

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

Tuesday,
December 5, 2023
1:00 p.m.

COMMITTEE MEMBERS:

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

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. WALKER: Okay. Good afternoon. My name is
3 Johnny Walker, and I'm pleased to open the meeting of the
4 Motor Carrier Regulatory Advisory Committee of the Texas
5 Department of Motor Vehicles.

6 For ease of reference, I will refer to this
7 advisory committee as the MCRAC, which is the acronym for
8 this committee -- being I'm a former Board member of the
9 DMV, when you work with the State, they use lots of
10 acronyms. And my first day when I was there on the DMV
11 Board, I asked them for a copy of all the acronyms they
12 use. There must be a couple hundred of them.

13 It is 1:06 p.m. I'm now calling the MCRAC
14 meeting for December 5, 2023, to order. I want to note
15 for the record that the public notice of this meeting
16 containing all items on the agenda was filed with the
17 Office of the Secretary of the State on November 27, 2023.

18 Jimmy, am I speaking too fast for the court
19 reporter? Or does she have all this already written down?

20 MR. ARCHER: I think you're fine, Chairman
21 Walker.

22 MR. WALKER: Okay.

23 MR. ARCHER: Thank you, sir.

24 MR. WALKER: This meeting is being held by a
25 telephone conference call in accordance with Texas

1 Government Code, Section 551.125. Members of the public
2 may attend this meeting in person at 4000 Jackson Avenue,
3 Building 1, Lone Star Conference Room, Austin, Texas.

4 Also, members of the public may attend this
5 meeting remotely by clicking on the Webex link in the
6 posted Agenda for this meeting and following the
7 instructions to attend the meeting via Webex. In
8 addition, members of the public may attend this meeting
9 remotely by calling the toll-free telephone number, which
10 is listed in the posted Agenda for this meeting along with
11 access code.

12 We have seven members in person, I guess, and
13 one member actually remote. Is that correct?

14 MS. MORIATY: No, sir. You have one member in
15 person and seven members remote. This is Laura Moriatty
16 for the record.

17 MR. WALKER: One and seven -- in person, with
18 the vast majority of the Advisory Committee members
19 participating remotely.

20 At this time, I'm asking all attendees to
21 please mute your phone for the entire duration of this
22 meeting unless I recognize you to speak. I'm asking our
23 host to make sure all participant phones are muted except
24 for Advisory Committee members.

25 So, if you're on the Advisory Committee, you do

1 not need to mute your phones unless you're going to be
2 talking to somebody else.

3 Callers will be removed for any disruptions,
4 including background noises. I'd like to remind all
5 participants this is a conference call meeting. Because
6 this meeting is being held by conference call, there are a
7 few things that will assist in making the meeting run
8 smoother and assist the court reporter in getting her
9 account record straight.

10 Please identify yourself by speaking. Speak
11 clearly and slowly, remember that there may be a slight
12 delay due to the conference call format. So, please wait
13 a little longer than usual before responding to
14 participants.

15 Please do not speak over other people when they
16 are talking. Please ask the Presiding Officer to speak,
17 and be sure to get recognized before you speak.

18 For members participating in the room, please
19 remember to press the button on your microphone to unmute
20 before speaking, then press the same button to mute again
21 after speaking.

22 I also would like to thank our court reporter,
23 who is transcribing this meeting today.

24 If you're not a member of the Advisory
25 Committee but wish to address the Advisory Committee or

1 speak on an Agenda item during today's meeting, complete a
2 speaker's sheet at the registration table prior to the
3 Agenda item being taken up by the Advisory Committee.

4 I'm not sure -- can we take comments, I guess,
5 from call-ins? Or does it just strictly have to be in
6 attendance? Because that pretty much says attendance.

7 Do you know, Tameka?

8 MS. MORIATY: I'm sorry, Chair. This is Laura
9 Moriatty. The Agenda is posted for us to have them in
10 person for public comment.

11 MR. WALKER: They have to be in person? Okay.

12 MS. MORIATY: That's right.

13 MR. WALKER: Or send an e-mail to
14 gco_general@txdmv.gov to register, by providing the
15 required information prior to the Agenda item being taken
16 up by the Advisory Committee. Please identify the
17 specific item you are interested in commenting on, your
18 name and address, whether you are representing anyone or
19 speaking for yourself.

20 If your comment does not pertain to a specific
21 Agenda item, we will take your comments during the general
22 public comment portion of the meeting. When addressing
23 the Advisory Committee, please state your name and
24 affiliation for the record.

25 Before we begin today, I'd like to remind all

1 presenters and those in attendance of the rules of conduct
2 at our Advisory Committee meeting. I have the authority
3 to police the conduct of this Advisory Committee meeting.

4 This includes the authority to determine when a speaker
5 is being disruptive. So, please be polite and respectful
6 to those others that are in the room when you speak.

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 at
11 jeff.templeton@txdmv.gov or zackwarden@txdmv.gov.

12 Agenda Item Number 1A, roll call and
13 establishing a quorum. Now, I'd like to take the roll
14 call of the Advisory Committee members. Please unmute
15 your phones and make sure that we get through. Please
16 respond by verbally saying "here" or "present" if you are
17 present today.

18 Member Althoff?

19 MR. ALTHOFF: Here and present.

20 MR. WALKER: Member Byerley?

21 (No response.)

22 MR. WALKER: Member Connelly?

23 MR. CONNELLY: Present.

24 MR. WALKER: Member Green?

25 MR. GREEN: Present.

1 MR. WALKER: Member Hallmark?
2 MR. HALLMARK: Here.
3 MR. WALKER: Member Hille?
4 MR. HILLE: Did you say "Hille"?
5 MR. WALKER: Hille, H-I-L-L-E.
6 MR. HILLE: Here.
7 MR. WALKER: Did I pronounce --
8 MR. HILLE: Present.
9 MR. WALKER: Did I pronounce that wrong? Is
10 it -- how do you pronounce it?
11 MR. HILLE: I think you said it right the first
12 time. It's Hille.
13 MR. WALKER: Okay. Member McClure?
14 (No response.)
15 MR. WALKER: Member McCullah?
16 (No response.)
17 MR. WALKER: Member Moore?
18 MR. MOORE: Here.
19 MR. WALKER: Member Polk?
20 MS. POLK: Present.
21 MR. WALKER: Member Radde?
22 (No response.)
23 MR. WALKER: Member Roberts?
24 MR. ROBERTS: Present.
25 MR. WALKER: Member Wagner?

1 (No response.)

2 MR. WALKER: Member Willis?

3 (No response.)

4 MR. WALKER: And let the record reflect that I,
5 Johnny Walker, am here also. So, we have -- we need to go
6 back and correct the account on the member -- it's not
7 seven and one attend. We will have eight and one. Is
8 that correct?

9 One, two, three, four, five, six, seven, eight.
10 We have eight calling in on teleconference and one person
11 live on the facility there.

12 MR. TEMPLETON: Member McCullah has raised a
13 hand there.

14 MS. McCULLAH: I am present. I was trying to
15 find the unmute button.

16 MR. WALKER: Okay, Member McCullah. So, let
17 the record reflect that we now have a total of 10. One,
18 two, three, four, five, six, seven, eight -- we have 10
19 members participating in today's meeting, so we do have a
20 quorum.

21 The purpose of this meeting is going to be
22 providing advice, recommendations to the Department and
23 the Board on topics related to motor carrier registrations
24 and motor carrier regulations. The advice and
25 recommendations will assist the Department in drafting

1 policies and administering rules.

2 Discuss briefing and items agenda. Members, I
3 will now move to Item 2.A, consideration of amendments to
4 43 TAC, Section 218.13 and Section 218.14. I'll turn the
5 meeting over to the Motor Carrier Division Director and
6 good friend of mine, Mr. Jimmy Archer.

7 MR. ARCHER: Good afternoon, Chairman Walker
8 and members of the Motor Carrier Regulatory Advisory
9 Committee. For the record, my name is Jimmy Archer, and
10 I'm Director of the Motor Carrier Division.

11 Today, I'm accompanied by Aline Aucoin,
12 Associate General Counsel, and Carol Fallin, Section
13 Director of the Department of Motor Carrier License and
14 Registration Division, as well as Laura Moriaty, our
15 General Counsel.

16 This is Item 2A on today's agenda. It's found
17 at the beginning of page 5 of the Committee's materials.

18 For Committee's consideration, I'm presenting a
19 rough draft of amendment to 43 Texas Administrative Code,
20 Sections 218.13 and Sections 218.14 related to the motor
21 carrier application process. These draft amendments are
22 focused on obtaining relevant information and documents
23 during the motor carrier application process to assist the
24 Department in detecting and preventing chameleon carriers.

25 A motor carrier may not operate a commercial

1 motor vehicle on the Texas roadway unless a motor carrier
2 obtains a certificate of registration, also known as
3 operating authority, from the Department of Motor
4 Vehicles, otherwise known as the Department. In addition,
5 a motor carrier may not operate a vehicle to transport
6 household goods for compensation on the Texas roadway
7 unless the motor carrier obtains operating authority from
8 the Department.

9 The Department issues operating authority for
10 any intrastate transportation within Texas, which means
11 the motor carrier is only traveling within Texas and is
12 not crossing Texas state line to travel another state or
13 country. The draft amendments are designed to require
14 applicants for intrastate operating authority to provide
15 the Department with information and documents it needs to
16 detect and prevent chameleon carriers.

17 Chameleon carriers are motor carriers that
18 attempt to continue operating under a certificate of
19 registration without addressing previous penalties or
20 violations, including safety violations under a different
21 certificate of registration.

22 There are two types of chameleon carriers. The
23 first type is a motor carrier that applies to the
24 Department for a new certificate of registration to
25 continue to operate as a motor carrier under a different

1 person's name or different legal entity.

2 For example, DPS issues an order to cease to
3 Motor Carrier, Incorporated, which prohibits that motor
4 carrier from operating in intrastate transportation. The
5 owner of Motor Carrier, Incorporated, then applies for a
6 different certificate of registration from Texas
7 Department of Motor Vehicles under a new legal entity
8 called Transportation, Incorporated. In this situation,
9 DMV needs information and documentation to link Motor
10 Carrier, Incorporated, to Transportation, Incorporated,
11 such as common ownership and common management.

12 The second type of chameleon carrier is a motor
13 carrier that already has more than one certificate of
14 registration under different names or legal entities.
15 Under the second type of chameleon carrier, the motor
16 carrier continues to operate under a different certificate
17 of registration when it incurs penalties or violates any
18 statutes or rules under one of its current certificates of
19 registration. Again, DMV needs information and documents
20 to determine the affiliation between the motor carriers to
21 detect if they are chameleon carriers.

