

TEXAS DEPARTMENT OF MOTOR VEHICLES
LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE
MEETING

OPEN MEETING VIA TELEPHONE CONFERENCE CALL
PURSUANT TO GOVERNOR'S MARCH 16, 2020,
TEMPORARY SUSPENSION OF CERTAIN
OPEN MEETING PROVISIONS

Thursday,
December 9, 2020
2:01 p.m.

COMMITTEE MEMBERS:

Paul R. Scott, Chairman
Tammy McRae
Shelly Washburn

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EXECUTIVE SESSION	
5. The Committee 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 Section 551.074 Section 551.076 Section 551.089	none
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P R O C E E D I N G S

1
2 MR. SCOTT: Good afternoon. My name is Paul
3 Scott, and I'm pleased to open the Legislative and Public
4 Affairs Committee of the Board of the Texas Department of
5 Motor Vehicles.

6 Will all board members please make sure their
7 video is turned on throughout the meeting and use their
8 unmute button prior to speaking.

9 It is now 2:01 p.m., and I am now calling the
10 committee meeting for December 9, 2020 to order. I want
11 to note for the record that the public notice of this
12 meeting, containing all items on the agenda, was filed
13 with the Office of Secretary of State on December 1, 2020.

14 Before we begin today's meeting, please place
15 all cell phones and other communication devices in a
16 silent mode. And please, as a courtesy to others, do not
17 carry on side conversations or other activities during the
18 conference call.

19 This meeting is being held by conference call
20 in accordance with the Texas Government Code Chapter 551,
21 as temporarily modified under Governor Greg Abbott's
22 authority to suspend certain statutes due to COVID-19.
23 Governor Abbott suspended various provisions of the Texas
24 Open Meetings Act that require government officials and
25 members of the public to be physically present at a

1 specified meeting location.

2 Under that suspension, the public will not be
3 able to physically attend this meeting in person.
4 Instead, the public may attend this meeting by using the
5 link or calling the toll-free telephone number which are
6 both posted in our agenda which was filed with the
7 Secretary of State on December 1, 2020. All committee
8 members, including myself, will be participating remotely
9 via Webex.

10 At this time, please mute your phone for the
11 entire duration of this meeting. I'm asking our Webex
12 meeting host to make sure all participants' phones are
13 muted and their video is turned off, except for committee
14 members and those who are presenting. Callers will be
15 removed for any disruption, including background noise.

16 I'd like to remind all participants this is a
17 telephone conference call meeting. Because this is a
18 meeting that's being held by telephone conference call,
19 there are a few things that will assist in making the
20 meeting run smoother and assist the court reporter in
21 getting an accurate record.

22 First, department staff and any commentators
23 should identify themselves before speaking. Secondly,
24 speak clearly and remember that there may be a slight
25 delay due to the telephone conference call meeting, so

1 please wait a bit longer than usual before responding to
2 the participants. Do not speak over others, and speakers
3 should ask the committee chair for permission to proceed
4 and be sure to get recognized before speaking.

5 If you wish to address the committee or speak
6 on an agenda item during today's meeting, please send an
7 email to GCO_general@TxDMV.gov. Please identify in your
8 email the specific item you are interested in commenting
9 on, your name, address, and whether you're representing
10 anyone or speaking for yourself. If your comment does not
11 pertain to a specific agenda item, we will take your
12 comment during the general public comment portion of the
13 meeting.

14 In accordance with department administrative
15 rule, comments to the board will be limited to three
16 minutes. Then your line may be muted by the meeting host
17 when your time is up. Comment should be pertinent to the
18 issue stated in your email. When addressing the board,
19 please state your name and affiliation for the record.

20 Now I would like to have a roll call of the
21 committee members. Please respond verbally when I call
22 your name.

23 Member McRae?

24 MS. McRAE: Here.

25 MR. SCOTT: Member Washburn?

1 MS. WASHBURN: I'm here.

2 MR. SCOTT: And let the record reflect that I,
3 Paul Scott, am here too. We have a quorum.

4 The posted agenda stated that a quorum of the
5 board may be present at this meeting, however, board
6 members who are not members of the Legislative and Public
7 Affairs Committee will not vote on any committee agenda
8 items today, nor will any board action be taken.

