

TEXAS DEPARTMENT OF MOTOR VEHICLES
MOTOR CARRIER REGULATION ADVISORY COMMITTEE
MEETING

Texas Department of Motor Vehicles
Lone Star Conference Room
4000 Jackson Ave., Building 1
Austin, Texas 78731

and

via teleconference

Friday,
October 20, 2023
1:00 p.m.

COMMITTEE MEMBERS:

Kevin Lee Althoff
Carl Thomas Byerley
Patrick Sean Connelly
William Scott Green
John Hallmark
Rudy Hille
Mat Taylor McClure (absent)
Traci McCullah (absent)
Dana Clark Moore
Jackie Polk (absent)
Karl Phillip Radde
Neil Wayne Roberts
Ford Wagner
John H. Walker
Donna Carol Willis (absent)

Staff:

David Richards, Associate General Counsel

ON THE RECORD REPORTING
(512) 450-0342

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P R O C E E D I N G S

1
2 MR. RICHARDS: Good afternoon. My name is
3 David Richards, and I'm pleased to open the first meeting
4 of the Motor Carrier Regulation Advisory Committee. I'm
5 an Associate General Counsel at the Texas Department of
6 Motor Vehicles in the Office of General Counsel.

7 For ease of reference, I'll refer to this
8 advisory committee as the MCRAC, which is the acronym for
9 this committee. It's now 1:02 p.m., and I'm calling the
10 MCRAC meeting for October 20, 2023 to order.

11 I want to note for the record that the public
12 notice of this meeting containing all items on the Agenda
13 was filed with the Office of the Secretary of State on
14 October 12, 2023. This meeting is being held by telephone
15 conference call in accordance with Texas Government Code
16 551.125.

17 Members of the public may physically appear and
18 attend this meeting in person at 4000 Jackson Avenue,
19 Building 1, Lone Star Room, Austin, Texas, or attend the
20 meeting by calling in the toll-free telephone number,
21 which is posted on our Agenda and filed with the Office of
22 the Secretary of State on October 12, 2023. We have one
23 member of MCRAC in person here today in the Lone Star
24 Room, with the rest -- the quorum of members participating
25 remotely.

1 At this time, will all attendees please mute
2 your phone for the entire duration of this meeting? I'm
3 asking our meeting host to make sure that all
4 participants' phones are muted except for advisory
5 committee members and those who are presenting.

6 Callers will be removed for any disruption,
7 including background noise. I'd like to remind the
8 participants that this is conference call. Because this
9 meeting is being held by conference call, a few things are
10 in order to assist in making this meeting run smoothly and
11 assist the court reporter in getting an accurate record.

12 First, please identify yourselves before
13 speaking. Secondly, speak clearly. Thirdly, remember
14 that there may be a slight delay due to the conference
15 call format, so please wait a little bit longer than usual
16 before responding to participants.

17 Do not speak over others. Please ask the
18 Presiding Officer -- which happens to be me today -- to
19 proceed, and be sure to get recognized before speaking.
20 And finally, for Members participating in the room -- Mr.
21 Connally -- please remember to press your button on your
22 microphone to unmute before speaking, and then press the
23 same button to mute again after speaking.

24 I would also like to thank our court reporter
25 who is transcribing this meeting. To make sure we have an

1 accurate record of this meeting, it's very important that
2 advisory committee members and anyone presenting today
3 identify themselves today before speaking and speak
4 clearly and slowly.

5 If you wish to address the advisory committee
6 or speak on an Agenda item during today's meeting, please
7 complete a speaker's sheet at the registration table prior
8 to the Agenda item being taken up by the advisory
9 committee, or send an e-mail to GCO_general@txdmv.gov to
10 register by providing the required information prior the
11 Agenda item being taken up by the advisory committee.

12 Please identify the specific item you're
13 interested in commenting on, your name, address, and
14 whether you're representing anyone or speaking just for
15 yourself. If your comment does not pertain to a specific
16 Agenda item, we will take your comment during the general
17 public portion of the meeting. When addressing the
18 advisory committee, please state your name and affiliation
19 for the record.

20 Before we begin today, I'd like to remind all
21 presenters and those that are in attendance of the rules
22 of conduct of our advisory committee meetings. The
23 Department's rules under Title 43 Texas Administrative
24 Code, Section 206.22, Presiding Officer is given authority
25 to supervise the conduct of the meetings.

