Towing, Storage and Booting Advisory Board
Meeting of June 18, 2018
North Campus Building – 1st Floor Public Meeting Room
1106 Clayton Lane, Austin, Texas

Summary of Minutes

Presiding Officer, Joann Messina, called the meeting to order at 2:00 p.m.

Presiding Officer, Joann Messina, moved to agenda item B. Roll Call, Certification of Quorum, and Introductions. Board members Joann Messina, Jeremy Clark, Thomas Griffin, Jimmy Zuehlke, Amy Milstead, Kyle Jackson, James Spears, and Jeanette Rash were present. Board member Tasha Mora was absent. A quorum was present.

Presiding Officer, Joann Messina, moved to agenda item C., Approval of Minutes – meeting of April 10, 2018. Board member, Amy Milstead, seconded by James Spears, made a motion to approve the minutes as presented with a minor revision. The motion passed with a unanimous vote.

Presiding Officer, Joann Messina, moved to agenda item D., Public Comment. The Board heard public comment from Chris Lawson of Admiral Enforcement and Ken Ulmer of TTSA.

Presiding Officer, Joann Messina, moved to agenda item E., Staff Reports – Laura Hernandez, Program Manager, provided the Licensing Division report. Misty Maldonado-Deleon, Manager, provided the Customer Service Division report. Ronald Foster, Prosecutor, provided the Enforcement Division report. John Schildwachter, Program Specialist, provided the Education and Examination Division report. Lee Parham, Deputy Director, Todd Forrester and Latsaha Poland, Program Specialists, provided the Regulatory Program Management Division report. Tanya Gauthreaux, Division Director, provided the Field Inspections Division report. Carla James, Deputy Executive Director, presented the Executive Office staff report.

Presiding Officer, Joann Messina, moved to agenda item F., Discussion of public comments and possible recommendation of presentation for Commission approval on proposed amendments to 16 Texas Administrative Code, Chapter 86, §§ 86.213 and 86.705(n)-(q) regarding the Vehicle Towing program. These amendments implement Senate Bill 1501 and Senate Bill 2065, 85th Legislature, Regular Session (2017). Discussion of public comments and possible recommendation of presentation for Commission approval on proposed amendments to 16 Texas Administrative Code, Chapter 86, §§ 86.213 and 86.705(n)-(q) regarding the Vehicle Towing program. These amendments implement Senate Bill 1501 and Senate Bill 2065, 85th Legislature, Regular Session (2017). Elizabeth Salinas-Strittmatter, Assistant General Counsel reported no public comments were received and that a discussion with Presiding Officer, Joann Messina identified language to the proposed rules that was inadvertently left out, possibly due to the many redrafts. Specific language left out was “creating an exception for the 72-hour notice rule for emergencies involving threat of imminent danger to property”. The Board was offered two options on how to proceed with the proposed rules. A motion was made by Board member Jeanette Rash and seconded by Kyle Jackson to withdraw the proposed rules as published, go back and reinsert proposed language. Refile the proposed rules with the Texas Register, go through internal reviews, refile with Texas Register again and reopen for public comments. Motion passed.
Presiding Officer, Joann Messina, moved to agenda item G., Discussion and possible recommendation of presentation for Commission approval on the proposed repeal of 16 Texas Administrative Code, Chapter 89, regarding the Vehicle Booting and Immobilization program. This repeal implements Senate Bill 1501 and Senate Bill 2065, 85th Legislature, Regular Session (2017). Elizabeth Salinas-Strittmatter, Assistant General Counsel reported on this item. Board member Thomas Griffin, seconded by Amy Milstead, made a motion to recommend that the Commission adopt the proposed rules as published. Motion passed by unanimous vote.

Presiding Officer, Joann Messina, moved to agenda item H., Appointment of Vehicle Towing Enforcement Plan workgroup. Presiding Officer, Joann Messina appointed the following board members to the Enforcement workgroup: Joann Messina, Jeanette Rash, Tarsha Mora and Jimmy Zuehlke.

Presiding Officer, Joann Messina, moved to agenda item I., Discussion, review of, and possible recommendations for VSF Form 11. Elizabeth Salinas-Strittmatter, Assistant General Counsel reported on this item and stated ongoing discussion has be whether or not to amend the VSF Form 11 to include the location that the cars are being taken to and/or a phone number that the consumer can call in order to find out where their vehicle was taken. Board member Jeanette Rash handed out her version of the revised VSF Form 11. A quick recess was taken to allow everyone an opportunity to review the form provided by Board member Jeanette Rash. Carla James, Deputy Director, proposed Board allow TDLR to review this matter further and discuss this with the Texas Department of Insurance and potentially bring a proposal to the Board to address this situation in order to make sure both agencies are on the same page regarding the VSF Form 11.

Presiding Officer, Joann Messina, moved to agenda item J., Recommendation for agenda items for the next meeting. The Board will discuss the following items at the next board meeting: VSF Form 11 discussion, relocation rules, update from Enforcement workgroup, update on removal of anything to do with booting and survey on environmental fee.

Presiding Officer, Joann Messina, moved to agenda item K., Discussion of date, time, and location of next Board meeting. The next Board meeting will be Tuesday, September 11, 2018 at 10:00 a.m.

Presiding Officer, Joann Messina, moved to agenda item L., Adjournment. Board member, Amy Milstead, seconded by James Spears, made a motion to adjourn the meeting. The motion passed by unanimous vote. Presiding Officer, Joann Messina adjourned the meeting at 3:19 p.m.

Joann Messina, Presiding Officer
Towing, Storage and Booting
Advisory Board