9 Do we have any other board members present?

10 MS. BEAVER: This is Tracey Beaver, general
11 counsel, for the record.

12 At this point we don't have any other board
13 members present, but if we do have some join, I'll go
14 ahead and let you know at that point. Thank you.

15 MR. SCOTT: Thank you.

16 Before we begin, I will ask the board and other
17 panelists please turn off your audio and video. I will
18 also turn off my video as I lead you in the pledges. We
19 will pause to give presenters and board members a moment
20 to turn off their audio and video. Please all stand and
21 honor our country and state with the pledges of
22 allegiance.

23 (The Pledge of Allegiances, U.S. and Texas,
24 were recited.)

25 MR. SCOTT: Members, please turn your video

1 back on.

2 Okay. We do not have any comments or
3 announcements today so we will not be taking up agenda
4 item 3.

5 We will move to agenda item 4. Agenda item 4.A
6 is the alternatively fueled vehicles study update, as
7 submitted to the legislature under Senate Bill 604 of the
8 86th Legislature, Regular Session 2019.

9 Now we will hear from Caroline Love on agenda
10 item 4.A. Caroline.

11 MS. LOVE: Thank you, Chairman Scott and
12 members of the committee. Again, my name is Caroline
13 Love. I am director of the Government and Strategic
14 Communications Division for the department, and I wanted
15 to provide you all with a briefing on the study that
16 Chairman Scott mentioned that was due to the legislature
17 on December 1 and has been submitted. It's a report on
18 alternatively fueled vehicles, and we were required to do
19 this through Senate Bill 604 from the last session.

20 There are several agencies that helped
21 contribute to this report, including the Texas Department
22 of Transportation, the Department of Public Safety, the
23 Texas Commission on Environmental Quality, and the Public
24 Utility Commission. And all those agencies provided
25 significant amounts of information that can be seen in

1 your board materials starting on page 6.

2 And the overall goal of the study was to
3 analyze the use of alternatively fueled vehicles in Texas
4 and for those vehicles that do not pay into the
5 traditional motor fuels tax, what sort of fee could be
6 assessed to make up for that. And the overall
7 recommendation of the study, based on these analyses, is
8 that a fee of approximately \$100 for a fully electric
9 vehicle and \$80 for a hybrid vehicle be assessed annually
10 at the time of registration or registration renewal.

11 And how that figure was arrived at -- we looked
12 at several states. There are 29 other states currently
13 that do have a similar fee structure, and most all of them
14 also collect them at the time of registration and
15 registration renewal. The amount of impact that these
16 vehicles have on the roadways and by comparing them to
17 traditional passenger vehicles, it was determined that
18 approximately \$100 annually is what these alternatively
19 fueled vehicles are not paying into the motor fuels tax.

20 So the legislature received this study and they
21 are going to be using this as they go into the legislative
22 session. We've seen one bill filed so far that would
23 assess a fee on electric vehicles and hybrid vehicles, and
24 I believe there will probably be more to come. So this
25 document is definitely helpful when they're considering

1 these types of additional fees and we hope that it
2 provides all the information they would need to make a
3 decision in that regard.

4 So there's a lot of information there about
5 road miles traveled for these vehicles, the types of
6 vehicles. While the fully electric vehicle population and
7 the hybrid vehicle population for Texas makes up less than
8 2 percent of all currently registered vehicles, it is a
9 very small number currently, but we have seen some
10 significant growth.

11 Whenever we started to track this information
12 as a department about how vehicles are registered by fuel
13 type, there was a significant number of hybrid vehicles
14 and lower number of all electric vehicles. But in the
15 last year or two, while we haven't seen a significant
16 growth in the number of those vehicles registered, the
17 breakdown between hybrid and electric has flipped. In the
18 beginning we always saw more hybrid vehicles and less
19 electric, but now it is moving toward a bigger increase of
20 people buying all electric vehicles.

21 So it's definitely helpful for future
22 planning. There seems to be a lot of momentum behind
23 future growth of electric vehicles, and so this will help
24 the state be prepared for continuing to accommodate what
25 road use fees need to occur for vehicles that do not pay

1 into the current motor fuels tax.