1 This includes the authority to determine when a
2 speaker is being disruptive of the meeting or is otherwise
3 violating the timing or presentation rules I just
4 discussed. Disruptive speakers will be muted, given a
5 warning about disruptive behavior, then removed from the
6 meeting for any continued disruption.

7 Advisory committee members, if you become
8 disconnected from the call, please rejoin as soon as
9 possible. If you encounter technical difficulties, please
10 reach out to our technical support team as well at
11 jeff.templeton@txdmv.gov or zack.warden@txdmv.gov.

12 And now, I'd like to take a roll call of the
13 advisory committee members. Members, please respond
14 verbally when I call your name and indicate you're
15 present. If I mispronounce your name, please correct me.

16 Member Althoff, are you present?

17 (No audible response.)

18 MR. RICHARDS: Member Byerley? Member Byerley?

19 (No audible response.)

20 MR. RICHARDS: Member Connelly?

21 MR. CONNELLY: Present.

22 MR. RICHARDS: Thank you. Member Green?

23 MR. GREEN: Present.

24 MR. RICHARDS: Thank you. Member Hallmark?

25 (No audible response.)

1 MR. RICHARDS: Thank you.

2 Member Hille, I believe, the pronunciation?

3 MR. HILLE: Yes, that's correct. Present.

4 MR. RICHARDS: Thank you. Member McClure?

5 Member McClure?

6 (No response.)

7 MR. RICHARDS: Member McCullah? Member

8 McCullah?

9 (No response.)

10 MR. RICHARDS: Member Moore?

11 (No audible response.)

12 MR. RICHARDS: Thank you. Member Polk? Member

13 Polk?

14 (No response.)

15 MR. RICHARDS: Member -- is it Radde or Radde?

16 MR. RADDE: Radde, present.

17 MR. RICHARDS: Thank you. Member Roberts?

18 (No audible response.)

19 MR. RICHARDS: Thank you. Member Wagner?

20 MR. WAGNER: Here.

21 MR. RICHARDS: Thank you. Member Walker?

22 MR. WALKER: Present.

23 MR. RICHARDS: Thank you. And finally, Member

24 Willis? Member Willis?

25 (No response.)

1 MR. RICHARDS: Members, we do have a quorum and
2 we'll proceed on with the Agenda.

3 We'll now move on to Agenda Item 1B, welcoming
4 remarks and introduction of advisory committee members.
5 I'll turn the meeting over briefly to Deputy Executive
6 Director for DMV, Shelly Mellott.

7 MS. MELLOTT: Good afternoon. Thanks, Mr.
8 Richards. I want to call you David.

9 My name is Shelly Mellott for the record. I am
10 the Deputy Executive Director here at the Department of
11 Motor Vehicles.

12 I'm filling in for Daniel. I know your agenda
13 says Daniel Avitia. I'm his stunt double today. He is
14 out of the office dealing with some other business, but
15 I'm happy to fill in for him.

16 I just want to thank all of you for your time
17 and effort you're putting into being part of this
18 Committee, the Motor Carrier Regulation Advisory Committee
19 or -- are we calling it MCRAC? Is that what -- I wasn't
20 sure if we were going MCRAC or MCRAC.

21 So the motor carrier industry is vital to the
22 State's economy and the lives of the residents of this
23 state. The department's adopted rules to establish MCRAC
24 to make recommendations on topics regarding motor carrier
25 registration and regulation.

1 The department's advisory committees help to
2 provide inclusive and transparent opportunities for input
3 on the department's rulemaking and policy development.
4 Department values and welcomes your expertise, thoughts,
5 and honesty. I can't express enough how much I appreciate
6 all of your time and effort in serving on this advisory
7 committee.

8 The department is available to you to provide
9 you information you need to serve on this committee. Our
10 staff will provide you with background information on the
11 reason for proposed amendments to any rules they're
12 bringing in front of this Committee.

13 During the next agenda items, Mr. Richards will
14 provide an opportunity for each advisory committee member
15 to introduce themselves and for the committee to select
16 Presiding Officers.

17 Again, I just want to thank you all for your
18 time and effort in serving. And after that, I will turn
19 it back it over to Mr. Richards and he will go on to the
20 important parts of the agenda.

21 MR. RICHARDS: Thank you, Shelly.

22 Members, now moving on to Agenda Item 2A,
23 purpose, general and historical information and scope of
24 the advisory committee.

