI: All right. So I'm going to  
25 repeat what you just said --

1 MR. MOORE: Okay.

2 MR. ROBERTI: -- just to make to sure that --

3 MR. MOORE: Okay.

4 MR. ROBERTI: -- the court reporter knows  
5 exactly what we just put on there. So correct me if I'm  
6 wrong.

7 MR. MOORE: Okay.

8 MR. ROBERTI: Motion to approve Item -- Agenda  
9 Item 2(c), Recommendation No. 2 --

10 MR. MOORE: Uh-huh.

11 MR. ROBERTI: -- that Subsection (b) and (d)  
12 requires a customer opt-in. Am I good so far? And then  
13 to recommend the rest of the recommendation --

14 MR. MOORE: Be accepted.

15 MR. ROBERTI: -- be -- as recommended.

16 MR. MOORE: Yeah. As recommended. Yeah.

17 MR. ROBERTI: Is that correct?

18 MR. MOORE: Yes, sir. That's it.

19 MR. ROBERTI: Because the court reporter -- did  
20 we get that? Okay?

21 THE REPORTER: Yes, sir.

22 MR. ROBERTI: Okay. All right. I have a  
23 motion for Recommendation No. 2 on Agenda Item 2(c). Do I  
24 have a second?

25 MR. SMITH: Member Smith seconds it.

1 MR. ROBERTI: I have a second by Member Smith.  
2 All in favor, say aye.

3 (A chorus of ayes.)

4 MR. ROBERTI: Any opposed? Any opposed?

5 (No response.)

6 MR. ROBERTI: Motion passes, unanimously. Are  
7 we good on that one? Okay. Before we move on. All  
8 right. Agenda Item 2(c), once again. We've got  
9 Recommendation No. 3 regarding the GPS technology. Do I  
10 have a motion on that?

11 That also had some members concerned about an  
12 opt-in for that one, as well. Do we want to put some  
13 wording into the motion? Do we want to put in an opt-in  
14 for an authorization, customer authorization to disclose  
15 personal information and GPS data and marketing?

16 MR. MOORE: Absolutely.

17 MS. AUCOIN: And Aline, for the record. And  
18 this disclosure is just disclosure from the vendor. It is  
19 not disclosure from DMV. I just wanted to make that  
20 clear.

21 MR. ROBERTI: Oh, okay.

22 MR. MOORE: Exactly. Yes, yes.

23 MS. AUCOIN: And also, as the Presiding  
24 Officer, you are authorized to call a recess if you want  
25 to give people a break, so they can think clearly about

1 this very important topic. It's up to you.

2 MR. ROBERTI: Does anybody want a break, or are  
3 we clear?

4 (No response.)

5 MR. ROBERTI: Okay. All right. So is that a  
6 motion you would like to make, Mr. Moore?

7 MR. MOORE: Yes. Member Moore. I would make a  
8 motion that the staff recommendations on three be  
9 accepted. However, I'm not sure how we're going to put  
10 this, but the GPS data collected must be an opt-in from  
11 the consumer.

12 MR. PASCHALL: I'd also like to -- Member  
13 Paschall -- I'd also like to add that the manufacturer  
14 disclose what data they're collecting prior to the opt-in.

15 MS. AUCOIN: So I'll be the parliamentarian.  
16 Aline, for the record.

17 MR. ROBERTI: That -- okay.

18 MS. AUCOIN: So at this time, Member Moore has  
19 put forward -- he's making his motion. Your motion -- you  
20 are allowed to accept Member Paschall's suggestion, if you  
21 want to tack that onto your motion. If you don't, we need  
22 to move forward with your motion, see if we get a second,  
23 and vote on it.

24 MR. ROBERTI: We can make a contingent motion  
25 if you'd like. If you want to make it separate, or if you

1 want to add it in.