22 The Department's scope is to prevent chameleon
23 carriers. However, additional information and documents
24 addressed in the draft amendments would also help the
25 Department detect any current chameleon carriers.

1 The Texas legislature passed laws to authorize
2 the Department to deny intrastate operating authority to
3 chameleon carriers and to revoke chameleon carriers'
4 intrastate operating authority. Transportation Code
5 Section 643.05-2 and -3 is an example of the Texas law
6 that is designed to prevent chameleon carriers. A copy is
7 included in the meeting materials for your reference.

8 Chameleon carriers are also a problem in
9 interstate commerce, which includes transportation during
10 which a motor carrier crosses a state line in the United
11 States to travel in another state or country.

12 The Federal Motor Carrier Safety
13 Administration, or FMCSA, issues interstate operating
14 authority for motor carriers to operate in interstate
15 transportation. FMCSA also works to detect and prevent
16 chameleon carriers by obtaining information and documents
17 from applicants for interstate operating authority.

18 Texas DMV modeled some of our current
19 requirements and some of our proposed amendments on
20 FMCSA's application and application process. For example,
21 our new applicant questionnaire is based on FMCSA's
22 version of the questionnaire.

23 In the attached draft amendments, the
24 Department is proposing to require all applicants to
25 complete the questionnaire even if the motor carrier is

1 not a new applicant. This amendment will help DMV detect
2 a second type of chameleon carrier, which a carrier that
3 already has more than one certificate of registration
4 under a different name.

5 The goal of this meeting is to get this
6 Advisory Committee's advice and recommendations regarding
7 the proposed amendments so the Department can obtain
8 relevant information and documents to help the Department
9 detect and prevent chameleon carriers. The Department is
10 open to Advisory Committee's advice and recommendations of
11 how to address the chameleon carrier problem, to propose
12 amendments to Section 218.13 and 218.14.

13 There are some highlighted questions in the
14 rough draft of the proposed amendments that you were
15 provided. However, the Advisory Committee is not required
16 to address highlighted questions unless you want to. The
17 highlighted questions and notes are included to indicate
18 pending issues that the Department needs to address.

19 That wraps up my comments, Chairman Walker, and
20 I'm available for any questions or comments you may have
21 for me.

22 MR. WALKER: Thank you, Jim.

23 Let's see here. Do we have any -- just a
24 reminder, if you want to comment or ask questions, please
25 unmute yourself and ask for the floor. Then, wait to be

1 recognized before speaking, and I'll acknowledge you when
2 you do that.

3 So, I don't know. I guess let me ask you a
4 couple of questions, Jimmy, for the information of all of
5 the members here. So I've read, and I assume most of us
6 have read, the attachment for the suggested
7 recommendations under Subchapter B of the Motor Carrier
8 Registration Act under 218, 16, and 14.

9 So, I've made some comments and have some
10 questions. But in a short -- what I would like to know is
11 would you kind of -- in a more common terminology, tell us
12 exactly what the problems are that are going on that need
13 to be fixed.

14 MR. ARCHER: Certainly. I would defer to Carol
15 Fallin to assist in that.

16 Carol, would you mind?

17 MS. FALLIN: Good morning. I'm sorry -- good
18 afternoon. This is Carol Fallin.

19 Mr. Walker, we are specifically -- well, one of
20 the things we are looking at is when we get an LLC that
21 has a pending application, and we're trying to be able to
22 delve into that LLC and not just look at, let's say, the
23 CEO. Now, that's something that -- the Secretary of State
24 provides that information, as well as all the officers.

25 So, we're looking for the, I guess, authority

1 or rules to help us delve into that LLC to look at all of
2 the parties of that corporation. Just an example.

3 MR. WALKER: So currently we don't have the
4 ability or the authority to go into background searches or
5 go into the LLCs or the articles of incorporation on these
6 companies?

7 MS. FALLIN: I'm sorry. I'm getting my color
8 straight here.

9 We currently -- when we get a sole proprietor,
10 we vet the owner of that company because it's a sole
11 proprietor. When we get LLCs or corporations, we
12 typically just look at the president or the CEO. We're
13 asking that we get the authority to look at the remainder
14 of those officers in those corporations.

15 MR. WALKER: When you say the other officers of
16 the corporation, define officers.

17 MS. FALLIN: So, we would be looking to get
18 information on anyone that is listed with the Secretary of
19 State that is associated with that company, that is part
20 of that corporate officer set up. And we're looking to
21 get all of the information so that we can use that to vet
22 that application.

23 Does that answer your question, sir?

24 MR. WALKER: Yes, yes. So, let me ask a bunch
25 of -- I've got -- I don't know. I don't want to take

1 anybody else's time away, but I have about probably 10
2 questions from reading this that I've highlighted.

3 I can go through here and ask specific
4 questions if you'd like me to do that, or however you
5 wanted to handle that.

6 MS. ARCHER: Chairman Walker, that would be
7 appropriate. Yes, sir.

8 MR. WALKER: Okay. All right. So, my first
9 question is do intrastate carriers have to have an MC
10 number? Because it refers to that in here.

11 It used to be that you could operate at
12 intrastate authority within the State of Texas without
13 having interstate motor carrier registration. Does
14 that --

15 MS. FALLIN: You do not need an MC number if
16 you're intrastate carrier.

17 MR. WALKER: So, in your subchapter of
18 registration right here, I believe it says that you have
19 to show your MC number. So, how do you make that a
20 requirement if it's not a requirement?

21 MS. FALLIN: Can you hold on just a second,
22 please?

23 MS. AUCOIN: Aline Aucoin for the record. So,
24 Chairman Walker, as you go through your question --

25 MR. WALKER: Aline --

1 MS. AUCOIN: If you through the written
2 materials and you have a question, if you could point out
3 the page number in the upper right hand side and the line
4 number of whatever rule language you're talking about,
5 that will help us answer your question.

6 MR. TEMPLETON: Member Walker, you're muted.

7 MR. WALKER: I'm sorry. I apologize. Under
8 line 7 -- page 7, line 9, it says the following
9 documents -- a US DOT number, a valid US DOT number,
10 issued to the applicant.

11 MS. AUCOIN: So, that is -- Aline Aucoin for
12 the record. That is just the US DOT number. The US DOT
13 number is not operating authority.

14 But even for intrastate operating authority,
15 when a motor carrier applies to DMV for intrastate
16 operating authority, they do have to provide a US DOT
17 number. And that's according to Texas state statute.

18 MR. WALKER: Okay. So, it is required that you
19 do have to have an MC number then?

20 MS. AUCOIN: Aline Aucoin for the record. Not
21 an MC number, but a US DOT number, which is something
22 different.

23 MR. WALKER: Okay, okay. I didn't know they
24 had changed.

25 So, under page 8, line 3, you are deleting

1 where it says the applicant must designate the vehicle's
2 trade name of the motor carrier. We're deleting -- why
3 would we delete that?

4 MS. AUCOIN: Aline Aucoin for the record. So,
5 a lot of -- well, some of the changes in these draft
6 amendments are to clean up the language.

7 So, the language that you just referred to on
8 page 8, line number 3, where we're striking language that
9 says "the applicant must designate the business or trade
10 name of the motor carrier," we're proposing to strike the
11 language there because we've moved it to page number 7,
12 starting on line number 10, which covers the information
13 and documents that the applicant -- which is the motor
14 carrier -- has to provide.

15 So, if you look at page 7, line 12, we're
16 asking for the specific information on the applicant
17 itself, the motor carrier's name, what kind of business
18 they are, telephone number, e-mail address.

19 MR. WALKER: Okay. So, the underlined stuff is
20 all new stuff that we're adding to the rules, correct?

21 MS. AUCOIN: Aline Aucoin for the record. You
22 are correct. So just in summary, the proposed new
23 language is all underlined, and any proposed deletion is
24 struck through and there are brackets that separate the
25 struck-out language from the rest of the language.

1 And again, some of the changes are to add new
2 requirements and to just clean up the language. So, just
3 because we're deleting something doesn't mean we're
4 deleting it entirely. We might have moved it to another
5 portion of the rule.

6 MR. WALKER: Okay. So, let's go to page 8 at
7 the bottom of line 23. It says here number to the extent
8 the natural person is authorized by law to obtain one of
9 the numbers -- date of birth, an address, home of the
10 business for each person who serves or will serve as the
11 applicant's manager, operator, or representative to
12 oversee the applicant's business.

13 So, you're saying that you have to have
14 information on these people right here is my
15 understanding. Is that correct? Information and
16 documents has to presented.

17 MS. AUCOIN: Aline Aucoin for the record. You
18 are correct.

19 So, on the language on page 8 starting on line
20 22, going through to page 9 at the top, lines 1 and 2,
21 that is specific information that we're asking for the
22 applicant's managers, operators, or whoever's overseeing
23 the applicant's business. And that helps us determine
24 whether the applicant is affiliated with an existing motor
25 carrier that is -- maybe has been placed out of service by

1 the Federal Motor Carrier Safety Administration or that
2 the Department of Public Safety has issued an order to
3 cease, or that possibly owes penalties.

4 Again, we're looking for the data and the
5 documents to affiliate and to determine whether there's an
6 affiliation between motor carriers, to catch the motor
7 carriers who are trying to evade outstanding penalties
8 that they have or other problems, including safety
9 problems.

10 MR. WALKER: Aline, what you're asking here --
11 when you start asking for the birth information, this is
12 information that has to be provided continually to the
13 Department of Motor Vehicles -- managers, operators, and
14 representatives who oversee my business.

15 Well, I have -- I bet I have 25 of those people
16 in my -- maybe more than that in my company here. And
17 some of those people change multiple times throughout a
18 year. You may hire an operations manager, a dispatch
19 manager, a representative who's overseeing my business in
20 certain areas.

21 And so, is it going to my responsibility? And
22 I think that's quite burdensome on motor carriers to have
23 to constantly provide the Department of Motor Vehicles
24 with our operations people. Is that not the way I'm
25 reading that?

1 If John Doe was my operations manager in my
2 Houston operation, and he now quits and I hire Billy
3 Smith, I have to notify the Department of Motor Vehicles
4 that I've changed and there has to be a background check
5 and all this information sent to the DMV every time I
6 change an operations manager?

7 MS. AUCOIN: So, Aline Aucoin for the record.
8 You are correct. If you look at page 21, lines 11 through
9 13, once a motor carrier obtains a certificate of
10 registration from DMV, if any of the information that
11 they've provided to DMV in their current application
12 changes, the motor carrier has to provide DMV with the
13 updated information within 30 days of the change.