25 Before we get into some of those other areas, I

1 just want to take a brief moment. As a matter of
2 historical background, I'd like to point out or at least
3 discuss the Sunset Advisory Commission Report in 2019,
4 which was our most recent Sunset advisory committee
5 report, addressed issues on advisory committee composition
6 and participation of Board members.

7 We have rules to that effect as well. First,
8 the staff recommendation, number 1.5, was remove the
9 Board's exemption from balanced representation on advisory
10 committees.

11 Second, Sunset report addressed Board member
12 involvement in advisory committees' working groups, and
13 provided the following statement, that they believe that
14 such practice risked the appearance of undue influence in
15 policy development, and the Board member participation
16 undermines independent, external expertise.

17 There was a law that was passed to further the
18 sunset report. The first one to be aware of is in
19 Transportation Code 1001.031, which pertains to advisory
20 committees for the department. It was enacted and
21 provides, in pertinent part, in Subsection (b) (2), the
22 Texas Board shall appoint persons to each advisory
23 committee who -- and under (b) (2) -- have knowledge about
24 the interests in and represent a broad range of viewpoints
25 about the work of the committee or applicable division.

1 Secondly, Board rule under 43 Texas
2 Administrative Code, Section 206.93(c) provides "Board
3 members shall not serve as advisory committee members."
4 And then, finally, another law in effect under Government
5 Code, Section 2110.002, which speaks to the composition of
6 advisory committees.

7 If you'll indulge me, it states that an
8 advisory committee must be composed of a reasonable number
9 of members not to exceed 24 in number. The composition of
10 an advisory committee that advises a state agency
11 regarding an industry or occupation regulated or directly
12 affected by the agency must provide a balanced
13 representation between 1) the industry or occupation, and
14 2) consumers of services provided by the agency, industry,
15 or occupation.

16 So that's kind of a background, historically,
17 from Sunset to current law and rule that governs the Texas
18 DMV advisory committees, just for everyone's edification.

19 The purpose of this Motor Carrier Regulation Advisory
20 Committee is to provide advice and to make recommendations
21 to the Board of the Texas Department of Motor Vehicles on
22 topics related to motor carrier regulation.

23 You've been given the charge by the department
24 to provide advice and recommendations regarding possible
25 amendments to 43 Texas Administrative Code, Chapter 218

1 regarding chameleon carriers.

2 No other topics will be discussed by this
3 Committee at this time. There may be others that are
4 opened up to, but that's the focus of this Committee given
5 by the department and Board. The Committee provides
6 advice and recommendations only as requested by the
7 Department of Motor Vehicles or our Board.

8 I'd like to congratulate each of you on your
9 appointment to this committee by the Board and thank you
10 again for volunteering your valuable time to assist the
11 department and Board by serving on the committee.

12 As appointed members of this committee, you are
13 subject to both the Open Meetings Act and the Public
14 Information Act. Just a little background on the Open
15 Meetings Act -- it provides that all public business
16 should be performed in public view.

17 That means any discussions you have regarding
18 the work you perform with this committee must be done in a
19 properly scheduled and posted meeting. Members of this
20 committee can violate State law by having a series of
21 discussions on policy issues outside of this advisory
22 committee meeting or with others. This is what is
23 referred to as a walking quorum under the Open Meetings
24 Act.

25 It's important that you refrain from discussing

1 advisory committee matters with others outside of the
2 scheduled and posted meetings. This includes avoiding
3 meeting with other members outside of properly posted open
4 meetings, not calling other members on the phone to
5 discuss advisory committee matters, and not using social
6 media to discuss matters that are before the advisory
7 committee.

8 Discussion with other members, even if less
9 than a quorum, outside a properly posted open meeting for
10 the purpose of secret deliberations can violate the Open
11 Meetings Act, which also carries with it potential
12 criminal penalties. In addition, information exchanged in
13 your role as an advisory committee member can be subject
14 to public disclosure under the Open Records Act or the
15 Public Information Act, even if that information is on
16 your private e-mail or cell phone.

17 This is because, as advisory committee members,
18 information you have regarding matters before the advisory
19 committee may also subject you to open records laws.
20 Please be aware that any communications you have regarding
21 this committee may be required to be disclosed in response
22 to an open records request from a member of the public.

23 Finally, in order to ensure that advisory
24 committee meetings run smoothly, advisory committees
25 select a Presiding Officer. The Presiding Officer is in

1 charge of making sure Robert's Rules of Order are followed
2 to keep the decorum of the meeting.

