

**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, JUNE 11, 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=ecb00ca73010db5f0baf895ea9b4244ab>

Phone number for accessing the meeting via phone:

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

Event number/Access code: 287 800 416

Event Password: Board061120 (26273061 from phones)

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

Link to June 11, 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**

- A. Resignation of Board Member - Joel Richardson
 - B. Chair's Annual Report to Governor on State of Affairs 2019
4. **Executive Director's Reports** - Whitney Brewster
- A. Consumer Protection Advisory Committee Update
 - B. COVID-19 Disaster Response
 - C. Strategic Plan Update
 - D. Security Plan Update
 - E. Awards, Recognition of Years of Service, and Announcements

CONTESTED CASE

5. **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. 19-0004271.ENF, SOAH Docket No. 608-19-5876.ENF. Texas Department of Motor Vehicles v. Harrell Berry d/b/a Bam's Sales & Service, Inc. - Daniel Avitia

RULES - PROPOSALS

6. **Chapter 211, Criminal History Offense and Action on License** - Daniel Avitia
New, §§211.1 - 211.5
Chapter 215, Motor Vehicle Distribution
Amendment, §215.89
Repeal, §215.88
Chapter 221, Salvage Vehicle Dealers
Amendments, §§221.15, 221.19, 221.111, and 221.112
Repeal, §221.113 and §221.114
(Relating to:
- Sunset Advisory Commission's recommendation, criminal history evaluations consistent with Occupations Code, Chapter 53:
 - SB 604, relating to changes to salvage dealer licenses;
 - HB 1342, relating to a person's eligibility for an occupational license; and
 - SB 1217, prohibiting consideration of certain arrests in determining license eligibility)
7. **Chapter 215, Motor Vehicle Distribution** - Jeremiah Kuntz
Amendments, §§215.150 - 215.158
(Relating to HB 3760, issuance of buyer's tags for vehicles sold by governmental agencies)
8. **Chapter 217, Vehicle Titles and Registration** - Jeremiah Kuntz
Amendments, §217.74
(Relating to SB 604, requirement of each county tax assessor-collector to make webDEALER available to any licensed motor vehicle dealer requesting access)

RULES - ADOPTIONS

**9. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz
Amendments, §217.11**

(Relating to rescission, cancellation or revocation by affidavit)
(Proposal Published April 17, 2020 - 45 Tex. Reg. 2519)

**10. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz
New, §§217.58-217.64**

Amendments, §§217.22, 217.27, 217.32, 217.38, 217.41, and 217.55

(Relating to SB 604, new Transportation Code §§504.151 - 504.157, digital license plates)

(Proposal Published April 17, 2020 - 45 Tex. Reg. 2520)

BRIEFING AND ACTION ITEMS

11. Specialty Plate Designs - Jeremiah Kuntz

- A. Texas Honey Bee - New Design proposed under Transportation Code, §504.801
- B. PGA Golf - New Design proposed under Transportation Code, §504.801
- C. Texas Tech University - Redesign proposed by My Plates under Transportation Code, §504.851
- D. Texas State University - Redesign proposed by My Plates under Transportation Code, §504.851
- E. Southern Methodist University - Redesign proposed by My Plates under Transportation Code, §504.851
- F. Georgia Tech University - Redesign proposed by My Plates under Transportation Code, §504.851
- G. Lone Star Carbon Fiber - New Design proposed by My Plates under Transportation Code §504.851

12. COMMITTEE ITEMS

- A. Advisory Committee Appointments - Whitney Brewster
- B. Consumer Protection Advisory Committee (CPAC) Recommendations Regarding Refunds by Motor Vehicle Dealers and Motor Carriers Transporting Household Goods Rules - CPAC Officers and Enforcement Division

**13. Finance and Audit Committee Update - Committee Chair Brett Graham
(BRIEFINGS ONLY)**

- A. Accounts Receivable Initiative - Linda M. Flores
- B. Preliminary FY 2022 - 2023 Legislative Appropriations Request, Baseline and Exceptional Items - Linda M. Flores and Sergio Rey
- C. Financial Impacts of COVID-19 on TxDMV - Linda M. Flores and Brian Kline
- D. FY 2021 Internal Audit Risk Assessment - Sandra Menjivar-Suddeath
- E. Internal Audit Division Status Update - Sandra Menjivar-Suddeath

**14. Negotiated Rulemaking and Alternative Dispute Resolution Policy - Tracey Beaver
Relating to SB 604, new Transportation Code §1003.008, which requires the board**

to develop and implement a policy to encourage the use of negotiated rulemaking and alternative dispute resolution procedures

EXECUTIVE SESSION

15. 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.
- Performance evaluation of Internal Auditor, including any delegations to a board subcommittee, and modifications to compensation

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.

16. Action Items from Executive Session

Performance evaluation of Internal Auditor, including any delegations to a board subcommittee, and modifications to compensation

17. Public Comment

18. 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 #17), 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.