2 MR. MOORE: Well, let's add it in. I'm fine  
3 with that.

4 MR. ROBERTI: I know what you're talking about.

5 MR. MOORE: We'll just add that in.

6 MR. ROBERTI: A lesson on *Robert's Rules of*  
7 *Order* here today. All right. So -- but let's see if I  
8 can get the language for that, and then you can make a  
9 motion.

10 MR. MOORE: Okay. Good.

11 MR. ROBERTI: A motion to approve Agenda Item  
12 2(c), Recommendation No. 3, with the inclusion of the  
13 language, to instruct the DMV agency to add language for  
14 an opt-in from the vendor. Is that right?

15 MS. AUCOIN: From the vendor or the customer?

16 MR. ROBERTI: From the customer.

17 MR. MOORE: From the consumer, from the  
18 consumer. Absolutely.

19 MR. ROBERTI: From the consumer for  
20 authorization to disclose personal information, GPS data,  
21 and marketing, and to also include --

22 MR. PASCHALL: The vendor --

23 MR. ROBERTI: -- how information is being used.

24 MR. PASCHALL: What's being collected and how  
25 it's to be used.

1 MR. MOORE: Is that right?

2 MR. PASCHALL: Yes, yes.

3 MR. MOORE: Okay.

4 MR. ROBERTI: Let's take a five-minute break so  
5 we can get that language down. How about that?

6 MR. MOORE: Okay.

7 MR. ROBERTI: Is that okay? I have a motion to  
8 take a five-minute recess --

9 MR. PASCHALL: I second.

10 MR. ROBERTI: -- do I have a motion?

11 MR. MOORE: Motion.

12 MR. ROBERTI: Motion by Member Moore. Second  
13 by Member Paschall. All in favor?

14 (A chorus of ayes.)

15 MR. ROBERTI: Any opposed?

16 (No response.)

17 MR. ROBERTI: We're in recess for five minutes.

18 (Whereupon at 2:55 p.m., there was a short  
19 recess.)

20 (3:02 p.m.)

21 MR. ROBERTI: We're going to reconvene here.

22 Do I have a motion to reconvene?

23 MR. SMITH: Motion.

24 MR. ROBERTI: Motion by Member Smith. Do I  
25 have a second? Motion to reconvene. Do I have a second

1 to reconvene?

2 MR. PASCHALL: I'll second.

3 MR. ROBERTI: Motion by Member Paschall. All  
4 in favor, say aye.

5 (A chorus of ayes.)

6 MR. ROBERTI: Any opposed?

7 FEMALE VOICE: Aye.

8 MR. ROBERTI: All in favor, say aye, on the  
9 phone.

10 (A chorus of ayes.)

11 MR. ROBERTI: Okay. Any opposed?

12 (No response.)

13 MR. ROBERTI: We are now back in session. All  
14 right. So do I have a motion on Agenda Item 2(c),  
15 Recommendation 3?

16 MR. MOORE: Member Moore. I make a motion. I  
17 make a motion that the Administrative Code should be  
18 proposed to protect a person's personal information and  
19 GPS data retrieved from a digital license plate. If the  
20 vendor discloses to the customer the manner that the data  
21 will be used, a customer may allow for the disclosure of  
22 personal information and GPS data by the digital license  
23 plate vendor.

24 MR. ROBERTI: Okay, so I have a motion by  
25 Member Moore. Do I have a second?



1 MR. PASCHALL: I second.

2 MR. ROBERTI: Second by Member Paschall. All  
3 in favor, say aye.

4 (A chorus of ayes.)

5 MR. ROBERTI: Any opposed?

6 (No response.)

7 MR. ROBERTI: Motion passes, unanimously. All  
8 right. Next up, we have Agenda Item 2(d), future meeting  
9 schedule. Is that -- do we need to -- go ahead.

10 MS. AUCOIN: So Aline, for record. We have --  
11 the only charge before this Advisory Committee at this  
12 time were the Committee's recommendations on these three  
13 items. So you all can certainly talk about a future  
14 meeting schedule if there's any, I guess, procedural  
15 issues you think you might want.

