

**AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
OPEN MEETING VIA
TELEPHONE CONFERENCE CALL*
PURSUANT TO GOVERNOR'S MARCH 16, 2020, TEMPORARY SUSPENSION OF
CERTAIN OPEN MEETING PROVISIONS**
THURSDAY, AUGUST 6, 2020
8:00 A.M.**

THIS MEETING WILL BE HELD REMOTELY VIA TELEPHONE CONFERENCE CALL*

Instructions for accessing the meeting via Webex:

<https://txdmv.webex.com/txdmv/onstage/g.php?MTID=e0fe9928c087ec30b66cfeeb8473f32d4>

Phone number for accessing the meeting via phone:

United States Toll Free: 1-844-740-1264

Event number/Access code: 133 525 4935

Event Passcode: 080620

You are solely responsible for your system and the installation and use of Webex software.

Link to August 6, 2020, TxDMV Board Meeting Documents:

<https://www.txdmv.gov/about-us/txdmv-board-meetings>

*The public can listen to the meeting via the Webex link or the toll-free number listed above. If you have any technical questions about accessing the meeting, please send an email to Board.Tech.Help@txdmv.gov.

**Action by Governor Greg Abbott pursuant to Texas Government Code Section 418.016

<https://gov.texas.gov/news/post/governor-abbott-allows-virtual-and-telephonic-open-meetings-to-maintain-government-transparency>

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
Vice Chair Appointment of Finance and Audit Committee under Transportation Code, §1001.023(b)(8)
4. **Executive Director's Reports** - Whitney Brewster
 - A. COVID-19 Disaster Response
 - B. Introduction of Deputy Executive Director - Daniel Avitia
 - C. Awards, Recognition of Years of Service, and Announcements

CONTESTED CASES

5. **Denial of Application and Appeal to SOAH under Occupations Code, §2301.651 and 43 Texas Administrative Code §215.141.** MVD Docket Case No. 19-0012705.ENF, SOAH Docket No. 608-20-0638.ENF. *Texas Department of Motor Vehicles v. Johnnie Lloyd, D/B/A Five Star Motors and More* - Daniel Avitia
6. **Denial of Application and Appeal to SOAH under Occupations Code, §2301.251(a), and §2301.651(a); Transportation Code, §503.034(a)(1); and 43 Texas Administrative Code §§215.88(c), 215.89(b)(8), and 215.141.** MVD Docket Case No. 19-0007745.ENF, SOAH Docket No. 608-19-6053.ENF. *Texas Department of Motor Vehicles v. Alvina Taylor, D/B/A A&J Imports, LLC.* - Daniel Avitia

RULES - PROPOSALS

7. Consumer Protection Advisory Committee (CPAC) Recommendations Regarding Refund by Motor Vehicle Dealers and Motor Carriers Transporting Household Goods Rules - Enforcement Division and Presiding Officer Laird Doran
8. **Chapter 215, Motor Vehicle Distribution** - Corrie Thompson and Brian Ge
Amendments, §215.500
New, §215.504
Chapter 218, Motor Carriers
Amendments, §218.72
(Relating to SB 604, clarifying the refund authority for motor vehicle buyers and lessees; refund to a consumer who paid the motor carrier to transport household goods)
9. **Chapter 221, Salvage Vehicle Dealers** - Corrie Thompson
New §221.96, Cease and Desist
(Relating to SB 604, establishing process under which board may issue a cease and desist order to prohibit a person from violating statutes, board rules, or board orders, after notice and an opportunity for a hearing)
10. **Chapter 209, Finance** - Jimmy Archer and Linda M. Flores
Amendments, §209.23

**Chapter 219, Oversize and Overweight
Amendments, §§219.2, 219.11, 219.13 - 219.15, 219.42, 219.43, and 219.61 -
219.63**

(Relating to HB 61, escort flag vehicles including the use of certain lighting equipment; removing escrow account payment for certain types of permits)

**11. Chapter 219, Oversize and Overweight Vehicles and Loads - Jimmy Archer
Amendments, §219.31 and §219.126
Repeal, §219.83**

(Relating to HB 2620, movement of oversize or overweight vehicles and enforcement of motor vehicle size and weight limitations)

**12. Chapter 206, Management - Timothy Menke and Sandra Menjivar-Suddeath
New, §206.151**

**Chapter 223, Compliance and Investigations Division
New, §223.101**

(Relating to SB 604, risk-based monitoring and prevention of title and registration fraud)

**13. Chapter 206, Management - Tracey Beaver
Amendments, §206.22**

**Chapter 215, Motor Vehicle Distribution
Amendments, §215.22 and §215.55**

New, §§215.59 - 215.63

(Relating to SB 604, new Occupations Code §2301.709(d), contested cases; and a petition for rulemaking)

(Informal Working Draft and Request for Informal Comments on Rules Relating to Contested Cases; and Petition for Rulemaking - Published on TxDMV website April 3, 2020 to May 4, 2020)

RULES - ADOPTIONS

**14. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz
Amendments, §217.144**

(Relating to SB 604, new Transportation Code Chapter 1006, rename Automobile Burglary Theft Prevention Authority to Motor Vehicle Crime Prevention Authority)

**15. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz
Amendments, §217.182**

(Relating to HB 1548, new Transportation Code §551A.052, Registration; license plates; incorporate legislation to add a new transaction type)

BRIEFING AND ACTION ITEMS

16. Finance and Audit Committee Update - Committee Chair Brett Graham

A. Consideration and Possible Recommendation for Action to Full Board:

1. FY 2022 - 2023 Legislative Appropriations Request, Baseline, and

- Exceptional Items - Linda M. Flores and Sergio Rey
2. FY 2021 Recommended Annual Operating Budget - Linda M. Flores and Sergio Rey
 3. FY 2021 First Six Month Internal Audit Plan - Sandra Menjivar-Suddeath

B. Briefing Items

1. Financial Impacts of COVID-19 on TxDMV - Linda M. Flores and Brian Kline
2. Third Quarter Financial Report ending May 31, 2020 - Linda M. Flores and Sergio Rey
3. Internal Audit Division Status Report - Sandra Menjivar-Suddeath

17. Legislative and Public Affairs - Caroline Love
(BRIEFINGS ONLY)

- A. Legislative Plans for the 87th Legislative Session
- B. Alternatively Fueled Vehicle Study Update
- C. Digital License Plate Implementation Timeline Update

18. Appointment of Delegees to Act in the Absence of the Executive Director - Whitney Brewster

EXECUTIVE SESSION

19. 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.

20. Action Items from Executive Session

Performance evaluation of Executive Director, including any delegations to a board subcommittee, and modifications to compensation

21. Public Comment

22. 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.

If you want to comment on any agenda item (including an open comment under Item #21), you must send an email to GCO_General@txdmv.gov with one of the following prior to the agenda item being taken up by the Board:

1. a completed registration form (available on the TxDMV webpage for the Board and other public meetings: <https://www.txdmv.gov/about-us/txdmv-board-meetings>); or
2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name and address, including your city, state, and zip code; and
 - c. who you are representing.

You must wait for the chairman to call on you before you verbally make your comment via the link or the toll-free number listed above. 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.

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.