3 The Presiding Officer will open the meeting
4 much as I did today and ensure that the quorum of members
5 is present. The Presiding Officer makes sure that members
6 make motions and second the motion before voting, and make
7 sure that no one member has the floor longer than others
8 wishing to provide input on a given subject.

9 We'll be happy to provide some overview
10 training on the mechanics of the Robert's Rules of Order
11 to anyone wanting to volunteer to be a Presiding Officer
12 of this advisory committee to ensure that it runs
13 efficiently in carrying out its purpose.

14 Some examples of how Robert's Rules of Order
15 are used to run meetings include: no member can speak
16 twice to the same issue until everyone wishing to speak on
17 an issue has spoken at last once. All remarks by members
18 must be directed to the Presiding Officer prior to
19 speaking.

20 You obtain the floor by raising your hand or
21 asking the Presiding Officer for the floor or the right to
22 speak on a matter only when that person speaking is
23 finished. And finally, it's important to not to interrupt
24 others and to share the right to speak with all committee
25 members.

1 Remarks must be courteous, and members must
2 avoid referring to viewpoints by alluding to members by
3 name or suggested motives. You expect your Presiding
4 Officer to protect your right to speak, even if it turns
5 out you're a minority of one in your opinion.

6 The Presiding Officer helps to ensure that
7 other members hear you out and allow you the same time as
8 everyone else. This encourages members to give fellow
9 members the rightful turn to speak. Listen to them. You
10 may hear something that affects the way you're thinking as
11 well.

12 Lastly, we're recording this meeting. So,
13 again, before you speak, please state your name for the
14 record so that we can have a record of everything that you
15 happen to say.

16 Are there any questions at this time before we
17 move on to the next agenda item?

18 MR. WALKER: Member Walker. I have a question.

19 MR. RICHARDS: Yes, sir.

20 MR. WALKER: You mentioned the only thing we're
21 going to talk about today is introduction of the members,
22 the election of or appointment of a Presiding Officer of
23 the panel. But also on this chameleon carrier deal -- I
24 don't know how -- I'm familiar as motor carrier.

25 But some of these people on there may not

1 understand what a chameleon carrier is. You might want to
2 take and define that to them.

3 The other thing is that the calling of this
4 meeting, I believe when I was on the Board there, was at
5 the perusal of the actual Board. But the members of the
6 advisory committee do not call meetings. Is that not
7 still correct?

8 MR. RICHARDS: The department called this
9 meeting.

10 MR. WALKER: So future meetings would be called
11 by whom and for what purpose? It was, when I was there,
12 that the motor carrier Board member of the DMV would call
13 that meeting to get input from motor carriers and the
14 general public how legislation or how laws are affecting
15 them that maybe need to be tweaked. Is that still the
16 same thing that we're doing today?

17 MR. RICHARDS: What we're contemplating for
18 this meeting, Member Walker, is an election of officers
19 and an introduction of Chapter 218 by Motor Carrier
20 Division Director Jimmy Archer to explain, as you pointed
21 out, what chameleon carriers means to the membership. And
22 that will come up later in the agenda after we elect
23 officers.

24 As far as future meetings, we'll have another
25 meeting to actually get into the substance of Chapter 218

1 and any amendments that the advisory committee members
2 would like to make or suggest or recommend to the Texas
3 DMV Board.

4 So, right now, we have two meetings
5 contemplated. The focus is solely on Chapter 218,
6 chameleon carriers. As I said, Jimmy Archer, the Division
7 Director for the MCD will explain that after we elect
8 officers during this meeting.

9 MR. WALKER: Thank you.

10 MR. RICHARDS: Okay, Members, moving along, I'm
11 going to move on to Agenda Item 2B, nominations and
12 selection of Advisory Committee Presiding Officer. Again,
13 for the record, my name is David Richards. I'm Associate
14 General Counsel with the Texas Department of Motor
15 Vehicles.

16 Texas law requires the advisory committee to
17 select a Presiding Officer from its membership. The
18 Presiding Officer will preside over the advisory committee
19 and report to the TxDMV and the Board.

20 What I want to do now is have each member
21 introduce themselves, give a little background
22 information. And at the end, tell me and the members
23 whether you're interested in serving as Presiding Officer
24 for the MCRAC Advisory Committee. Let's start -- Member
25 Althoff?

1 MR. ALTHOFF: Yes, Kevin Althoff. And I own a
2 fleet of trucks and we transport commodities and --
3 agriculture commodities and other products over a four or
4 five state area. And I've been directly involved in that,
5 in ownership of it and management of it since 1999.

