



Board Meeting Date: 10/3/2019
ACTION ITEM

To: Texas Department of Motor Vehicles Board
From: Jeremiah Kuntz, Vehicle Titles & Registration Division Director
Agenda Item: 7
Subject: Chapter 217, Vehicle Titles and Registration
New, §217.75
(Relating to SB 604, providing Registration and Title System and fraud training and updating statutory citations)

RECOMMENDATION

Approval to publish the adoption of new §217.75 in the *Texas Register*.

PURPOSE AND EXECUTIVE SUMMARY

The adopted new section implements Transportation Code, §520.023, as added by Senate Bill (SB) 604, 86th Legislature, Regular Session (2019), which requires the department to implement a training on the department's automated registration and titling system. Senate Bill 604, Sections 4.06, requires the department to adopt rules to implement the training program required by §520.023 by December 1, 2019.

FINANCIAL IMPACT

There will be minimal costs to comply with this rule. Training currently exists and is provided to counties through the department's online training system at no cost to counties. This will continue. The department develops new training as needed and will absorb those costs. The cost associated with taking training will vary by county based on the number of employees and completion of the currently taken available training. The department does not anticipate requests for additional training accounts as a result of this rule.

BACKGROUND AND DISCUSSION

The adopted new section includes:

- §217.75(a) - establishes that a person using RTS must complete the training program.
- §217.75(b) - specifies training will be available through the department's online training system.
- §217.75(c) - requires a person to complete each training course associated with the level of permission to enable a permission, and sets time frames for completing training. The proposed text has been changed to clarify the completion requires a test score of 80 percent and verification by the department; clarifies that users may take the course and test as often as they desire; and allows full service deputy employees to qualify for the 14-day extension under §217.75(c)(6).
- §217.75(d) - provides that the department will disable a user's permissions if the training is not completed within the authorized time frames in the section. The proposed text has been changed to clarify the permission can be enabled by using the process to complete training and enable permissions described in §217.75(c).

COMMENTS

The proposed rule was published for comment in the August 23, 2019, issue of the Texas Register. The comment period closed on September 23, 2019. The department received 148 written comments on the proposed rule.

The department received one written comment from Ronnie Brock's Kerrville RV in support of the rule as proposed. The department received 147 written comments requesting changes in the proposed text, or against the rule as proposed, from the Tax Assessor-Collector Association of Texas and tax assessor-collectors.

If the board adopts §217.75 during its October 3, 2019, open meeting, staff anticipates:

- Publication in the November 29, 2019, issue of the *Texas Register*; and
- An effective date of December 16, 2019, or such later date that the programming is complete.

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1 intended for industry professionals. A score of 80 percent is reasonable. The purpose of the program is to
2 provide training to ensure full comprehension of titling and registration activities and not intended to fail
3 people out of the system. As such, the program does not limit the number of times, or how often, a person
4 can take a course and the test. Enabling a permission, or enabling a disabled permission, involves
5 completing the required training for the permission with a score of 80 percent and having the training
6 verified. The process is based on the systems available to the department. The reasoned justification
7 incorporates the department's responses to comments.

8 Section 217.75(a) establishes the requirement that a department employee, department
9 contractor, county tax assessor-collector employee, or full service deputy as defined by §217.162(6) must
10 complete training regarding transactions performed in RTS and identification of fraudulent activity related
11 to motor vehicle registration and titling. The definition of full service deputy includes an individual who is
12 employed, hired, or otherwise engaged by the full service deputy to serve as the deputy's agent in
13 performing motor vehicle titling, registration, or registration renewal services. These individuals and
14 entities are the only individuals or entities with access to RTS. Other deputy types do not access RTS. The
15 term RTS is defined for purposes of this subchapter in §217.71(b)(5) to mean the "department's
16 registration and title system."

17 Section 217.75(b) specifies that the department will make the training available for county tax
18 assessor-collector employees or full service deputies through the department's online training system.