14 MR. WALKER: As a motor carrier, I don't agree
15 with that. I think that's being a little too demanding of
16 the motor carrier. I mean, that's like saying the grocery
17 store at the end of the street, every time he hires a new
18 manager for the grocery store or the convenience store at
19 the end of the street, they have to notify the Department
20 of Motor Vehicles. That's an extremely heavy burden to
21 place on any motor carrier or any business to constantly
22 provide our operations people's names, birth dates, social
23 security numbers to the Department of Motor Vehicles.

24 I understand what you're trying to do, but I
25 just think that is just a tremendous burden on our

1 industry.

2 MS. MORIATY: Chairman Walker, this is Laura
3 Moriaty, you have four members with their hands up.
4 Member McCullah, Member Polk, Member Althoff, and Member
5 Roberts.

6 MR. WALKER: I'm sorry. I didn't those on my
7 screen. Okay. Let's recognize Member McCullah.

8 MS. McCULLAH: Mr. Walker, one of the
9 reasons -- and I know when we worked on this in the past
10 in reference to the road movers, we would have a mover go
11 out of business for whatever reason and he would then
12 close up shop, change the name, and put it in his wife,
13 kid, dog, whatever. And that was one of the issues that
14 we had, as a mover, run into. Because it was usually
15 these small -- as I said, the small load movers that were
16 continually trying to evade the system.

17 So I remember when we were working on the
18 chameleon movers, and this was one of the things that it
19 asked to be put into place. I don't recall that was it
20 was to this extent. We just wanted to know who were going
21 to be the participants within that company. That's just a
22 little background there.

23 MR. WALKER: Thank you. Member Roberts?

24 MR. ROBERTS: Member Roberts. Just to add to
25 this as well, if you're looking at all management in all

1 these companies -- if, say, Member Walker hired Billy
2 Smith, but he had previously been in management at a
3 company that had been shut down for safety regs, he would
4 effectively be blacklisted in the State of Texas from
5 getting any other employment in the transportation
6 industry.

7 MR. WALKER: Member Polk?

8 MS. POLK: Thank you, Chairman Walker.

9 Just to give you a little bit of background and
10 reference, I work for a company that's involved in working
11 with several motor carriers, assisting them with
12 compliance and risk management. And looking at page 8, I
13 have several concerns regarding the extent of information
14 that we're looking for.

15 And, you know, as I represent -- our company
16 represents motor carriers, getting this much private
17 information is very troubling to people. You know, when
18 you start giving social security numbers, dates of birth,
19 all of their information, you now have what [inaudible]
20 steal someone's identity. So, I know a huge question's
21 going to be what are doing to protect the data?

22 Also, while I certainly understand that you
23 need to get a certain level of information for the
24 officers of the company and such -- because I agree that
25 there are motor carriers out there that they had a

1 problem, and they just shut it down. And they do open it
2 up in a wife's name. And we've had people come to us and
3 tell us they want to do that.

4 And we've had to explain, no, you can't do
5 that. So, I understand that. But when you start getting
6 down into the operational management level is where you
7 start seeing quite a bit of turnover. Certainly officers
8 of companies don't change as frequently as those
9 operational managers or fleet managers that are out in the
10 field.

11 So, I'm just wondering -- I know at one point,
12 someone referenced that it's the same people that are
13 listed on the Secretary of State filing, which would
14 generally lend itself to be more of those officer-level
15 positions. So just wondering if that's more the intention
16 there.

17 But I do have concerns over -- I guess it would
18 be on page 8, starting 16, 17, 18. That's really going to
19 be subject to interpretation by the person completing the
20 applications. So, it could be anywhere from just officers
21 down to supervisors and in come cases, I mean, people
22 would say drivers are able to act on behalf of the motor
23 carrier. So, how granular are we wanting to get there?

24 And I also had just made a note that when you
25 have a service provider that's working with a company. I

1 know we frequently provide power of attorney, and I would
2 have to sometimes list our employees that are going to
3 work with that particular account and give their driver's
4 license and such, which some people are uncomfortable
5 with, but we can generally overcome that. But then we
6 have to change it every time we have anyone added to the
7 team or removed from the team.

8 So, just think we may want to discuss that a
9 little bit to make sure we get it to a manageable level.

10 MR. WALKER: Is there any other comments on
11 this?

12 MS. POLK: Thank you.

13 MR. WALKER: Member Hille? Take off your mute.
14 Take your mute off.

15 MR. HILLE: Okay. Can you hear me now?

16 MR. WALKER: Yes.

17 MR. HILLE: Okay. Sorry about that.

18 So I'm also in the compliance industry. And
19 what we typically see is any time one of our clients is
20 involved in an audit where they come out conditional or
21 unsatisfactory, they lose business or they get shut down
22 completely. So, one of the things that they've tried to
23 do is recreate another DOT number or go under another name
24 with the same owners so that they can try to reestablish a
25 business again.

1 So, there's a lot of little tricks that they're
2 trying to do when they're trying to evade penalties and
3 stuff like that. So I can see the need for trying to
4 control with whatever information they've got. And I
5 guess part of that is the information from these people
6 that are applying for that so they can try to see if these
7 are the actual people that are coming from another
8 trucking company, which, in most cases, they are
9 successful in determining that these guys are coming from
10 an audit or another company where they have been shut
11 down.

12 So I understand that there's an issue with all
13 of the information that's required, but I think that's
14 still important in being able to locate these people and
15 keep them from starting up another business again.

16 MR. WALKER: Any other comments from other
17 members? Member Althoff?

18 MR. ALTHOFF: Kevin Althoff for the record.

19 I think that I can see what they're trying to
20 do here. You know, if, for example, you had a company
21 that was getting shut down, and I went to some friends or
22 family members and I said, hey, I want y'all to be the
23 members of this company. And then I'm going to be the --
24 I want you to hire me as a manager, but I want you to set
25 me an extremely high salary.

1 So, basically, I'll compensate you a little bit
2 for being members. But I'm going to manage it and I'm
3 going to keep most of the money.

4 And I think that's probably here what they're
5 trying to do. I do agree with everybody's opinion on the
6 fact that it seems overbearing to have to continually
7 submit that information every time you change a manager or
8 change an employee. And I do agree that there's a bunch
9 of questions that need to be answered here.

10 One of my main questions was -- like on page 8,
11 line 12, where it says name, social security number of
12 individual, taxpayer number to the extent natural persons
13 authorized by law to obtain one of these numbers.

14 And so, what concerns me -- well, there's like,
15 say, I have a company and it's not in the United States.
16 And, like, I'm not required to have some of these numbers.

17 Is that a loophole where people can obtain authority to
18 operate in our country, but maybe don't have to obtain and
19 have some of these numbers required?

20 MS. AUCOIN: Aline Aucoin for the record. So,
21 we're looking at the language on page 8, lines 11 and 12?

22 Is that correct, Member Althoff?

23 MR. ALTHOFF: Yes.

24 MS. AUCOIN: So that requirement is for the
25 owners, partners, members, or principals of the applicant.

1 So, it's not the actual motor carrier.

2 Under Texas law, the actual motor carrier is
3 not authorized to obtain intrastate operating authority if
4 its domicile is in a foreign country. But under Texas
5 law, if the motor carrier is owned by, say, a Canadian
6 national or a Mexican national or a national from another
7 country, Texas law does not prohibit a foreign human being
8 from owning a motor carrier that operates in Texas if the
9 motor carrier is a legal entity.

10 So, under federal law, not everyone is
11 authorized to get a social security number or individual
12 taxpayer identification number. So if that human being is
13 not even authorized to get a social security number or
14 individual taxpayer identification number, DMV shouldn't
15 require that in the application because it's impossible
16 for that person to comply.

17 But there are other pieces of information that
18 we are asking for that those individuals listed on line 13
19 and in 14 would still have to provide.

20 MR. ALTHOFF: Okay. And so is that information
21 that they're required to provide -- say they're not
22 legally supposed to have a social security number or a
23 taxpayer number -- that information -- what I'm asking is,
24 is there a loophole open here for somebody that may not be
25 a U.S.-based carrier that they could get around, you know,

1 everything that y'all are trying to accomplish here?

2 MS. AUCOIN: Aline Aucoin for the record.

3 The answer to your specific question is no,
4 because, again, it's the motor carrier that is the actual
5 applicant in this situation. And certainly if the motor
6 carrier is a sole proprietor -- which basically means that
7 the same human being, Joe Smith, who is operating the sole
8 proprietorship -- this person is operating as himself, a
9 human being. So if it's Joe Smith who is domiciled in
10 another country, DMV, under Texas law, would have to deny
11 that application.

12 That is a different situation than when the
13 motor carrier is a legal entity, like a corporation.
14 Because the corporation is separate from the human beings
15 that own it and operate it.

16 So to answer your question, this is not a
17 loophole because, again, it's the motor carrier that's the
18 applicant, not the human beings who own it or are a partner
19 of it, unless the applicant is the sole proprietor. In
20 which case, again, if that human being who's a sole
21 proprietor applies for operating authority and is domiciled
22 in a foreign country, DMV, under Texas law, would have to
23 deny that application.

24 MR. ALTHOFF: Okay. Thank you.

25 MR. WALKER: Aline, this is Johnny Walker. I

1 have another question for you.

2 So my question is we're talking about -- in
3 this section here we're talking about applicants. But
4 once I get an application -- once it's been filled in, I
5 give you my operation manager's name and so forth.

6 Now, what happens is next year, Bob Smith
7 quits. And I take and hire a new operations manager, and
8 it's Billy Jones. Do I have to notify the Department of
9 Motor Vehicles that I've hired a new guy as my new
10 operations manager, what is his name, what is his birth,
11 what is his license number, what is his social security.

12 Do I have to provide that to the Department of
13 Motor Vehicles? And if I don't do that, what are the
14 consequences to J.H. Walker Trucking?

15 MS. AUCOIN: Aline Aucoin for the record. So,
16 under the draft amendments on page 21, lines 11 through
17 13, within 30 days of that change in your manager, you
18 would need to update the information and any documents
19 that you provided to DMV under current application. And
20 if these proposed amendments are passed and become
21 effective, you would have had to have provided information
22 and documents on your manager. So within 30 days of the
23 change, you would have to provide updated information and
24 documents to DMV.

25 And if you were going to apply for, say, a

1 renewal or a supplemental application before, say --
2 before the 30 days are up, any time you apply for a
3 renewal or a supplement or a re-registration, you have to
4 update information and documents at that time as well.