2 That's a very high-level summary, but I'm happy
3 to answer any questions you have.

4 MR. SCOTT: Thank you, Caroline.

5 Are there any questions for Ms. Love?

6 (No response.)

7 MR. SCOTT: Okay.

8 MS. LOVE: Member Washburn has a question.

9 MS. WASHBURN: It's not really a question, just
10 a comment. I think this is great. I mean, I think
11 knowing that Tesla is coming to Austin and now I guess we
12 just saw that Elon Musk is moving to Austin, we're going
13 to see more electric vehicles sold in the State of Texas,
14 so I'm glad that we're addressing this.

15 MS. LOVE: Thank you.

16 MR. SCOTT: Anyone else?

17 (No response.)

18 MR. SCOTT: Okay. Let's move to agenda item
19 4.B. Caroline.

20 MS. LOVE: Thank you.

21 So this briefing item, I just wanted to review
22 some of the key dates that have passed and that are coming
23 up as it relates to this next session. The very first
24 date that really helps to kick off the 87th Legislative
25 Session is the start of bill filing, and that started

1 exactly one month ago today on November 9. And on that
2 very first day of bill filing, there were 745 bills that
3 were filed.

4 By comparison to two years ago before the 86th
5 Session, there were only 566 bills filed on that first
6 day. So there was an increase, but as we'll talk about in
7 a moment, there is a directive -- or I guess not even a
8 directive but there may not be as much capacity going into
9 this session for all those bills to make it anywhere, but
10 we'll get into that more in just a moment.

11 The other key dates I wanted to be sure that
12 you all were aware of is January 12 of 2021 is the first
13 day of the legislative session. And around 60 days after
14 that, on March 12, is when the bill-filing deadline
15 occurs, and so at that point no more bills can be filed
16 unless there is an emergency item as declared by the
17 governor. And then the very last day of session is May 31
18 on Memorial Day. That's the day they will adjourn and
19 conclude.

20 Of course, this session is unique by comparison
21 to any other session that we've seen. Well, every
22 legislative session is unique. This one is definitely
23 more unique than others.

24 Due to the pandemic, there have been a lot of
25 discussions between the House and the Senate on what would

1 be required for entrance to the Capitol, participation in
2 hearings and meetings. And so far some of the things that
3 have been thrown out there but not fully adopted yet are
4 ideas that there will not be a big lobby day. For
5 example, sometimes associations or counties will host
6 their membership at the Capitol for a day and they would
7 be recognized on the House or Senate floor, so those types
8 of activities will not be something that will occur this
9 time around.

10 As you can imagine, the State Preservation
11 Board and legislators are attempting to limit the number
12 of people that are in the Capitol. And if you've been to
13 the Capitol during session in years past, you will know
14 that it is always very crowded and it can be difficult to
15 get around. But I don't think we'll be seeing those sorts
16 of scenes this next session.

17 Some of the other things that have been thrown
18 out is when there are hearings, that the people who are to
19 testify as a resource witness or just a witness will need
20 to register for that hearing at least three days in
21 advance and also get a COVID test, if they plan to appear
22 in person, within one day of testifying. And of course,
23 these aren't solid just yet. But these are some of the
24 ideas that are being thrown out to help protect the people
25 that need to be in the Capitol but also to help to keep

1 the processes moving.

2 I've heard that the number of hearings that
3 will be allowed will be significantly less than what we've
4 seen in years past, as well just to help avoid kind of
5 bringing large groups of people together. So there will
6 be definitely be more to come on that, but it's definitely
7 going to be interesting as we work through the session.

8 My group will help monitor the legislation
9 that's been filed and then we'll have discussions within
10 the department on the impacts of those bills, and then we
11 will also be sure to keep the board up to speed on what is
12 happening with the legislative session.

13 And so with that, are there any questions about
14 processes for the session?

15 (No response.)

16 MR. SCOTT: All right. So we will move to
17 agenda item 4.C which is recommended legislation to the
18 87th Legislature under Transportation Code, 1001.025.