19 Section 217.75(c) clarifies how a county tax assessor-collector employee or full service deputy
20 may satisfy the training regarding RTS. Specifically, a county tax assessor-collector employee or full service
21 deputy must successfully complete each training course associated with the permissions the person is
22 assigned in RTS. In response to comments, the department has changed the proposed text of 217.75(c) to
23 clarify the process. Specifically, the department replaced the term "pass" with "complete;" added a

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1 sentence to describe completion of a course is obtaining a score of at least 80 percent on the course test,
2 and the training is verified; and added a second sentence clarifying that persons are not limited in the
3 number of times, or how often, they may take a course or test.

4 Section 217.75(c)(1)-(6) describes the process in more detail. Section 217.75(c)(1) provides that
5 the county employee or official with an administrative role in RTS, whether that person is the county tax
6 assessor-collector or county tax assessor-collector system administrator, must create accounts for and
7 assign RTS permissions to each employee or full service deputy who will be given access to RTS based on
8 that person's job duties.

9 Section 217.75(c)(2) provides that the department will assign training content for specific
10 permissions in RTS.

11 Section 217.75(c)(3) provides that a person must take the required training using the person's
12 assigned training identifier for the department's online training system.

13 Section 217.75(c)(4) provides that the department will enable a permission once the required
14 training for the assigned permission has been completed. This process will ensure verification of training
15 before a person is able to access RTS. The system administrator does not need to complete the required
16 training to create accounts and assign permissions; however, if the system administrator wants access to
17 RTS, the system administrator must complete the training required by this section.

18 Section 217.75(c)(5) provides that a person who is processing transactions on or before the
19 effective date of the rule will have until August 31, 2020, to complete the required training. This will allow
20 existing staff approximately eight months to complete training depending on the effective date of the
21 rule.

22 A person who is assigned permissions after the effective date of the rule or after new training is
23 created must complete all required training before the permissions are enabled. This requirement is

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1 reasonable because the individual will not necessarily have experience with the functions enabled by the
2 new permissions, especially if they are a new employee.

3 Section 217.75(c)(6) requires a person who is processing transactions when new training is
4 created to complete the training within 90 days after the department has provided notice that the new
5 training is available. New training is training that is a new requirement for the permission, or when
6 substantive new information is added to an existing course to render the old information incorrect and
7 outdated. Section 217.75(c)(6) also provides a 14-day limited exception to the 90-day time-limit to
8 complete new training. In response to comments, this limited exemption was expanded to included
9 employees of full service deputies, in addition to county tax assessor-collector employees.

10 Section 217.75(d) provides that the department will disable a permission if a person fails to
11 complete the training required for that permission. Based on comments, the department has amended
12 the rule by using the process to complete training and enable permissions in subsection (c) of this section.

13

14 SUMMARY OF COMMENTS.

15 The department received 148 written comments on the proposal.

16 The department received a written comment from Ronnie Brock's Kerrville RV in support of the
17 rule as proposed.

18 The department received written comments requesting changes in the proposed text or against
19 the rule as proposed from: The Tax Assessor-Collectors Association of Texas (TACA) and tax assessor-
20 collectors for the following counties: Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin,
21 Bandera, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Briscoe, Brown, Calhoun, Callahan, Carson,
22 Cass, Castro, Chambers, Cherokee, Cochran, Coleman, Collin, Colorado, Comal, Cooke, Coryell, Crane,
23 Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Ector,

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1 El Paso, Ellis, Erath, Fayette, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Grimes,
2 Guadalupe, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill,
3 Henderson, Hidalgo, Hood, Hopkins, Houston, Hudspeth , Hutchinson, Jackson, Jefferson, Johnson,
4 Kaufman, Kenedy, Kent, Kerr, Kinney, Lamar, Lampasas, Lavaca, Lee, Leon, Lipscomb, Lubbock, Lynn,
5 Madison, Marion, McCulloch, McLennan, McMullen, Milam, Montgomery, Moore, Nacogdoches,
6 Navarro, Newton, Nueces, Ochiltree, Orange, Parker, Parmer, Pecos, Polk, Real, Red River, Refugio,
7 Roberts, Robertson, Runnels, Rusk, Sabine, San Patricio, Sherman, Smith, Stephens, Sterling, Sutton,
8 Swisher, Tarrant, Taylor, Terry, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Victoria, Walker, Waller,
9 Washington, Wharton, Williamson, Wilson, Winkler, Wise, Wood.