5 MR. WALKER: Consequences?

6 MS. AUCOIN: And the consequences are you would
7 be in violation of a rule that's on the books. And
8 technically, our DMV enforcement staff would be authorized
9 to pursue an administrative enforcement action.

10 MR. WALKER: I just think that's too much of a
11 burden to put on a motor carrier out here to say, hey, Bob
12 quit. Six years down the road from now, and I hire a new
13 operations manager, you're asking me to remember all the
14 rules out there that are so volumptuous [phonetic] as it
15 is.

16 Now, I have to report to the Department of
17 Motor Vehicles that I've hired a new dispatch manager to
18 work for me. And it's just managers. What is the
19 manager?

20 I have an operations manager that manages my
21 shop. Is he a manager of my operation? Is my
22 dispatcher -- he manages the drivers. Does he operate as
23 manager?

24 An operator is -- I could go on and on. We've
25 got -- there are 450 employees here. We have lots of

1 managers that are -- we have changes all the time.

2 And that's just asking -- that is putting an
3 extremely huge burden on any motor carrier out there. I
4 understand what you're trying to do, but to put that kind
5 of burden on me to have an administrative enforcement
6 action against my company because we hired a new sales
7 manager -- I hire sales managers, for example. That's
8 under your deal right here.

9 He's a manager because he's my sales manager.
10 Now you're asking me to report to him. My people can't --
11 the onboarding processes that we have today are so
12 volumptuous that it takes two days to onboard somebody.
13 And now, to wait and notify the Department of Motor
14 Vehicles because we hired a manager.

15 To me, that's just asking way too much of the
16 motor carrier. That's my personal opinion.

17 MS. AUCOIN: Aline Aucoin for the record. So,
18 this portion of the agenda is for the Advisory Committee
19 members to ask questions of DMV staff. And we're more
20 than happy to answer your questions.

21 As far as for any proposed changes that this
22 Advisory Committee would like to make to the draft rules,
23 that would certainly have to be done in the form of a
24 motion, which would be a separate agenda item than this
25 item. And in that portion of the agenda, Advisory

1 Committee members could certainly propose changes and
2 explain why you would want a particular change to the
3 draft rules.

4 So, again, I don't want to cut off any
5 conversation or dialogue, but I just want to put that into
6 the record.

7 MR. WALKER: Thank you, Aline.

8 Member Althoff, I recognize you.

9 MR. ALTHOFF: Member Althoff. I apologize. I
10 forgot to take my hand down from the last time we talked.

11

12 MR. WALKER: Oh, okay. Member Roberts?

13 MR. ROBERTS: Thank you.

14 So, just a question. What would the recourse
15 be for the motor carrier if we complied with these rules
16 and we hired a manager that we put into our staff, and we
17 informed the State that this is now part of our management
18 team and it was found that one of his prior jobs was at
19 some point shut down and lost their operating authority?

20 MR. WALKER: Aline, I can't answer that. Can
21 you answer that question?

22 MS. AUCOIN: Aline Aucoin for the record. So,
23 we can't -- our enforcement division handles any
24 administrative enforcement actions. And I'm hesitant to
25 start talking about hypotheticals when we don't have all

1 the facts. And they certainly -- our DMV staff would have
2 discretion on reviewing an application.

3 And Carol Fallin can provide more detail about
4 what we're looking for. I mean, we wouldn't -- I'll let
5 Carol answer that question.

6 MR. ARCHER: Member Roberts, this is Jimmy
7 Archer for the record. I think the question you're asking
8 me is if a new employee worked for a prior motor carrier
9 that had been found in violation and left that employment,
10 and came to work for you, what would the recourse be or
11 what would the Department do if we found out that that
12 particular person worked for that prior -- or that carrier
13 that was found in violation.

14 Is that your question, sir?

15 MR. ROBERTS: Yes, sir.

16 MR. ARCHER: I would think that if we ask for
17 that information -- if this rule were passed and we ask
18 for the information and you provided it, you could include
19 an explanation that that person no longer is affiliated or
20 working with that other carrier. I mean, we could take
21 those on the case-by-case basis.

22 I guess what I'm saying, sir -- I guess I think
23 there will be a chance to cure that. I mean, I don't
24 think you would bar employment for a person forever -- you
25 know, as an employee.

1 MS. FALLIN: Yeah, and this is Carol Fallin for
2 the record.

3 We're just looking for -- let's say that
4 situation occurred. And the person that was affiliated
5 with the safety issue at the other company is forthcoming
6 and puts all this information down. We're just looking
7 for evidence and reasoning. I mean, we're not just going
8 to straight-out deny.

9 I mean, that would Mr. Archer's decision. So,
10 we're basically just looking for the information. If
11 you're forthcoming with everything and there's a
12 legitimate explanation for everything, then I'm sure just
13 like Jimmy said, that could be handled.

14 So I hope that answers your question.

15 MS. AUCOIN: And Aline Aucoin for the record.
16 We would definitely look at just all of the facts. So
17 we're looking at other pieces of information.

18 For example, if there's commonality of
19 ownership between the bad carrier and the new applicant,
20 if there is commonality of managers. If the new applicant
21 has the very same vehicles as the motor carrier that just
22 got an order to cease from DPS, and has the same business
23 address and has the same physical address and everything
24 is the same. Well, in that situation, that is definitely
25 a chameleon carrier.

1 But if there's just one -- it just so happens
2 that the applicant has hired a manager who worked for a
3 bad carrier, that in and of itself doesn't necessarily
4 mean that the applicant is a chameleon carrier.

5 MR. WALKER: Member Moore?

6 MR. MOORE: Yes, I have a question. If a
7 person applies as a sole proprietor claiming to live here
8 and does not have legal presence in the United States, is
9 that being vetted at all?

10 MS. FALLIN: Yeah, this is Carol Fallin for the
11 record. Yes, sir, that is vetted.

12 MR. MOORE: Carol, can you kind of explain how
13 that being vetted?

14 MR. WALKER: Go ahead.

15 MS. FALLIN: I'm sorry. In our e-Link process,
16 when an applicant enters the US DOT, we are connected to
17 FMCSA. So, we download all of that information from US
18 DOT, and we have a person that actually looks at every
19 single item on there. So we know where you live and where
20 you don't live.

21 Does that answer your question, Dana?

22 MR. ROBERTS: Well, yes. I just wanted to know
23 whether or not -- whether that person has a legal presence
24 in the United States -- if that is determined and if they
25 don't, are they denied the application?

1 MS. FALLIN: Yes and yes.

2 MR. ROBERTS: Okay. That's what I needed to
3 know. Thank you.

4 MS. FALLIN: You're welcome.

5 MR. WALKER: Thanks, Dana.

6 Member Green?

7 MR. GREEN: Yes, and I might be off base here,
8 but any time I've dealt with development of standards or
9 technical writing -- even when there was definitions
10 listed in the beginning of the document -- I think most of
11 the argument or most of the discussion right now is, I
12 think, the intent of officer, director, manager.

13 You know, in an LLC, there is member managers.

14 Those are the people that have the ownership. And I
15 think wouldn't it be the owner is responsible for the
16 operation of the entity?

17 So, a down-the-line manager might not be who
18 you're after, correct?

19 MS. AUCOIN: Aline Aucoin for the record. So,
20 a down-the-line manager could be one piece of information
21 that shows that the applicant or this separate motor
22 carrier is affiliated with a bad carrier. Again, we're
23 going to look at all of the facts, and we need information
24 and documents so that we have the necessary information to
25 do the analysis.

1 MR. WALKER: Member Polk?

2 MS. POLK: Thank you. I guess I was kind of
3 following the same line of thought as Member Green in the
4 fact that I was thinking that there might be some
5 definition. And that the people that you're actually
6 looking for would be someone that's -- and it alludes to
7 this on page 9, line 2, where it says "representative who
8 oversees the applicant's business activities."

9 Because, you know, it seems to me that it's
10 going to become very labor intensive if you start looking
11 at every operation manager. Are we going to have to
12 provide where they worked previously so you can connect
13 them to previous? Are you going to have a database of,
14 okay, this person has worked for these other companies?

15 Because generally speaking, we only have to
16 include the officers of the company on an application. So
17 I'm just curious how in the world this is going to be
18 managed.

19 MS. AUCOIN: So, Aline Aucoin for the record.

20 So, again, it all goes back to DMV obtaining
21 the information and documents that we need. And if these
22 rules are passed and become effective, we will start
23 collecting this information and documents on current motor
24 carriers who haven't previously given us this information,
25 as well as new applicants. And that information will help

1 us detect and prevent and revoke existing chameleon
2 carriers and to deny operating authority to applicants who
3 are a chameleon carrier. And these rules won't give us
4 every piece of data that exists in the world, but it's a
5 start.

6 So, to answer your question, these rules are
7 designed to give us at least some information that we can
8 act on, even though it may not give us the whole universe
9 of every piece of information of where that manager worked
10 in the past.

11 MS. POLK: Okay. And for the record, this is
12 still Member Polk.

13 Currently, I know that you are asking that
14 motor carriers that operate in Texas -- whether it's just
15 intrastate, or if it's interstate and intrastate, and even
16 motor carriers that operate interstate -- that they have
17 to apply for a motor carrier registration. So, you're
18 basically going to be reviewing everyone.

19 I just have real concern over the Department's
20 ability to do that.

21 MS. AUCOIN: So, Aline Aucoin for the record.
22 I'll respond to your question. And then Carol Fallin and
23 Jimmy Archer may supplement my response.

24 So, we do have computer systems, and we have
25 talked to the Federal Motor Carrier Safety Administration

1 to share information. We can certainly develop algorithms
2 to supplement what we currently have so that we use our
3 technology to vet the data, to find the connections, to
4 show when applicant motor carrier or existing motor
5 carrier has a commonality or an affiliation with the bad
6 carrier. We would be looking at things like it's the same
7 vehicles because we have the vehicle identification
8 number, the same owners, the same managers, the same
9 business address.

10 Again, this is all information that a computer
11 system can vet and just plow through the data to help our
12 staff look and determine if there's an affiliation.

13 Carol, Jimmy, do you all have anything to add
14 to that?

15 MS. FALLIN: Yeah, this is Carol Fallin for the
16 record.

17 So we have a chameleon carrier team. It
18 consists of three people. So they currently are reviewing
19 the chameleon carrier applications that come in.