6 And we also farm on the side. And me and my
7 brother own a commercial truck center and sell fleet fuel
8 and work on trucks and sell truck tires and that kind of
9 stuff.

10 And I would think that there's probably some
11 people on here that have more experience with the meetings
12 and the legal side of the meetings that would probably be
13 better for that job than myself. I think I have an
14 extensive knowledge of motor carrier industry, but maybe
15 not a whole lot of experience here with the meetings.

16 MR. RICHARDS: Thank you. Member Byerley,
17 have you joined us?

18 (No response.)

19 MR. RICHARDS: Member Connelly?

20 MR. CONNELLY: My name is Patrick Connelly.
21 I'm Vice President of Suarez Brothers Crane and Heavy
22 Haul. Myself and Mario Suarez started Suarez Brothers in,
23 I guess, the end of 2011 -- the first of 2012.
24 Predominantly oilfield haulers -- move drilling rigs and
25 large machinery. We have cranes, forklifts, a lot of

1 oversize work.

2 Don't know as far as the fit for the chairman
3 or whatever. So, I don't know if I'd be a good fit or
4 not. But glad to be here.

5 MR. RICHARDS: Thank you. Welcome.

6 Member Green?

7 MR. GREEN: Green. Industry related -- we have
8 a company that produces -- manufactures oilfield tanks.
9 We move a lot of oversize loads, a lot of permitted loads.

10 And that's how I got involved in the trucking
11 industry. We run a small fleet of trucks. So we're
12 probably not the largest party involved in this, and I'm
13 probably not the appropriate Presiding Officer. I think
14 there's others that possibly have more experience.

15 MR. RICHARDS: Thank you, Member Green.

16 Member Hallmark?

17 MR. HALLMARK: John Hallmark, owner with small
18 fleet, Hallmark Transport Services. We move oilfield
19 goods, a little bit of everything. We also run a septic
20 pumping company.

21 I would not personally be interested in running
22 for officer. So that's about it.

23 MR. RICHARDS: Thank you, Member Hallmark.

24 Member Hille?

25 MR. HILLE: Hille. I work with TCS,

1 Transportation Compliance Services. We primarily deal
2 with trucking company -- I guess in that industry -- with
3 helping to maintain compliance and DOT [indiscernible
4 24:33] regulations for the purpose of safety and reducing
5 liability exposure.

6 I was previously, before this, a police chief
7 and have had 36 years of law enforcement experience before
8 I came to this industry. I would also -- don't believe I
9 would be a good fit for this Presiding Officer thing. I'm
10 not too sure how that would work, so I would like to opt
11 out of that if I could.

12 MR. RICHARDS: Yes, sir. Thank you, Member
13 Hille.

14 Member McClure, are you on the call?

15 (No response.)

16 MR. RICHARDS: All right. Member McCullah?

17 (No response.)

18 MR. RICHARDS: Member Moore?

19 MR. MOORE: Yes, sir. My name is Dana Moore,
20 and I am currently the Vice President of the Texas
21 Trucking Association for Government Relations. I retired
22 from DPS after 36 years, leaving there as a sergeant in
23 the Commercial Vehicle Training Unit, and went to work for
24 TXTA. And I'm not interested in taking the Presiding
25 Officer position.

1 MR. RICHARDS: Thank you, Member Moore.

2 Member Polk, are you with us today?

3 (No response.)

4 MR. RICHARDS: All right. I'll move on.

5 Member Radde? Or Member Radde?

6 MR. RADDE: Karl Radde. I'm the present

7 owner --

8 MR. RICHARDS: Radde. I'm sorry.

9 MR. RADDE: -- of Southern Comfort Homes.

10 We're a manufactured housing retailer. We move and
11 install manufactured homes within about a 60-70 mile
12 radius of Bryan-College Station.

13 And I'm glad my name ends in R so that there's
14 still people behind me that can also opt out of the option
15 of leading. So, no, I do not feel I have the experience.

16 I wouldn't be comfortable leading the meetings.

17 MR. RICHARDS: Thank you, Member Radde.

18 Member Roberts?

19 MR. ROBERTS: I'm Neil Roberts. I'm the Fleet
20 Director for Raider Express. We're a 400 truck
21 refrigerated carrier. We operate 48 states, but probably
22 20 percent of our freight operates in the state of Texas.

23

24 I would also think that there's probably
25 someone on the panel that has more experience than I would

1 being the chair.

