

**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, DECEMBER 10, 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=ee65b56ce52a408760c4e324af2d849a2>

Phone number for accessing the meeting via phone:

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

Event number/Access code: 177 101 3604

Event Passcode: 121020

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

Link to December 10, 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](mailto: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. Introduction of New Board Member Manuel "Manny" Ramirez
  - B. Committee Member Appointments
4. **Executive Director's Reports** - Whitney Brewster
- A. Introduction of Ombudsman Leah Leone
  - B. State Employee Charitable Campaign (SECC) Awards and Results
  - C. TxDMV Website Update
  - D. Awards, Recognition of Years of Service, and Announcements

**RULES – ADOPTIONS**

5. **Chapter 215, Motor Vehicle Distribution** - Corrie Thompson  
**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)  
*(Proposal Published - August 21, 2020 - 45 Tex Reg 5874)*  
*(Review by Office of the Governor, Regulatory Compliance Division; submission August 27, 2020; comment period closed September 30, 2020)*
6. **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)  
*(Proposal Published - August 21, 2020 - 45 Tex Reg 5902)*  
*(Review by Office of the Governor, Regulatory Compliance Division; submission August 24, 2020; comment period closed September 25, 2020)*
7. **Chapter 209, Finance** - Jimmy Archer and Linda M. Flores  
**Amendments, §209.23**  
**Chapter 219, Oversize and Overweight Vehicles and Loads**  
**Amendments, §§219.2, 219.11, 219.13 - 219.15, 219.42, 219.43, and 219.61 - 219.63**  
(Relating to HB 61 and HB 2620, escort flag vehicles including the use of certain lighting equipment; removing escrow account payment)  
*(Proposal Published - August 21, 2020 - 45 Tex Reg 5869)*
8. **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)  
*Proposal Published - August 21, 2020 - 45 Tex Reg 5899)*

9. **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)  
*(Proposal Published - August 21, 2020 - 45 Tex Reg 5867)*
10. **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)  
*(Proposal Published - August 21, 2020 - 45 Tex Reg 5866)*  
*(Review by Office of the Governor, Regulatory Compliance Division; submission August 24, 2020; comment period closed September 25, 2020)*
11. **Chapter 217, Vehicle Titles and Registration** - Tim Thompson  
**Amendments, §217.3**  
(Relating to vehicle titling for mopeds)  
*(Proposal Published - October 16, 2020 - 45 Tex Reg 7407)*

#### **BRIEFING AND ACTION ITEMS**

12. **Specialty Plate Design** - Tim Thompson  
Penn State - New Design proposed by My Plates under Transportation Code, §504.851
13. **Legislative and Public Affairs Committee Update - Committee Chair Scott**
  - A. Alternatively Fueled Vehicles Study Update as Submitted to the Legislature under Senate Bill 604, 86th Legislature, Regular Session (2019) (BRIEFING ONLY)
  - B. Agency Process for Legislative Session - Caroline Love (BRIEFING ONLY)
  - C. Recommended Legislation to the 87th Legislature under Transportation Code, §1001.025 - Caroline Love
14. **Finance and Audit**
  - A. Internal Audit Division Status Update - Sandra Menjivar-Suddeath (BRIEFING ONLY)  
- FY 2020 Quality Assurance Improvement Program Report

- B. Internal Audit Charter - Sandra Menjivar-Suddeath
- 15. **Amendment to the TxDMV Balanced Scorecard** - Tom Shindell
- 16. **Appointment of Ombudsman to Act as Civil Rights Officer under Transportation Code, §1001.023(b)(7)** - Chairman Treviño

**EXECUTIVE SESSION**

- 17. **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 Plan of Executive Director
  - 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 Government Code Section 2059.055(b); or
    - the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.
- 18. **Action Items from Executive Session**  
Performance Plan of Executive Director
- 19. **Public Comment**
- 20. **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 #19), you must send an email to [GCO\\_General@txdmv.gov](mailto:GCO_General@txdmv.gov) or call (512) 465-5665 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;
  - c. your address (optional), including your city, state, and zip code; and
  - d. 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.