20 All the information is internal to the system,
21 so there's not information laying around everyone's desk.

22 And they are completely capable of, I believe, handling
23 this new flow of chameleon carrier information.

24 MS. POLK: And if I may, what kind of security
25 do you have on your system that houses data?

1 MS. FALLIN: I am not an IT person, Jackie. So
2 I would not be able to answer that. But I can find out
3 and get back to you, though, if you'd like.

4 MS. POLK: I think that's a significant issue
5 that you're going to need to review because you're going
6 to have very sensitive data. So I'm sure the State's
7 system has protection. I'm just not sure, you know, where
8 that extends.

9 MS. FALLIN: This is Carol Fallin for the
10 record.

11 Jackie, we'll get that information to you.

12 MR. WALKER: Member Green, you still have a
13 hand up. Do you have another question?

14 MR. GREEN: No, I'm sorry that was an error on
15 my part.

16 MR. WALKER: Okay. I have one more question,
17 Jimmy.

18 If I hire a new sales manager at J.H. Walker
19 here and I fail to report him, what are -- and I know
20 Aline said it goes to motor carrier enforcement -- what
21 are the limits of a violation of that? Two years in jail?

22 Five years in jail? Up to \$10,000 in fines?

23 What are the penalties? Nowhere is that
24 stipulated in anything I read here.

25 MS. AUCOIN: Aline Aucoin for the record.

1 So, this Advisory Committee could certainly --
2 during the portion of this meeting -- Agenda Item 2D, I
3 think it is -- make a motion to potentially beef up any
4 terms that we have here.

5 And as Member Polk pointed out, on page 9, line
6 2, the request when it comes to managers -- it's the
7 applicant's manager, operator, or representative who
8 oversees the applicant's business activities. I'm not
9 sure if your sales manager oversees your business
10 activities or not.

11 And certainly, the Department would be open to
12 a motion and a vote from this Advisory Committee on
13 further defining the term "manager" or "operator" or
14 "representative." There are quite a few Advisory
15 Committee members who are in the actual motor carrier
16 business, and you all have a much better understanding of
17 how your business runs and how to define the term
18 "manager" to really address the chameleon carrier issue,
19 versus getting information on a sales manager who is not
20 really overseeing the applicant's business activities and
21 calling the shots for that motor carrier.

22 And also, Chairman Walker, the draft rules here
23 do not address administrative penalties, dollar amounts.
24 Those are provisions that are already effective rules that
25 we're not proposing to amend in these draft amendments.

1 MR. WALKER: And that's up to \$25,000?

2 MS. AUCOIN: I don't recall the exact amount.

3 MR. WALKER: If I fail to notify you about the
4 new sales manager I reported and somebody comes in with
5 enforcement, gotcha. And now, they send me a penalty, a
6 fine for \$25,000. And we'll try to negotiate it.

7 We'll get it down to \$10,000, maybe. So I'm
8 just making you aware of those things that are out there.

9 Member Roberts, you have a hand up.

10 MR. ROBERTS: Thank you, Chairman.

11 My question would be since a majority of these
12 managers you're going to be asking for and their
13 information on probably won't be listed on the corporate
14 charter, what means will be used to identify carriers that
15 are in violations of not reporting people?

16 MR. WALKER: I can't answer that question.

17 MS. AUCOIN: So, Aline Aucoin for the record.

18 We certainly rely on applicants to tell the
19 truth. And if they don't, again, DMV only has the
20 information that we have and the resources that we have to
21 research carriers. And it is possible that there's a
22 situation where a motor carrier and applicant fails to
23 give information or documents to DMV, and we might not
24 have a way to verify the fact that that carrier didn't
25 give us what they were supposed to give us.

1 But again, we have to start somewhere. And
2 that's what these draft rules are designed to do -- to
3 give DMV additional information, additional documents that
4 we can use to get the facts and information we need to
5 supplement the resources that we do currently have,
6 because we do have subscriptions to certain databases that
7 we can use. But we certainly don't have access to every
8 piece of information that exists.

9 MR. ROBERTS: Member Roberts again. I'm sorry.

10 It would seem to me that the carriers on this
11 call and your more legitimate carriers are going to have a
12 lot more robust internet presence and have their structure
13 listed out. And they're more likely to be transparent.
14 And the targeted chameleon carriers we're looking for are
15 the ones that I don't understand how you would even be
16 able to identify their management structure.

17 MR. ARCHER: Member Roberts -- for the record,
18 it's Jimmy Archer.

19 May I take that question, Member Walker?

20 MR. WALKER: Yes, I'm sorry. Go ahead, Jimmy.

21 MR. ARCHER: Yes, sir. I mean, I would agree
22 with you, Member Roberts. I believe that all the carriers
23 that are on this call and the majority of the ones we deal
24 with are all -- and I don't want to say this the wrong way
25 to offend anyone -- but I think everyone on this call --

1 99 percent of our carriers are honest, law-abiding
2 citizens. It's that .1 percent that we're concerned with.

3 I believe that the information we're getting
4 today from everyone on this call and all the carriers that
5 I'm aware of provide us accurate information. I mean, and
6 I would think that what we're trying to do here is not --
7 in the words of Chairman Walker, we're not trying to
8 gotcha anybody, we're not trying to go after anybody.

9 We want to be sure that there's a level playing
10 field for everyone, for all the carriers, and that the bad
11 actors that are out there -- that we can get them off the
12 road, and they're not causing issues for this traveling
13 public or for our motor carrier public, either. So that's
14 what we're trying to get. We're not trying to get at
15 another layer, another level of punishment or enforcement
16 here.

17 We're trying to -- on the front end of this,
18 we're trying to weed out potential bad actors before they
19 even get started. And again, look at those and gather
20 information for our existing carriers to see if there are
21 any.

22 MR. WALKER: Member Polk?

23 MS. POLK: Thank you, Chairman Walker. This is
24 Member Polk for the record.

25 And I'm kind of moving on a little bit from

1 there to page 9. It starts at line 3, and it starts
2 outlining documentation that you should submit for the
3 people that we've been discussing.

4 And I noticed that it allows a driver's license
5 that's issued by a state or territory of the United
6 States. And then, it goes on to say, "or the Texas
7 Identification Card issued by the Texas Department of
8 Public Safety." If someone didn't have a driver's license
9 from another jurisdiction, you may want to consider
10 indicating an identification card that's issued by a
11 legitimate state or territory of the United States.

12 I just noticed that wasn't there. I didn't
13 know if that was intentional or if it was just an
14 oversight.

15 And then, if I may, I noticed you had
16 highlighted home or business for the address. And I can
17 just give you some feedback that I know we get from a lot
18 of the companies. And these are large corporations that
19 have officers who don't always want to provide their
20 private information. And we frequently will have them
21 send it to us in a sealed envelope. But one of the things
22 that they do ask is can they use the business address
23 instead of their home address.

24 So, I mean, I can tell you that the people that
25 we work with would fall on the side of let them use the

1 business address. But based on what you're trying to
2 find, you may decide to go a different way. But just
3 giving you some feedback on that as well.

4 Thank you.

5 MS. AUCOIN: Aline Aucoin for the record.
6 Thank you for that information. And again, certainly when
7 we get to the portion of the agenda where the Advisory
8 Committee can make motions and pass motions, you can
9 consider making a motion and see how this Advisory
10 Committee votes on that.

11 I appreciate it. Thanks.

12 MR. ARCHER: Member Polk, I believe that if you
13 look at page 9 -- it's Jimmy Archer for record, sorry --
14 line number 6, it says, "driver's license issued by state
15 or territory of the United States." I think that -- are
16 you asking if a driver's license may be used from another
17 state or territory? Or you asking if another type of
18 document may be used?

19 MS. POLK: If you look at line 9, Mr. Archer --
20 and again, this is Member Polk. The second item that's
21 allowed is a Texas Identification Card issued by the Texas
22 DPS. And I didn't know if it was just an oversight or if
23 you would allow an ID card issued from another
24 jurisdiction, like, you know, if this company happens to
25 have its corporate office in New York, for example. And

1 so the officers are residents of New York, and they have
2 an identification card issued from the State of New York
3 instead of Texas -- if that would be allowed.

4 MR. ARCHER: Member Polk, that would be
5 acceptable. We can address that.

6 MS. POLK: Thank you.

7 MS. AUCOIN: Aline Aucoin for the record.

8 So, Member Polk, if you look at page 14, lines
9 4 and 5 -- and this is information not on -- this is
10 documentation for the application submitted by an
11 individual, which is a little different than the language
12 on page 9, line 2, which is about the applicant's manager,
13 operator, or representative. But under our current rule,
14 when it comes to an application submitted by an
15 individual, like a sole proprietor, actually, we are
16 accepting an unexpired identification certificate issued
17 by a state or territory of the United States.

18 MS. POLK: I saw that, but since it was
19 stricken, I wasn't sure if it would carry through or not.
20 So --

21 MS. AUCOIN: To answer your question, it's a
22 different requirement than what we have listed on page 9,
23 lines 9 and 10. But again, this Advisory Committee could
24 certainly make a motion to change the requirements on page
25 9 -- to recommend a change to the requirements on page 9,

1 lines 9 and 10.

2 MS. POLK: Thank you.

3 MR. WALKER: Aline, this is Johnny Walker
4 again. Under that same page, page 10 there, line item 8,
5 there's an equipment list, description of vehicles, an
6 applicant must include a motor carrier equipment report
7 identifying each commercial vehicle that is registered
8 that requires registration.

9 My question is if we added a truck, substituted
10 a truck, or changed a truck, how often do we need to
11 notify the Department of Motor Vehicles that this truck
12 has been added to our fleet?

13 MS. FALLIN: This is Carol Fallin for the
14 record. I'm pretty that that piece of equipment is
15 supposed to be added to your equipment listing before you
16 put it on the road, sir.

17 MR. WALKER: So if you have interstate motor
18 carrier authority, you do not have to do that with the
19 Department of Motor Vehicles. Is that not correct?

20 MS. FALLIN: That is correct.

21 MR. WALKER: So the only carrier that all of
22 this applies to is only a carrier who is strictly an
23 intrastate carrier. Because if you have interstate
24 authority, which allows you to leave the state of Texas --
25 which anybody could go get for \$1,500. So then, what

1 applies at that point in time?

2 MS. AUCOIN: Aline Aucoin for the record.

3 So, Chairman Walker, are you asking about the
4 requirements for interstate operating authority to travel
5 across the state line?

6 MR. WALKER: No, no. If you are a interstate
7 motor carrier, you do not have to have a cab card from the
8 state of Texas in that truck, even though you operate in
9 intrastate authority.