2 MR. RICHARDS: Thank you, Member Roberts.

3 Member Wagner?

4 (No response.)

5 MR. RICHARDS: Member Wagner, are you with us
6 today?

7 (No response.)

8 MR. RICHARDS: All right. Member Walker?

9 MR. WALKER: My name is John Walker. I own
10 three trucking companies, JH Walker Trucking being our
11 largest of those, which is an oilfield trucking company
12 which operates out of Texas, Louisiana. We operate about
13 350 trucks.

14 We have another company by the name of Superior
15 Delivery Service, which is a dedicated fleet operation
16 primarily operating in the state of Texas. And our third
17 company is Atlas Couriers, which is a medical courier
18 company. We operate about 100 trucks in that operation,
19 supplying and working with the medical industry and so
20 forth in the cities of Dallas, Houston, and Austin.

21 I am the former -- I was on the original Board
22 appointed by Governor Perry to serve for eight years on
23 the DMV Board, and I was chairman of that Board for four
24 years. And I'd be more than happy to serve as the
25 director, chairman, or Presiding Officer of this committee

1 if need be.

2 MR. RICHARDS: Thank you, Member Walker.

3 Member Willis?

4 (No response.)

5 MR. RICHARDS: Member Willis?

6 (No response.)

7 MR. RICHARDS: Okay. We're going to move
8 along. We've gone through the membership.

9 Members, MCRAC will use Robert's Rules of Order
10 when conducting these meetings as I've stated previously.

11 Again, as a reminder, to take any action, you must first
12 raise your hand or ask the Presiding Officer -- which is
13 me at the moment -- for the right to speak on a matter.
14 Once the Presiding Officer grants you the floor or the
15 right to speak, you must make a motion and another person
16 must second that motion.

17 To make a motion to name someone to be
18 Presiding Officer, the motion could be, for example, I
19 make a motion to name John Walker to be the MCRAC
20 Presiding Officer. You can even make a motion to name
21 yourself to be the Presiding Officer.

22 To second the motion, a different member should
23 say "second" or "I second the motion." A person cannot
24 second their own motion.

25 So it sounds like from the roll call, Member

1 Walker is willing -- the only willing at the moment -- to
2 serve as Presiding Officer of the MCRAC. So, I would
3 entertain a motion about a membership regarding Mr.
4 Walker.

5 MR. MOORE: This is Member Moore.

6 MR. RICHARDS: Are you making the motion?

7 MR. MOORE: Yes, I'm making a motion for Johnny
8 Walker to be the Presiding Officer.

9 MR. RICHARDS: Thank you. Is there a second?

10 MR. RADDE: Second.

11 MR. RICHARDS: Thank you. Hearing none, I'm
12 going to call for the vote.

13 When I call your name, please answer yes or no
14 regarding your vote for Member Walker to serve as
15 Presiding Officer. Member Althoff?

16 (No audible response.)

17 MR. RICHARDS: Thank you. Member Connelly?

18 MR. CONNELLY: Yes.

19 MR. RICHARDS: Member Green?

20 (No audible response.)

21 MR. RICHARDS: Member Hallmark?

22 MR. HALLMARK: Yes.

23 MR. RICHARDS: Member Hille?

24 (No audible response.)

25 MR. RICHARDS: Let's see. Member McCullah and

1 McClure -- Member Moore?

2 MR. MOORE: Yes.

3 MR. RICHARDS: Thank you.

4 Member Radde?

5 (No audible response.)

6 MR. RICHARDS: Thank you.

7 Member Roberts?

8 MR. ROBERTS: Yes.

9 MR. RICHARDS: Thank you.

10 Member Wagner?

11 (No audible response.)

12 MR. RICHARDS: Member Walker?

13 (No audible response.)

14 MR. RICHARDS: And let's see, Member Wilson's
15 not with us today. Let the record reflect we have a
16 majority selecting Member Walker as your Presiding
17 Officer.

18 Congratulations, Member Walker. I look forward
19 to working with you on the MCRAC.

20 MR. WALKER: Thank you.

21 MR. RICHARDS: Now, we're going to move on to
22 Agenda Item 2C, nominations and selection for the First
23 Vice Chair. Members, this individual will act as
24 Presiding Officer when the Presiding Officer is not
25 available and will make presentations to the Board when

1 due.

2 Now does anyone want to make a motion to name
3 someone to be the First Vice Chair?

4 MR. WALKER: I'd like to nominate Dana Moore.

5 MR. RICHARDS: Is there a second?

6 (No response.)

