

**AGENDA**  
**BOARD MEETING**  
**TEXAS DEPARTMENT OF MOTOR VEHICLES**  
**4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM**  
**AUSTIN, TEXAS 78731**  
**THURSDAY, FEBRUARY 6, 2020**  
**8:00 A.M.**

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

- 1. Roll Call and Establishment of Quorum**
- 2. Pledges of Allegiance - U.S. and Texas**
- 3. Chair's Reports** - Chairman Treviño
  - A. Introduction of New Board Member - Joel Richardson
  - B. Chair's Annual Report to Governor on State of Affairs 2019
- 4. Executive Director's Reports** - Whitney Brewster  
Awards, Recognition of Years of Service, and Announcements
- 5. Memorandum of Understanding between Motor Vehicle Crime Prevention Authority (MVCPA) and Texas Department of Motor Vehicles - MVCPA**  
Chairman Hansen and Bryan Wilson

**CONTESTED CASE**

- 6. Reversed and Remanded from the Third Court of Appeals to the Board for proceedings consistent with the appellate opinion (i.e. Reconsideration of the Board's August 17, 2017, Final Order) under Occupations Code, §§2301.467(a)(1), 2301.468, and 2301.478(b).** Third Court of Appeals No. 03-17-00761-CV, Removed from the 201st District Court of Travis County, Cause No. D-1-GN-17-005912, SOAH Docket No. 608-14-1208.LIC, MVD Docket No. 14-0006 LIC; *New World Car Nissan, Inc. d/b/a World Car Hyundai, World Car Nissan, and New World Car Imports, San Antonio, Inc., d/b/a World Car Hyundai, Complainants v. Hyundai Motor America, Respondent* - Daniel Avitia and Michelle Lingo

**RULES - ADOPTIONS**

**7. Chapter 215, Motor Vehicle Distribution - Daniel Avitia**

**Amendments, §215.133**

**Repeal, §215.102**

**New, §215.161**

(Relating to:

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

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

*(Review by the Office of the Governor, Regulatory Compliance Division; submission November 22, 2019; comment period closed December 27, 2019)*

**8. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz**

**Amendments, §§217.2, 217.45, and 217.46**

(Relating to:

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

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

*(Review by the Office of the Governor, Regulatory Compliance Division; submission November 22, 2019; comment period closed December 27, 2019)*

**9. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz**

**Amendments, §217.40**

**New, §217.16**

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

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

*(Review by the Office of the Governor, Regulatory Compliance Division; submission November 22, 2019; comment period closed December 27, 2019)*

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

**New, §§217.76-217.78**

(Relating to suspension or denial of access to the Registration and Title System)

*(Proposal Published October 18, 2019 - 44 Tex. Reg. 6018)*

- 11. New, Chapter 223, Compliance and Investigations Division** - Tim Menke  
(Relating to county tax assessor-collector reporting of suspected fraud, waste, or abuse and implementation of Sunset Advisory Commission's Recommendation 2.2)  
(*Proposal Published October 18, 2019 - 44 Tex. Reg. 6021*)

**BRIEFING AND ACTION ITEMS**

**12. Committee Appointments**

- A. Board Committee - Chairman Treviño
- B. Advisory Committees - Whitney Brewster

- 13. Vehicle Titles and Registration Advisory Committee (VTRAC)  
Recommendations Regarding Digital License Plates Rules** - Vehicle  
Titles and Registration Division and First Vice Chair Shay Luedeke

**14. Finance and Audit**

- A. February 5, 2020 Finance and Audit Committee Meeting  
Summary - Committee Chair Brett Graham (BRIEFING ONLY)
- B. FY 2020 Six-Month Audit Plan - Sandra Menjivar-Suddeath

**ASSEMBLED VEHICLES RULES - PUBLIC HEARING (1:00 P.M.)**

**15. Public hearing to receive spoken and written comments on proposed amendments to 43 TAC §§217.3, 217.141-217.143 and new §§217.401-217.407.**

- The proposal was published in the December 20, 2019 issue of the *Texas Register* (44 Tex. Reg. 7866).
- It is not necessary to attend or speak at the meeting to have your comments in the record. As part of the hearing, emailed comments will be accepted if received between 8:00 and 5:00 pm on February 6, 2020. Comments can be emailed to [rules@txdmv.gov](mailto:rules@txdmv.gov).
- A person speaking before the board at the public hearing will be given an opportunity to speak for a maximum of three minutes. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible.

**EXECUTIVE SESSION**

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

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

- **Section 551.074** - Personnel matters.
  - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.
  - Discussion relating to TxDMV dispute resolution process and recent EEOC complaints and internal Civil Rights Office complaints.
  
- **Section 551.076** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
  - the deployment, or specific occasions for implementation, of security personnel or devices; or
  - a security audit.
  
- **Section 551.089** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
  - security assessments or deployments relating to information resources technology;
  - network security information as described by Section 2059.055(b); or
  - the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

## **17. Action Items from Executive Session**

## **18. Public Comment**

## **19. Adjournment**

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting. In accordance with 43 Texas Administrative Code §206.22, any person wishing to address the Board must complete a speaker's form at the registration table prior to the agenda item being taken up by the Board. Public comment will only be accepted in person. Each speaker will be limited to three minutes and time allotted to one speaker may not be reassigned to another speaker.

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

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

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact David Richards by telephone at (512) 465-1423.

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

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