10 MR. MOORE: Yes, you do.

11 MR. WALKER: I don't think you do, Dana, do
12 you?

13 MR. MOORE: I think so, Johnny.

14 MR. WALKER: I don't think you do, Dana. I do
15 not believe you have a Texas cab card anymore. They did
16 away with that years ago. We don't carry cab cards
17 anymore.

18 MS. AUCOIN: So, Chairman Walker, I guess I
19 could just take baby steps here. So in order to operate
20 in intrastate transportation, someone would have to get
21 operating authority from the Federal Motor Carrier Safety
22 Administration. That is a different --

23 MR. WALKER: Interstate --

24 MS. AUCOIN: -- authority than authority to
25 just operate within the state of Texas in intrastate

1 operating authority, meaning that you're not crossing a
2 state line.

3 And you may be hinting at an unexpiring
4 certificate when a motor carrier has both interstate
5 operating authority and intrastate operating authority.
6 And I think that's really outside the scope of what we're
7 talking about here at this Advisory Committee meeting.
8 And I think it might unnecessarily confuse people to talk
9 about something that isn't --

10 MR. WALKER: What's to prevent a chameleon
11 carrier, Aline, from going out and getting an intrastate
12 operating certificate? And what applies now -- even
13 though you operate within Texas -- you have an intrastate
14 permit, still. When they deregulated trucking in 2000-,
15 whatever it was -- when we deregulated it, they
16 deregulated all trucking with the exception of household
17 goods. That was the only thing that was not deregulated.

18
19 And so, household goods still maintain the
20 deregulation. And I know primarily what we're talking
21 about here is household good movement where carriers out
22 there that are, apparently -- how many carriers are we
23 talking about outside of household good carriers that this
24 applies to? I don't even know the answer to that.

25 Dana, do you know?

1 MS. POLK: If I may -- this is Member Polk,
2 Chairman.

3 MR. WALKER: Yes, ma'am.

4 MS. POLK: It does speak to that on page 23,
5 line 12, if you're an interstate motor carrier that also
6 operates in intrastate commerce, that you do need to
7 register and that it can be -- that you notify the
8 Department that they're registered under the UCR. And
9 then, it will be basically transitioned to a non-expiring
10 certification of registration. But they still want you to
11 keep your list of vehicles up to date.

12 MS. FALLIN: Yes, this is Carol Fallin for the
13 record.

14 Mr. Walker, I was incorrect when you asked me
15 about an interstate carrier that's also intrastate. So,
16 we have a common carrier cab card that's for intrastate
17 only. And then, we have a UCR cab card for carriers that
18 are inter- and intra-. That was the agreement.

19 They do not pay vehicle fees. They don't pay
20 renewals. They will keep their interstate vehicles listed
21 on the Texas DMV certificate, therefore, printing out
22 their cab card, which would be a UCR cab card.

23 MR. WALKER: Well, I don't believe we carry cab
24 cards anymore in any of our trucks because of the
25 interstate operating authority, even though we do operate

1 both intra- and interstate, and we do have an intrastate
2 operating certificate in Texas. So --

3 MR. MOORE: Johnny, I could address that if you
4 want.

5 MR. WALKER: Address it, Dana, please.

6 MR. MOORE: Back when this UCR came in, DPS
7 decided that roadside, if an officer determined that your
8 carrier has a current UCR, end of story. They didn't mess
9 with it anymore.

10 Now, that's a little bit different than the DMV
11 rules that Carol was talking about. They still require
12 you to maintain your insurance and have a registration,
13 but nobody's making you show that right now at roadside.

14 MR. WALKER: Is that a concern of the industry
15 that we need to be concerned about that? Is that
16 something that can be enforced against us or not?

17 MS. AUCOIN: So, Aline Aucoin for the record.

18 So, Chairman Walker, I think that we're getting
19 beyond the scope of this particular Advisory Committee
20 meeting. This Advisory Committee meeting is focused on
21 the draft amendments to Sections 218.13 and 218.14 to
22 detect and prevent chameleon carriers. That is a much
23 different issue than the scope of an unexpiring
24 certificate and UCR and what the UCR statute and agreement
25 provides.

1 MR. WALKER: Okay. Are there any other
2 questions about this bill?

3 MS. POLK: Chairman Walker, if I may?

4 MR. WALKER: Yes, Ms. Polk.

5 MS. POLK: For the record, this is Member Polk.
6 We were just talking about this on page 11, line 17. It
7 starts talking about the fees associated.

8 And I did wonder if it needed to be noted --
9 because it is talking about interstate motor carriers that
10 operate in intrastate commerce -- if it needs to indicate
11 in this area that they don't have to pay the \$10 per
12 vehicle fee, but they do receive credit for payment under
13 the UCR program?

14 MR. WALKER: Aline, can you address that?

15 MS. FALLIN: This is Carol Fallin. Hold on
16 just a second, please.

17 (Pause.)

18 MS. AUCOIN: So, Aline Aucoin for the record.
19 To keep the meeting moving forward, we will take this
20 issue and research it and not hold up the meeting while
21 we're looking for the language in the rule.

22 MR. WALKER: Okay. Do we have any other
23 questions, comments about the proposal here?

24 MS. POLK: I do. This is Member Polk for the
25 record.

1 I do have one other question. I know it's on
2 page 12, line 9, it's highlighted and it speaks to the --
3 a new applicant or -- excuse me -- it's just an applicant
4 questionnaire. Is that an existing questionnaire that's
5 completed, and you're just wondering what our thoughts are
6 about the three-year period?

7 I wasn't entirely clear on what you were
8 looking for there.

9 MS. AUCOIN: Aline Aucoin for the record.

10 So, you are correct. The language on page 12,
11 line 9 -- starting on line 9 references the new applicant
12 questionnaire. And we're proposing to strike through
13 "new," which would mean that it's not just new applicants
14 who need to complete this questionnaire. It's going to be
15 all applicants.

16 And once an applicant completes that
17 application, they don't have to complete it again unless
18 there's a change. And the current new applicant
19 questionnaire is not limited in time. So it goes back, I
20 guess, forever.

21 The Federal Motor Carrier Safety Administration
22 just goes back three years from the date of the
23 application. So they're looking for the existence of
24 chameleon carriers based on information from the last
25 three years. So the note starting on line 10 through 13

1 is should DMV put a limit on how far we go back on the
2 applicant questionnaire.

3 Does that answer your question, Member Polk?

4 MS. POLK: It does. Thank you.

5 MR. WALKER: Aline, what is the difference
6 between an applicant and a new applicant?

7 MS. FALLIN: This is Carol Fallin for the
8 record. A new applicant is someone that comes in to
9 obtain a new number. An applicant would be someone that
10 has already had an existing number and that they need to
11 renew.

12 MR. WALKER: So all renewals, you have to fill
13 out an application every time you renew? How often is
14 that? Every three years?

15 MS. FALLIN: It all depends if they're a
16 one-year or a two-year registration and we're just asking
17 for the information to be updated at the time of renewal.

18
19 We only started vetting the carriers in January
20 of 2017. That was the first implementation of the current
21 chameleon carrier module that we have. So I hope that
22 answers your question.

23 MR. WALKER: Yes, thank you.

24 Anybody else have any questions?

25 (No response.)

1 MR. WALKER: Okay.

2 Aline, are there any public comments that we
3 need to take into consideration?

4 MS. AUCOIN: Aline Aucoin for the record. We
5 have no public commenters in the room.

6 MR. WALKER: I'll move on the next item on the
7 agenda, Agenda Item 2.B, recommendations of the Advisory
8 Committee on amendments to 43 TAC 218.13 and 218.14.

9 Members, I will now move to Agenda Item 2.B,
10 recommendations of the Advisory Committee on amendments to
11 43 Texas Administrative Code, Section 218.13 and Section
12 218.14. Members, now that the Committee has been briefed
13 by the TxDMV staff on the proposed amendments to Section
14 218.13 and 218.14, it is time to discuss and vote on any
15 recommendations to present the Texas DMV Board with these
16 recommendations.

17 To assist the court reporter in getting an
18 accurate record, please cite the blue page numbers for
19 your materials and page numbers located on the right hand.

20 Any recommendations from the Advisory Committee should be
21 made in the form of a motion to the Advisory Committee and
22 voted on, unless the Texas DMV staff are willing to accept
23 an informal comment.

24 An example of a motion is, I move that this
25 Advisory Committee recommend to the Texas DMV Board that

1 the proposed amendments to Section 218.13 should be
2 modified to add a clause that says X.

3 I will now entertain any motions to the Agenda
4 Item 2.B. Do we have any recommended? Or do we want to
5 just give this [inaudible] to the Board?

6 MS. POLK: Chairman Walker, this is Member
7 Polk.

8 MR. WALKER: Yes, ma'am?

9 MS. POLK: I am -- is there somewhere that I
10 can read the language you just read to me? Because I
11 would like move to make a motion.

12 MR. WALKER: Yes, I will entertain a motion
13 from Member Polk.

14 MS. POLK: Okay. It is -- I would like to
15 recommend that we make a motion to the -- I can't remember
16 exactly what you said, Johnny.

17 MR. WALKER: So, do we have a motion to accept
18 the Agenda Item 2.B? Or we can make modifications to the
19 recommendations to the Board for any changes that we want
20 to make.

21 I think what they're asking for is -- they're
22 asking us do we want to present this to the Texas
23 Department of Motor Vehicles Board for approval, or their
24 approval? We can't approve it. We can make a
25 recommendation to the Board.

1 The Board has to approve it. They have the
2 only authority to approve this stuff. And I think before
3 that happens, I think this has to be -- and Aline can
4 correct me, but I've got enough history, I think -- before
5 they can do that, they have to take and submit that for
6 general comment to the public.

7 And those comments come back to the DMV Board.
8 The DMV Board looks at those comments. And then, well,
9 they can make changes or alterations to the proposal if
10 they want to make any. And then they vote on it whether
11 to approve or not.

12 Aline, am I correct? Or am I missing
13 something?

14 MS. AUCOIN: Aline Aucoin for the record. So,
15 Chairman Walker is correct about the process before a
16 proposed rule amendment can be effective.

17 And in response to Member Polk's question, I
18 think she was asking for someone to repeat what a draft
19 motion from this Advisory Committee would sound like -- an
20 example of one. And an example is, I move that this
21 Advisory Committee recommend to the DMV Board that the
22 proposed amendment to Section 218.13 should be modified to
23 do X -- to add a clause, to change a clause.