19 MS. LOVE: Thank you. So the TxDMV Board is
20 tasked in that statute with providing recommendations to
21 the legislature on opportunities to improve operations and
22 create efficiencies, and so the department has been
23 undergoing a review of these potential recommendations
24 throughout this entire year.

25 We have some recommendations that came before

1 this committee and the board back in October, and after
2 those were adopted, they were shared with our substantive
3 committees in the House and Senate. And there were a few
4 additional recommendations that we did want to vet further
5 with our stakeholder groups and have further discussions
6 on.

7 And so what is before you today are five
8 additional recommendations that are for your consideration
9 and adoption. And these recommendations are listed
10 starting on page 70 of your materials for today, and I'll
11 go ahead and start running through them so that you can
12 see what we have for these new ones.

13 The first recommendation relates to evaluating
14 methods to help stop temporary tag abuse. I think you all
15 are very aware that law enforcement, members of the
16 legislature have really asked the department to look at
17 this temporary tag process and see what options are
18 available to help curb the abuse of the system. And over
19 the last year we also had several meetings with the
20 Consumer Protection Advisory Committee to the DMV Board,
21 and they helped us with a lot of these recommendations
22 that you'll see as well.

23 The very first one here on the temp tag abuse,
24 what we would like to do is to have the statute allow the
25 department to shut off the access of an egregious abuser

1 of the temp tag system. And this is something that is
2 certainly very controversial, as this is the lifeline for
3 a dealership to have access to that system and we are only
4 focused for those groups who seem to have an egregious use
5 of the system by comparison to their vehicle sales. We
6 would definitely be in conversations with these people
7 before taking any sort of action to completely cut off
8 their access.

9 This recommendation sets out a process by which
10 if someone felt they were turned off wrongly, then they
11 could go to the State Office of Administrative Hearings
12 and request to have their case heard. And it would be an
13 expedited case so they could resume their activities if it
14 was something that was a legitimate use of the system.

15 So in addition to talking with the Independent
16 Automobile Dealers Association, as well as the Auto
17 Dealers Association, we have been talking through this
18 effort and we're also working with them to identify other
19 ways that may not require any sort of statutory change but
20 looking at other alternatives for preventing the misuse of
21 the temporary tag system, and we're going to be continuing
22 those conversations. And we're also looking at what other
23 states do in this regard as well.

24 But this recommendation would be on that side
25 of once a licensee is in place and issuing tags that they

1 don't have the proof that they have that volume of the
2 need, that would be the focus for this recommendation.

3 Are there any questions about number one?

4 MR. SCOTT: No questions.

5 MS. LOVE: Thank you.

6 And then the second recommendation relates to
7 the display of temporary permits. Right now, the statute
8 is not consistent, where some temporary permits are able
9 to be displayed in the rear window, while most are
10 displayed in the rear license plate area. So this cleanup
11 recommendation would just clarify that all temp permits
12 need to be displayed in the rear license plate area, and
13 that's very helpful for law enforcement as well.

14 And the third recommendation is another one
15 that resulted from conversations with the Consumer
16 Protection Advisory Committee. We were looking at ways to
17 help customers who are in a situation where they may
18 purchase a vehicle and the dealer might go out of business
19 or they have a difficult time obtaining their title.

20 One of the ways that the committee discussed,
21 and that is included in this recommendation, is increasing
22 the current \$25,000 surety bond to \$50,000. In addition
23 to that, the TxDMV staff thought that increase should also
24 apply to the franchised dealers as well. So that is
25 something that is part of this proposal.

1 And in addition to that, this recommendation
2 would require that a dealer post this information and to
3 also provide information to the department so we can push
4 this information out through the website as well, and that
5 will help customers know what availability they have for
6 remedying a situation that they may be in in this regard.

7 Are there any questions on item number three?

8 MS. WASHBURN: Member Scott, I have a question.

9 MR. SCOTT: Yes, ma'am.

10 MS. WASHBURN: So the \$25,000 surety bond
11 moving up to \$50,000 for franchised dealers, I think the
12 average price of a car now, a new car sold -- I may be a
13 little off but I'm going to be close -- somewhere around
14 \$30- to \$35,000.

15 \$50,000, I'm just wondering where that number
16 came from. I think it's a great idea to post it and that
17 people understand they're protected, but a dealer goes out
18 of business, that's one car.