16 I mean, do you all think you need to elect any  
17 other officers or discuss anything, such as how you're  
18 going to -- there's not a whole lot that you need to talk  
19 about, or maybe nothing at this point, but you could  
20 certainly --

21 MR. ROBERTI: Basically, what Ms. Aucoin is  
22 saying is, we've covered so much today, and then we got a  
23 lot done, that that might be it for the time being.

24 MS. AUCOIN: Correct, correct.

25 MR. KUNTZ: Unless there's any other items that

1 are not --

2 MS. POLK: This is Member Polk.

3 MR. ROBERTI: Yes, Member Polk?

4 MS. POLK: How do we know when we have another  
5 issue that needs to be addressed? Does someone contact  
6 Robert, and he'll --

7 MR. ROBERTI: Well, I think that's going to  
8 be --

9 MS. POLK: -- reach out or --

10 MR. ROBERTI: -- our next agenda item,  
11 potential future agenda items. We'll address that at  
12 the --

13 MS. POLK: Thank you.

14 MR. ROBERTI: -- next thing. But this is for  
15 future meeting schedules.

16 MS. AUCOIN: So Aline, for the record. Just so  
17 you know, if the Department requests any other actions  
18 from this Advisory Committee, we will communicate that to  
19 y'all through Kim Fox, or our other -- or any other  
20 designated Department communicators, and we will  
21 communicate it to all of you.

22 MR. ROBERTI: Okay. Does anybody have any  
23 questions on this? Comments?

24 (No response.)

25 MR. ROBERTI: We'll move on to Item 2(e),

1 potential future agenda items. So Member Polk, do you  
2 have a question?

3 MS. POLK: I think she already answered it, but  
4 thank you.

5 MR. ROBERTI: Okay. Do you want to just go --  
6 just explain how that process works, as far as what's  
7 going to come in front of us, future agenda items?

8 MS. AUCOIN: So --

9 MR. ROBERTI: I feel better -- I put this on  
10 the agenda, just for staff to have an outlet to talk about  
11 something that may potentially come in front of us.

12 MS. AUCOIN: So Aline Aucoin, for the record.  
13 So I guess before we talk about any future potential  
14 charges that our agency provides to this Advisory  
15 Committee, the next action item will actually be this  
16 Advisory Committee providing the recommendations to our  
17 Board.

18 Our timeline originally showed this Committee  
19 making recommendations to our Board at our April Board  
20 meeting. However, y'all finished faster than we thought,  
21 and our next Board meeting is tentatively scheduled in  
22 February. So we can look at putting this as an agenda  
23 item for our Board's February Board meeting, at which this  
24 Committee's recommendation would be provided to our Board.

25 You all could provide it in different ways.

1 You all could compile the motions and the votes, which  
2 communicates what recommendations y'all made. Someone  
3 could even show up in person and verbally present the  
4 written recommendation.

5 So I guess at this point, I recommend us going  
6 back to 2(c) and opening it up, because the scope of that  
7 agenda item for this meeting --

8 MR. ROBERTI: Okay. So yeah. So --

9 MS. AUCOIN: -- can contemplate the method.  
10 Like, are y'all going to have a person who is going to  
11 show up in person? If y'all -- you need to talk about  
12 that at this time.

13 MR. ROBERTI: Okay. So in other words, we got  
14 done quicker, to the point that we need to actually work  
15 that out?

16 MS. AUCOIN: Correct. And --

17 MR. ROBERTI: Okay.

18 MS. AUCOIN: -- y'all could do it -- y'all  
19 could even do it with just -- I guess, now your First Vice  
20 Chair --

21 MR. ROBERTI: Yeah. We have two people on  
22 this, on the job now. Okay. So let's reopen Item 2(c).  
23 So we're done with our consider and act. So now that  
24 we've basically covered the recommendations from Texas DMV  
25 staff, just any -- it's just -- basically, let's just call

1 it a general discussion at this point to see how we want  
2 to present this, if we want to do something in person or a  
3 PowerPoint, or if anybody has any ideas on that?