24 Member Polk, was that your question?

25 MS. POLK: Yes, it was.

1 MS. AUCOIN: And do you want me to repeat an
2 example of motion? Or did I say it?

3 MS. POLK: I couldn't recall everything that
4 Johnny said.

5 So I would say I move that this Advisory
6 Committee recommend to the DMV Board that they make a
7 change to Chapter 218, page 8, lines 11, through page 9,
8 line 2, to further define the officer, director, manager,
9 trustee, or other representative language so that it's
10 more clear that these individuals need to actually oversee
11 and direct the business activities.

12 MR. WALKER: So, we have a motion by Member
13 Polk to make an alteration to items -- page 8 through page
14 9 from our line item 7 to line item number -- on page 9.

15 Ms. Polk, are you on that line?

16 MS. POLK: Line 2.

17 MR. WALKER: Line 2 -- to better define the
18 definitions of managers, operators, representatives that
19 see the applicant's daily business.

20 Aline, did you get all of that?

21 MS. AUCOIN: I think it would be helpful if we
22 could repeat it one more time. Because I think I -- I'm
23 not positive I got the -- so, it's page 8.

24 Member Polk, what line numbers were you looking
25 at again? And did you go through to page 9 as well? Or

1 just on page 8?

2 MS. POLK: So, it's page 8, line 11 and
3 going --

4 MS. AUCOIN: Line 11 -- yeah, 11 through 14 is
5 on the owners. And then, line 15 through 19 deal with
6 officers, directors, managers, and trustees and
7 representatives.

8 MS. POLK: So it would probably be limited --
9 and I apologize for this. It would probably be limited to
10 line 15 through 19 on page 8, honestly. I mean, I'm just
11 kind of looking at the this.

12 I know we were referencing all of it when we
13 were discussing. But 15 through 19 is outlining officers,
14 directors, managers, trustees, or other representatives
15 who is authorized to act on behalf of the applicant --
16 adding some definition to provide direction on the level
17 of authority that those individuals need.

18 MS. AUCOIN: So, Aline Aucoin for the record.

19 Can you give more information? I mean, we're
20 certainly looking to the expertise of Advisory Committee
21 members, especially you all who are in the motor carrier
22 industry, to help us define these terms. Do you have any
23 recommendations for definition and further information to
24 make it more clear?

25 MS. POLK: Sure. Well, maybe, I think, to act

1 on behalf of the applicant is where it becomes muddy.
2 Because there's people that are acting on behalf of the
3 applicant, but they're not authorized to make, I guess,
4 business decisions.

5 I'm trying to think of what the right language
6 would be to replace this. Because they need to have a
7 certain level of authority.

8 So, Johnny, what are your thoughts? I mean, I
9 feel --

10 MR. WALKER: I know exactly what you're saying.

11 So --

12 MS. POLK: Because things like the sales
13 manager, for example. You know, a sales manager is not
14 going to be --

15 MR. WALKER: So, I don't think -- and I may be
16 wrong -- but I don't think that line 11 through 19
17 actually really applies to what I've been referring to
18 because this is just asking for it on the applicant.
19 These are the things that they have to provide on the
20 application.

21 Where my concern becomes is down when you get
22 down to line 22 where it says the name, social security
23 number, individual taxpayer ID number -- which one of my
24 sales guys wouldn't even have to the extent that the
25 natural person is authorized by law to obtain one of these

1 numbers. Date of birth, address for each person who
2 serves or will serve as the applicant's manager, operator,
3 representative who oversees the applicant's business
4 activity.

5 That could be anybody that works at my company
6 who can say they manage the money problems, other than a
7 truck driver. Because all of my people manage, all of
8 them. That's why they work here.

9 They manage our different operations of our
10 deal. I mean, somebody's managing everything. And I just
11 don't want to have a carte blanche ability for the
12 Department of Motor Vehicles to come in here with their --
13 and believe me, with all respect to the people on the DMV
14 Board, when you get any kind of enforcement people, so
15 many of them have the mentality of, ah, gotcha.

16 And I know that some of you know sitting back
17 there behind those desks back there of some particular
18 instances that I, personally, have had with a situation up
19 there a couple years ago. And so, I don't want somebody
20 taking and coming into my office and saying, Aha. You
21 hired your wife to come in here and manage your accounting
22 department, and you did not report her to us. So, now,
23 we're going to fine you \$8,000 because you didn't report
24 that.

25 I do not want that. I absolutely don't want

1 that. And I guarantee you I can get the support of 90
2 percent of the people in the trucking industry.

3 So, I would like to see item -- page number 8,
4 line item 22 through the following page 9 through line 2
5 stricken from this. I do not want to provide the -- every
6 time I change managers or give somebody a raise and say,
7 hey, now, you've become the shop manager. I don't want to
8 have to be concerned about did somebody at my company file
9 a report with the Department of Motor Vehicles and do a
10 background check on my shop manager that he is okay with
11 them to work as a manager for me.

12 I do not want that.

13 MS. POLK: So, maybe we need to do two motions.

14 The first one being that I move that this Advisory
15 Committee recommend to the DMV Board that they make an
16 adjustment to the proposed language for Chapter 218, page
17 8. And for the one we were just discussing, line 22
18 through page 9, line 2, to strike that language from --

19 MR. WALKER: Yes.

20 MS. POLK: -- the proposed changes. So, that
21 would be the first motion.

22 MR. WALKER: Okay. So do you want to make that
23 motion? Or do you want me to make the motion to strike
24 that item?

25 MS. POLK: I think I just made it. I'm not

1 sure.

2 MR. WALKER: Okay. So, we have a motion to
3 strike the -- line 8, line --

4 MS. POLK: 22.

5 MR. WALKER: -- through page 9, line item 2.
6 We have a motion. I need a second for this
7 motion.

8 MR. ROBERTS: Member Roberts. I second.

9 MR. WALKER: Member Roberts seconds the motion.
10 Since we're doing this on a mobile, I can't ask for a
11 vote. But let's just -- I'll ask for a motion.

12 And I'll call -- and signify by saying for or
13 against, and we will make a motion. Member -- let me go
14 back. I got to get the one through here.

15 Member Althoff, for or against?

16 MR. ALTHOFF: For the record, Kevin Althoff
17 for.

18 MR. WALKER: Member Connelly?

19 MR. CONNELLY: Member Connelly for.

20 MR. WALKER: Member Green?

21 MR. GREEN: Member Green for.

22 MR. WALKER: Member Hallmark?

23 MR. HALLMARK: For.

24 MR. WALKER: Member Hille?

25 MR. HILLE: Member Hille. I'm for it.

1 MR. WALKER: Member McCullah?

2 MS. McCULLAH: I'm for.

3 MR. WALKER: Member Moore?

4 MR. MOORE: Dana Moore. I'm for.

5 MR. WALKER: Member Polk?

6 MS. POLK: Member Polk for.

7 MR. WALKER: Member Roberts?

8 MR. ROBERTS: Member Roberts for.

9 MR. WALKER: Okay. It's unanimous that the
10 motion carries to make these changes and recommendations
11 to the Texas Department of Motor Vehicles Board.

12 Do we have any other comments or any other
13 alterations that we would want to make under the proposal?

14 MS. POLK: Chairman Walker, I would like to
15 make another motion. I move that this Advisory Committee
16 recommend to the DMV Board that they adjust the proposed
17 language for Chapter 218 on page 8, line 13 and line 17,
18 to reflect that it be business address that is used, and
19 not the home address of those individuals --

20 MR. WALKER: So we want to change the -- tell
21 me the page and line item on that.

22 MS. POLK: Sure. It's page 8, line 13 and line
23 17, and page 9, line 1. They should be highlighted on
24 there, Johnny, on your copy.

25 MR. WALKER: Yep, well, it says home or

1 business for each person who serves or will serve as the
2 applicant.

3 MS. POLK: Yeah, I would like to move that they
4 change it to business.

5 MR. WALKER: So strike "home address" off of
6 that. Just put "business address" and not "home address"?

7 MS. POLK: Yeah.

8 MS. McCULLAH: Chairman Walker, this is Member
9 McCullah. There are some companies that operate out of
10 their home.

11 MR. WALKER: I know.

12 MS. McCULLAH: So is not something to take into
13 consideration -- though it is a business being operated
14 out of their home?

15 MS. POLK: I think at that point, their home
16 address becomes their business address.

17 MS. AUCOIN: Aline Aucoin for the record. You
18 are correct, Member Polk.

19 Once, say, a sole proprietor is operating their
20 motor carrier company out of their house, that's their
21 business address. They just happen to live there. But
22 when it comes to the DMV application, that is their
23 business address.

24 And I also want to note, the draft motion --
25 there was a reference to page 9, line 1, which also has

1 that question about home or business. But you all just
2 voted to recommend to the Board to strike that language.

3 MS. POLK: Yeah.

4 MS. AUCOIN: I just wanted to clarify.

5 MS. POLK: Thank you for pointing that out.

6 MR. WALKER: Yeah. So, we just struck that.

7 So it won't be added.

8 MS. POLK: Yeah. It doesn't matter.

9 MR. WALKER: Yeah, it wouldn't matter now. So,
10 let's go back to --

11 MS. AUCOIN: So, for the record, Aline Aucoin
12 again.

13 So we have a motion from Member Polk. And I'll
14 ask Chairman Walker to ask if there is a second for that
15 motion.

16 MR. WALKER: So, let me ask Ms. Polk.

17 Do you want to still maintain that since it's
18 been deleted? Or do you want to --

19 MS. POLK: I need to amend it.

20 MR. WALKER: Or do you want to withdraw that?

21 MS. POLK: Well, I just need to amend it to
22 remove the page 9, line 1, reference.

23 MR. WALKER: Okay.

24 MS. POLK: So, it would be to -- I move that
25 this Advisory Committee recommend to the DMV Board that

1 they adjust the proposed language for Chapter 218, page 8,
2 line 13 and 17, to indicate "business address."

3 MR. WALKER: Okay. So we have a motion to
4 strike the word "home" and leave it to business under line
5 items 13 and line item 17 under page 8.

6 So, I will second that motion.

7 All in favor, signify -- Aline, can I just
8 do -- instead of another roll call, can I just do all in
9 favor, yes and signify. And then, call for the roll if I
10 have a dissent?

11 MS. AUCOIN: So, for the record, Aline Aucoin.
12 We cannot do just a --

13 MR. WALKER: All in favor --

14 MS. AUCOIN: -- everyone all in favor. We
15 won't be able to have a record of who voted which way. We
16 need you to go through the list of each individual member
17 and have their vote, and have only that member talk at one
18 time.