7 MR. RICHARDS: Do I have a second?

8 MR. RADDE: Second. Member Radde.

9 MR. RICHARDS: Thank you. Any further
10 discussion?

11 (No response.)

12 MR. RICHARDS: Hearing none, I'm going to call
13 the roll again. Just again, answer yes if you support the
14 motion and no if you do not.

15 Member Althoff?

16 (No audible response.)

17 MR. RICHARDS: Member Connelly?

18 MR. CONNELLY: Yes.

19 MR. RICHARDS: Member Green?

20 MR. GREEN: Yes.

21 MR. RICHARDS: Member Hallmark?

22 (No audible response.)

23 MR. RICHARDS: Member Hille?

24 MR. HILLE: Yes.

25 MR. RICHARDS: Member Moore?

1 (No audible response.)

2 MR. RICHARDS: Member Radde?

3 MR. RADDE: Yes.

4 MR. RICHARDS: Thank you.

5 Member Roberts?

6 (No audible response.)

7 MR. RICHARDS: Member Wagner, I believe --

8 Member Wagner, you're not here, correct? Let's see.

9 Member Walker?

10 MR. WALKER: Yes.

11 MR. RICHARDS: Thank you. And Member Wilson's
12 not with us, either.

13 Members, we have a majority in support of the
14 First Vice Chair nomination. Congratulations. I look
15 forward to working with you.

16 The next agenda item --

17 MR. WAGNER: This is Wagner. Can I be heard?

18 MR. RICHARDS: Yes. Who is this? Say for the
19 record.

20 MR. WAGNER: This is Wagner. I tried to -- I
21 have tried to speak several times -- nothing important. I
22 was going to second some of the motions. But for some
23 reason, you just made a comment that I can't be heard.
24 So, I was just double-checking.

25 MR. RICHARDS: Okay. Thank you for letting me

1 know you're here.

2 Members, I'm going to move on to Agenda Item
3 2D, nominations and selection of the Second Vice Chair.
4 Members, this person will act as Presiding Officer when
5 the Presiding Officer and the First Vice Chair are not
6 available, and they will gather and organize presentations
7 to the Board.

8 Is there a motion in the membership for a
9 Second Vice Chair?

10 (No response.)

11 MR. RICHARDS: Any motions for a Second Vice
12 Chair?

13 (No response.)

14 MR. RICHARDS: I'll give you a third time. Any
15 motions for a Second Vice Chair?

16 MR. WALKER: I'll nominate Neil Roberts.
17 Surely he'll serve.

18 MR. RICHARDS: Is there a second?

19 (No audible response.)

20 MR. RICHARDS: Okay. The motion's been made
21 and seconded for Member Roberts to serve as Second Vice
22 Chair. Any further discussion?

23 (No response.)

24 MR. RICHARDS: Hearing none, I'll go down the
25 roll again. Please answer yes if you support the motion

1 or no if you do not.

2 Member Althoff?

3 MR. ALTHOFF: Yes.

4 MR. RICHARDS: Member Connelly?

5 MR. CONNELLY: Yes.

6 MR. RICHARDS: Member Green?

7 (No audible response.)

8 MR. RICHARDS: Member Hallmark?

9 MR. HALLMARK: Yes.

10 MR. RICHARDS: Member Hille?

11 MR. HILLE: Yes.

12 MR. RICHARDS: Member Moore?

13 MR. MOORE: Yes.

14 MR. RICHARDS: Member Radde?

15 (No audible response.)

16 MR. RICHARDS: Member Roberts?

17 MR. ROBERTS: Yes.

18 MR. RICHARDS: Member Wagner?

19 (No audible response.)

20 MR. RICHARDS: Thank you. Member Walker?

21 MR. WALKER: Yes.

22 MR. RICHARDS: And Member Wilson is not with us

23 today. The majority vote for the selection, the

24 nomination. And thank you for serving as Second Vice

25 Chair. And we'll move on from there.

1 Members, we're going to move on to Agenda 2E,
2 recommendations of Advisory Committee for presentation to
3 the Board. So, information.

4 Our administrative rule on advisory committees
5 allows for the committee to make recommendations to the
6 Board and to the department. The recommendations must be
7 in writing and include any necessary supporting materials.

8 Presiding Officer of MCRAC or the Presiding
9 Officer's designee may appear before our Board and present
10 the committee's advice and recommendations. In addition,
11 MCRAC can provide advice and recommendations to our
12 Executive Director Daniel Avitia as necessary.