19 MS. LOVE: That's very true. We actually were
20 looking at what the bond amounts were for other states,
21 and this \$50,000 is comparable to what they offer. But we
22 do agree that it's difficult to find a way to make sure
23 that everybody is protected under these bonds. But it's
24 consistent with other states.

25 MS. WASHBURN: Okay.

1 MR. SCOTT: I agree with what's being said
2 there. I don't know that we actually to get the
3 protection, but if you have a dealer of any size that goes
4 out of business, the potential for loss to the citizens is
5 going to be significantly greater than \$50,000, but I
6 don't know what else you do about that. I don't think any
7 way you could get a million dollar bond, or whatever it
8 is.

9 MS. WASHBURN: I don't know the answer to that
10 either.

11 Did the committee have any ideas on that?

12 MS. LOVE: You know, it was part of the
13 discussions of the committee. I do believe this is
14 something we're going to continue to look at moving
15 forward because, as you mentioned, it isn't enough to
16 truly cover much in that regard.

17 For a small dealership it will be more helpful
18 than the larger ones. We had a discussion looking at
19 other states, even, and seeing how they scale those bonds
20 based on the level of business. And so that's something
21 else that we can continue looking at in the future.

22 MS. WASHBURN: Okay. Thank you.

23 MS. LOVE: Thank you.

24 For item number four in the list that we have
25 today, the Consumer Protection Advisory Committee also

1 asked our staff to look at ways that we can continue to
2 protect the data and information that is maintained by the
3 department for motor vehicle records. And so the
4 recommendation here is that once an individual or entity
5 that once had that information is no longer eligible for
6 access under the law, then they will also be required to
7 no longer retain any personal information that they had
8 received before from TxDMV.

9 And this would be something where we would know
10 if the information was abused in some way, and we would be
11 allowed to follow up with administrative penalties if we
12 knew that there was someone maintaining that information
13 without the proper authority to do so.

14 And the last item actually includes three
15 different components of doing updates to the Texas Title
16 Act. The first component of this would allow for vehicles
17 with an out-of-state title that's comparable to a salvage
18 title to receive a rebuilt title in Texas without having
19 to go through the salvage title process first.

20 Current statute requires the issuance of a
21 salvage vehicle title before that rebuilt Texas title can
22 be obtained, and the salvage dealers must also apply for a
23 salvage title when scrapping a vehicle that has been
24 bought at a certain auction. So this proposal would allow
25 for a vehicle with an out-of-state comparable title to a

1 salvage title to be issued a rebuilt title without the
2 owner having to go through that extra step of getting the
3 salvage title first.

4 Another component of this recommendation
5 relates to making sure there's not a difference between
6 printed and electronic titles. Certainly in recent months
7 we've seen how important it is to have electronic
8 documents and information available without having things
9 physically printed, so this will help to ensure that there
10 are no legal differences between either of those versions
11 of a title.

12 Examples of where we find this to be helpful
13 would be for our ability -- we do have the ability in
14 statute to allow for virtual signatures on these types of
15 titles, and so this would help bring -- level out with
16 that current statute. But it also allows salvage dealers
17 to purchase vehicles from law enforcement auctions or
18 foreclosure sales and to use that auction sales receipt to
19 report vehicles that are being scrapped or dismantled or
20 destroyed. This recommendation does not impact that
21 current process that's in place, it just helps streamline
22 this for salvage dealers and those auction sales.

23 Was there a question?

24 (No response.)

25 MS. LOVE: The last part of this recommendation

1 relates to the deficient ownership documentation titling
2 process. So currently for a vehicle to be scrapped or
3 have that insurance company claim on a vehicle that has
4 been damaged, they have to also have that current title
5 for the vehicle.

6 This relates to a vehicle that has not ever
7 been subject to a first sale, and so when a vehicle is in
8 that situation it only has the manufacturer's certificate
9 of origin. And so, say, if that vehicle was in a car lot
10 that had a big flood event or extreme hail damage, things
11 like that, this would allow for a process to not need that
12 title but instead have that manufacturer's certificate of
13 origin serve to help with that process.