4 So I'll just open the floor up.

5 MR. LUEDECKE: This is Member Luedecke. I'll  
6 be happy to present it. I'm not doing a PowerPoint,  
7 though.

8 MR. ROBERTI: Would you be okay with just staff  
9 drawing up basically what we covered here today, maybe add  
10 some of your own personal notes, if you'd like? And then  
11 cover that in person?

12 MR. LUEDECKE: That would be fine.

13 MR. ROBERTI: Okay, okay.

14 MR. LUEDECKE: And I probably would not add any  
15 personal notes, because I'm not changing anything that we  
16 haven't discussed in here.

17 MR. ROBERTI: Okay. That's fair enough.  
18 Second Vice Chair Smith, that's part of your duties now,  
19 to help with that presentation. So yeah -- you and Member  
20 Luedecke can work that out. Are we going to get a draft  
21 of that before we --

22 MS. AUCOIN: So Aline, for the record. We  
23 could definitely make the transcription record available,  
24 and you could read it, and you'd basically copy exactly  
25 from the record what the motion was, and that would end up

1 being the recommendation, because that's what you as an  
2 Advisory Committee as a whole voted on.

3 MR. ROBERTI: Okay.

4 MR. SMITH: That sounds great.

5 MR. ROBERTI: Is everybody good with that?

6 MR. LUEDECKE: Sounds good.

7 MR. ROBERTI: Any other final comments,  
8 thoughts, on Item 2(c)?

9 (No response.)

10 MR. ROBERTI: Okay. We'll move on to Agenda  
11 Item 3, public comment. We have one speaker, John Buxie.  
12 Hello, Mr. Buxie.

13 MR. BUXIE: How are y'all today?

14 MR. ROBERTI: Good.

15 MR. BUXIE: I think the -- I was going to hit  
16 on the law enforcement piece. I think I filled out the  
17 wrong form there, but you know, we just -- from  
18 Representative Paddie's office, just echo DPS's comments.  
19 Those were comments we heard from law enforcement across  
20 the state in doing the legislation -- was they had a lot  
21 of concerns about two plates out there.

22 But that was really it, so I just thank you  
23 guys for your service and for swift action here. Just  
24 hope everybody has a very Merry Christmas.

25 MR. ROBERTI: Okay. Great. Thanks. Merry

1 Christmas to you, too. Is anyone else here to speak for  
2 or against an item not on the agenda? Anyone want to re-  
3 address any agenda item while we're still here?

4 (No response.)

5 MR. ROBERTI: If that's it, we've got one thing  
6 left. Do I have a motion to adjourn?

7 MR. MOORE: Motion to adjourn.

8 MR. ROBERTI: Motion by Member Moore. Do I  
9 have a second?

10 MR. SMITH: I'll second that. Smith.

11 MR. ROBERTI: Second by Member Smith. All in  
12 favor, say aye.

13 (A chorus of ayes.)

14 MR. ROBERTI: Any opposed, and want to keep  
15 this meeting going?

16 (No response.)

17 MR. ROBERTI: Motion passes, unanimously. We  
18 are adjourned. It is --

19 MR. NINO: Happy holidays, everybody.

20 MR. ROBERTI: -- 3:10.

21 (Whereupon, at 3:10 p.m., the meeting was  
22 adjourned.)

C E R T I F I C A T E

1  
2  
3 MEETING OF: TxDMV Vehicle Titles and Registration  
4 Advisory Committee  
5 LOCATION: Austin, Texas  
6 DATE: December 19, 2019

7 I do hereby certify that the foregoing pages,  
8 numbers 1 through 104, inclusive, are the true, accurate,  
9 and complete transcript prepared from the verbal recording  
10 made by electronic recording by Nancy H. King before the  
11 Texas Department of Motor Vehicles.

12 DATE: December 26, 2019  
13  
14  
15  
16  
17

18 /s/ Adrienne Evans-Stark  
19 (Transcriber)  
20

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