19 MR. WALKER: Okay. Thank you, Aline.

20 I'm going to call the roll, giving your vote
21 whether you're for the second proposal to be added also.

22 Member Althoff?

23 MR. ALTHOFF: Member Althoff for.

24 MR. WALKER: Member Connelly?

25 MR. CONNELLY: For.

1 MR. WALKER: Member Green?

2 MR. GREEN: Member Green for.

3 MR. WALKER: Member Hallmark?

4 MR. HALLMARK: For.

5 MR. WALKER: Member Hille?

6 MR. HILLE: For.

7 MR. WALKER: Member McCullah?

8 MS. McCULLAH: For.

9 MR. WALKER: Member Moore?

10 MR. MOORE: For.

11 MR. WALKER: Member Polk?

12 MS. POLK: For.

13 MR. WALKER: Member Roberts?

14 MR. ROBERTS: For.

15 MR. WALKER: And let the record reflect that I,
16 Johnny Walker, am also for the proposal. Okay.

17 The purpose of this Advisory Committee is to
18 provide advice and recommendations to the Department Board
19 on the topics related to motor carrier registration and
20 motor carrier regulation. I'm on the wrong page. I'm
21 sorry. I've got to go back to the -- okay.

22 Let the record reflect that we have unanimously
23 voted on the proposed recommendations to 218.13 and 16,
24 rather. Let the record reflect that the vote is
25 unanimous. It is now 2:45. This meeting is -- I need a

1 motion to adjourn, if I can so get that.

2 Do I have a motion --

3 MR. HILLE: Member Hille, I vote to adjourn.

4 MR. WALKER: I'm sorry?

5 MR. HILLE: Member Hille, I vote to adjourn.

6 MR. WALKER: I have a motion. Do I have a
7 second?

8 MS. McCULLAH: Member McCullah, motion to second
9 to adjourn.

10 MR. WALKER: If you support the motion, please
11 respond by saying "support." Member Althoff?

12 MR. ALTHOFF: Support.

13 MR. WALKER: Member Connelly?

14 MR. CONNELLY: Yes.

15 MR. WALKER: Member Byerley?

16 (No response.)

17 MR. WALKER: Member Green?

18 MR. GREEN: Support.

19 MR. WALKER: Member Hallmark?

20 MR. HALLMARK: Support.

21 MR. WALKER: Member Hille?

22 MR. HILLE: Support.

23 MR. WALKER: Member McCullah?

24 MS. McCULLAH: Support.

25 MR. WALKER: Member Moore?

1 MR. MOORE: Support.

2 MR. WALKER: Member Polk?

3 MS. POLK: Support.

4 MR. WALKER: Member Roberts?

5 MS. AUCOIN: Let me -- Aline Aucoin for the
6 record.

7 MR. ROBERTS: Support.

8 MS. AUCOIN: I just want to interrupt real
9 quick because, at one point, Member Polk was talking about
10 a potential motion to further define the term on page 8,
11 line 16 through 19. And that -- there was never a formal
12 motion made.

13 Member Polk, I don't know if you still any
14 interest in moving forward with the motion like that. If
15 you do, now is the time to do it before the meeting is
16 adjourned. I defer to you on whether you want to make
17 that motion or not.

18 MS. POLK: Well, I think that when we struck 22
19 through line 2, I think it probably took care of it.
20 Because as I was reading through this further, I think
21 that that is going to be over business --

22 MR. WALKER: Right.

23 MS. POLK: -- operations. So --

24 MR. WALKER: I think I would agree with you on
25 that.

1 MS. POLK: The only other question I had,
2 honestly, Johnny, was if Jimmy wanted anymore of our input
3 on some of the highlighted areas -- if we needed to do
4 anything with that before we adjourn.

5 MR. ARCHER: This is Jimmy Archer for the
6 record. Thank you, Member Polk and Chairman Walker. That
7 is purely at your pleasure if you want to address those or
8 not.

9 We highlighted those to give you an opportunity
10 to look at those. You already have addressed the home and
11 business issue. And the main thing I should like to
12 address, in the draft, you're certainly able to do that
13 before you adjourn.

14 Does that answer your question?

15 MS. POLK: Well, one question I do have, if I
16 could, Chairman Walker --

17 MR. WALKER: Yes, ma'am. You have the floor.

18 MS. POLK: We did talk about the \$10 fee that's
19 outlined on page 12, line 1, in that fee section. And I
20 know you were going to research that. Do we need to
21 finalize that before we --

22 MS. FALLIN: Carol Fallin for the record.
23 Member Polk, we found that on page 23, line 13. It reads,
24 "An interstate motor carrier registered under 218.17 of
25 this title relating to UCR is not required to renew a

1 certificate of registration issued under 218.11 of this
2 title except when a motor carrier operates as listing the
3 following."

4 So, the renewing of a certificate equals to
5 paying fees. And the rule says you do not have to renew
6 your vehicle. That just equates to not paying the \$10 per
7 year.

8 MS. POLK: Well, if I could just clarify,
9 because on page 11, line 17, it says "additional
10 requirements -- the following fees, documents, and
11 information must be submitted with all applications." And
12 there it speaks to the application fee of \$100 per annual
13 and biennial registration, \$25 for 90-day, \$5 for
14 seven-day.

15 And then, vehicle registration fees of \$10 for
16 each vehicle with a seven-day, 90 days, or annual, and \$20
17 for biennial. So, that would be new applications and
18 changes as well.

19 MS. FALLIN: I'm sorry, Jackie. What page was
20 that on again?

21 MS. POLK: It starts on page 11, line 17 and
22 goes through 12, line 4. So, since it has that on line
23 18 -- it says all applications, that would be any time we
24 file a new application or a change to an application,
25 essentially, that those fees would be owed.

1 MS. FALLIN: Okay. So, Jackie, if you could
2 just look at page 11, line 16. I'm sorry.

3 So you can start on 14. It says, "Interstate
4 motor carriers that operate in intrastate commerce and
5 meet the requirements under 218.14 of this title" --

6 MS. POLK: Yes.

7 MS. FALLIN: -- relating to -- "are not
8 required to renew a certificate of registration issued
9 under this Section."

10 So that specifically addresses an interstate
11 carrier that is -- I mean, an intrastate carrier that is
12 registered with UCR to operate interstate.

13 MS. POLK: Understood. But again, that's a
14 renewal. And this B section, I don't believe, just
15 pertains to renewals because it says "all applications."

16 MS. FALLIN: Well, when you are a new applicant
17 and you're an interstate carrier and an intrastate
18 carrier, when you submit your application for intrastate,
19 you are asked for a copy of the UCR receipt. You're
20 automatically set up as a UCR registered carrier.

21 MS. POLK: Okay.

22 MS. FALLIN: Or you don't pay any fees in the
23 beginning. And as long as you are an interstate carrier
24 paying UCR, you are not required to pay any fees. The
25 system does not prompt you to pay fees.

1 MS. POLK: Okay. I want to make sure that
2 that's clarified here so that we don't end up in a
3 situation where someone is paying that \$10 fee, or if they
4 file a change if they are an intrastate only. If they
5 file a change, do they have to pay the \$10 per vehicle
6 again?

7 MS. FALLIN: Okay. So, I'm sorry, Jackie. I
8 didn't hear that question.

9 MS. POLK: If they file a change to their
10 registration for intrastate, are they required to pay the
11 \$10 fee again?

12 MS. FALLIN: So are you saying if they are an
13 intrastate carrier --

14 MS. POLK: Yes.

15 MS. FALLIN: And when you say file a change,
16 are you saying add a vehicle? Or --

17 MS. POLK: Well, it would be like if the
18 officer changes. So they're filing an officer change?

19 MS. FALLIN: No, ma'am. That \$10 is only for
20 vehicle fees.

21 MS. POLK: Okay.

22 MS. FALLIN: So just to clarify one more thing,
23 when an intrastate carrier applies for a Texas DMV
24 authority, they pay their \$10 fee.

25 MS. POLK: Yes.

1 MS. FALLIN: Somewhere along the line, they
2 become an interstate carrier as well. They're
3 automatically switched over to a UCR carrier and not
4 required to pay any additional fees after that.

5 MS. POLK: Okay. Perfect. All right.

6 I just wanted to clarify that. Thank you.

7 MS. FALLIN: And just to clarify one last
8 thing, if you're an intrastate carrier, so you're a common
9 carrier. And then, some time later, you become an
10 interstate carrier. You pay your UCR and you call in to
11 be converted from a common carrier to a UCR carrier.

12 We can convert you as long as you are not a
13 non-charter bus carrier, a household good carrier, or
14 recyclable and waste carrier. Just FYI.

15 MS. POLK: Thank you.

16 MR. WALKER: So, before I close, Jackie, let me
17 explain one other item. I've already explained this. But
18 we are making a recommendation to the DMV Board.

19 This will be posted. And when it's posted
20 for -- I can't remember -- it's 45 days, I think. When
21 it's posted, anybody can make comments and recommended
22 proposals, so TXTA could be an intervenor in this and make
23 comments and say, hey, the rest of our membership would
24 like to see this added, or we'd like to see this stricken,
25 so they should get comments back from people who are

1 interested in this during the comment period. Then it
2 would go back to the DMV Board and they would take those
3 comments into consideration before they vote on this.

4 MS. POLK: Thank you.

5 MR. WALKER: So, is there any other comments
6 before I shut this down with two more requests for a vote?

7 (No response.)

8 MR. WALKER: So Member Radde, we have a motion
9 to adjourn. Are you for or against?

10 (No response.)

11 MR. WALKER: Member Roberts?

12 MR. ROBERTS: For.

13 MR. WALKER: And Member Walker, also, is for
14 convening.

15 I want to thank all of you for participating
16 today. I think we accomplished a lot today and got
17 everything done. Thank you, DMV staff, for all your hard
18 work that you did on getting us all these booklets and
19 getting the things to us. And we really enjoyed working
20 with you today.

21 MR. ARCHER: We appreciate you. Thank you.

22 MR. WALKER: Thank you, Jimmy. Thank you,
23 Aline. As always, you always do a wonderful job.

24 (Whereupon, at 2:56 p.m., the meeting
25 adjourned.)

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C E R T I F I C A T E

MEETING OF: Motor Carrier Regulation Advisory
Committee

LOCATION: Via Microsoft Teams

DATE: December 5, 2023

I do hereby certify that the foregoing pages,
numbers 1 through 80, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
made by electronic recording by Nancy King before the
Texas Department of Motor Vehicles.

DATE: December 18, 2023

/s/ Anna Marie Reyes
(Transcriber)

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