13 Our Board will consider MCRAC's recommendations
14 and reports that you submit. When MCRAC comes up with its
15 recommendations at our next meeting, MCRAC can decide that
16 it will attend the Board meeting and make a presentation
17 in addition to submitting written recommendations. They
18 can determine how it will submit its written
19 recommendations to the Board.

20 I want to introduce those options at this
21 meeting to give you an opportunity to discuss or ask
22 questions, if you have any, in time to think about it
23 before our next advisory committee meeting. Any
24 questions?

25 MR. WALKER: No.

1 MR. RICHARDS: Hearing none, I'm going to move
2 on to Agenda Item 2F, implementation plan for the advisory
3 committee recommendations regarding 43 Texas
4 Administrative Code, Chapter 218.

5 And I'll turn the meeting over to Motor Carrier
6 Division Director Jimmy Archer and any designated staff to
7 discuss the following items. It's considered amendments
8 to 43 TAC 218 to address chameleon carriers. Thank you.

9 MR. ARCHER: Thank you, Mr. Richards. Good
10 afternoon. I'm Jimmy Archer. I'm Director of the Motor
11 Carrier Division here at the Texas Department of Motor
12 Vehicles. Then I'm accompanied by Carol Fallin, Section
13 Director of our department's Motor Carrier Licensing and
14 Registration Section.

15 At this time, the department's considering rule
16 amendments to 43 Texas Administrative Code, Chapter 218
17 regarding motor carriers. The amendments are focused on
18 obtaining relevant information in a motor carrier
19 application process to assist the department in detecting
20 and preventing chameleon carriers.

21 Chameleon carriers are motor carriers that
22 attempt to continue operating under a certificate of
23 registration without addressing previous penalties or
24 violations under a different certificate of registration.

25 There are two types of chameleon carriers. The

1 first is a chameleon carrier that applies to the
2 department for a new certificate of registration to
3 continue to operate as a motor carrier under a different
4 person's name or a different legal entity; and, two, a
5 motor carrier that already has more than one certificate
6 or registration under different names or legal entity.

7 Under the second type of chameleon carrier, the
8 motor carrier continues to operate under a different
9 certificate of registration when it incurs penalties or
10 violates any statutes or rules under a certificate of
11 registration.

12 I look forward to hearing your feedback on the
13 proposed amendments regarding chameleon carriers. In
14 addition, we may be asking for your advice and
15 recommendations of other amendments to the rules,
16 including amendments to help prevent fraud in the motor
17 carrier registration process.

18 Our plan is to provide the rule amendment
19 language to you prior to our next advisory committee
20 meeting so we can have a meaningful discussion on the
21 proposed rule changes.

22 Again, thank you for your participation on this
23 advisory committee. We look forward to working with you
24 on these very important rule amendments. I'll turn this
25 meeting back over to Mr. Richards.

1 MR. RICHARDS: Thank you, Jimmy.

2 Members, we're going to move on to the next
3 Agenda item, Number 3, public comment.

4 Tameka, are there any public comments from the
5 public? No? Okay.

6 Members, we have no public comments. We'll
7 move on to our final Agenda for today. That's Agenda Item
8 Number 4, adjournment.

9 Unless there's any further business on this
10 agenda, I would like to entertain a motion to adjourn from
11 one of the members.

12 VOICE: So moved.

13 MR. RICHARDS: Is there a second?

14 MR. WAGNER: I'll second it. Wagner.

15 MR. RICHARDS: Thank you. All those in favor,
16 say aye.

17 (Chorus of ayes.)

18 MR. RICHARDS: Thank you, members. We
19 appreciate your time and your volunteerism. We look
20 forward to working with you and meeting the next meeting.

21 Do we have a date? December 5? Okay, December
22 5 at one o'clock is our second meeting. And we will be
23 sending communications between that time -- between today
24 and the next meeting.

25 Thank you very much and have a good day.

1 (Whereupon, at 1:40 p.m., the meeting was
2 adjourned.)

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C E R T I F I C A T E

MEETING OF: TxDMV Motor Carrier Regulation Advisory
Committee

LOCATION: Austin, Texas

DATE: October 20, 2023

I do hereby certify that the foregoing pages,
numbers 1 through 35, 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: October 26, 2023

/s/ Anna Marie Reyes
(Transcriber)

On the Record Reporting
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