14 And so that concludes the items that are
15 recommended for today. I'm happy to answer any questions
16 on them.

17 MR. SCOTT: Are there any questions for Ms.
18 Love?

19 (No response.)

20 MR. SCOTT: Tracey, are there any other
21 comments for this agenda item or any other agenda items at
22 this time?

23 MS. BEAVER: Tracey Beaver, general counsel,
24 for the record.

25 We don't have any comments for this specific

1 item, but we may some comments for the public comment
2 portion of the meeting.

3 MR. SCOTT: All right. Thank you.

4 Okay.

5 The chair will now entertain a motion for
6 agenda item 4.C, and I move that the committee recommend
7 that the board adopt the proposed legislative
8 recommendations as developed by department staff with
9 stakeholder input and involvement, with one change to the
10 third recommendation regarding statutory changes to help
11 consumers when a franchised or independent dealer goes out
12 of business.

13 The third recommendation is changed to state
14 that the department will update its website with
15 information on how consumers can find out more information
16 on making a claim on a dealer's surety bond or insurance
17 policy along with department contact information, and
18 direct staff to finalize and submit the recommendation to
19 the legislature as directed in Transportation Code,
20 1001.025 for further consideration by the members of the
21 legislature for drafting and potential filing.

22 MS. McRAE: Mr. Chairman?

23 MR. SCOTT: Yes.

24 MS. McRAE: I will second the motion.

25 MR. SCOTT: We have a motion, we have a second.

1 I'll call the vote.

2 Member McRae?

3 MS. McRAE: Aye.

4 MR. SCOTT: Member Washburn?

5 MS. WASHBURN: Aye.

6 MR. SCOTT: And I, Chairman Scott, vote aye as
7 well. Let the record reflect that the voting was for and
8 was unanimous.

9 MS. LOVE: Thank you.

10 MR. SCOTT: Okay. We do not have a closed
11 session today so we're not taking up agenda items 5 or 6.

12 We'll now move to agenda item 7. Agenda item 7
13 is public comment, and Tracey, are there any comments from
14 the public?

15 MS. BEAVER: Tracey Beaver, general counsel,
16 for the record.

17 We did receive one request for possible public
18 comment from Rhonda Leggett. As an attendee at this time,
19 I would ask that she please raise her hand. She was given
20 instructions on how to do so if she would like to
21 participate in the public comment period.

22 If not, that's the only one that we might have
23 today.

24 (No response.)

25 MR. SCOTT: Apparently not. Any other

1 comments?

2 MS. BEAVER: Tracey Beaver, general counsel,
3 for the record. No other comments.

4 It does look like Rhonda has joined via
5 computer so I just wanted to give one last chance to see
6 if she would like to raise her hand.

7 (No response.)

8 MS. BEAVER: All right. I don't see any hands
9 raised, so we don't have any comments for today. Thank
10 you.

11 MR. SCOTT: No public comments.

12 Okay. We can now move to agenda item 8 which
13 is adjournment. Unless there's any further business, I
14 would like to entertain a motion to adjourn.

15 MS. WASHBURN: I'd like to make a motion that
16 we adjourn.

17 MR. SCOTT: We have a motion from Committee
18 Member Washburn. Do we have a second?

19 MS. McRAE: I'll second.

20 MR. SCOTT: Okay. Committee Member McRae
21 seconds.

22 When I call your name please state your vote
23 for the record.

24 Member McRae?

25 MS. McRAE: Aye.

1 MR. SCOTT: Member Washburn?

2 MS. WASHBURN: Aye.

3 MR. SCOTT: And I, Chairman Scott, vote aye.

4 Let the record reflect the vote is unanimous. This
5 meeting is adjourned. Thank you, everybody.

6 (Whereupon, at 2:35 p.m., the meeting was
7 adjourned.)

C E R T I F I C A T E

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MEETING OF: TxDMV Legislative & Public Affairs
Committee

LOCATION: Austin, Texas

DATE: December 9, 2020

I do hereby certify that the foregoing pages,
numbers 1 through 26, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
made by electronic recording by Elizabeth Stoddard before
the Texas Department of Motor Vehicles.

DATE: December 18, 2020

/s/ Nancy H. King
(Transcriber)

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