10

11 General Comments

12 A commenter supports the proposed rule and believes that mandatory training will reduce the
13 number of titling mistakes that the commenter must later fix.

14 **Response.** The department appreciates the comment in support of the proposal.

15

16 Commenters stated that they believed training is necessary and required.

17 **Response.** The department agrees with the comment.

18

19 Commenters stated that the proposal did not appear to be consistent with the statutory
20 requirement to develop, in coordination with county tax assessor-collectors, criteria for the suspension
21 or denial of employee or deputy access to the RTS if a county tax assessor-collector suspects fraud,
22 waste, or abuse.

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1 **Response.** The department disagrees with the comment. Section 217.75 is only intended to implement
2 Transportation Code §520.023 not later than December 1, 2019, as required under SB 604, Section 4.06,
3 which does not require coordination with county tax assessor-collectors. While not required, the
4 department sent out a notice of the proposed training plan as detailed in the proposed rules, provided
5 four statewide webinars and made a recording of one of these webinars available on its website, and
6 met with representatives of the TACA.

7 The commenter is referencing SB 604, Section 4.07, which the department will separately
8 propose rules necessary to implement. SB 604, Section 4.07, requires the department, not later than
9 March 1, 2020, in coordination with county tax assessor-collectors, and in accordance with Subchapter
10 C, Chapter 520, Transportation Code, as added, to develop, adopt, and implement rules that create clear
11 criteria for the suspension or denial of access to RTS if a county tax assessor-collector suspects fraud,
12 waste, or abuse relating to RTS by a county tax assessor-collector employee or a person deputized under
13 Transportation Code §520.0071.

14 Commenters from small and large counties stated that the rule as proposed will negatively
15 impact the daily operations of providing services to the public.

16 **Response.** The department disagrees with these comments. The department recognizes that training
17 will require a small investment of time. This will allow employees to provide expedient, high quality, and
18 accurate customer service without the assistance of department personnel. The legislature determined
19 that the benefit of mandatory training exceeded the small investment of time by requiring the training.
20 The department worked with county tax assessor-collectors to allow adequate time to complete training
21 required by statute.

22

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1 A commenter is concerned that they may be forced to decline services to their taxpayers
2 because they are locked out; suggests that the rollout begin on a limited scale and with smaller counties;
3 and suggests delaying the training program until February 2020. The commenter also requests
4 dedicated helpdesk support for large counties.

5 **Response.** The department disagrees with the comments and requests. The possibility of an unforeseen
6 or programing error always exists. It is also impossible to tell if the unforeseen error would affect all
7 counties equally. The department will be monitoring and responding to possible programming issues
8 statewide. Further, delay in starting the program in some counties would reduce the period that those
9 counties' employees had to complete any training courses needed to maintain access to their existing
10 permissions, before the August 31, 2020, deadline.

11 The department will be assigning resources statewide to verify training. Each of the 254 counties
12 will receive the same level of attention and not be granted a dedicated team. The training verification
13 requests will be worked in a statewide queue in the order in which they are received. The periods to
14 complete the training are intended to allow sufficient time to complete the required training, while
15 meeting the legislature's training requirement and making sure that persons using RTS have been
16 provided the most current information. Completing training, especially new training, avoids having the
17 account disabled and reduces the possibility of errors from using outdated or incorrect information and
18 processes.

19
20 Commenters cross-train employees to assist with motor vehicle duties and disagree with the
21 \$11 annual fee paid for each employee to access the eLearning Center if the county exceeds their
22 account allocation at the state's expense.

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1 **Response.** The department agrees that the fee exists. The fee is set in the county equipment guide and
2 agreed to through the interlocal agreement entered into between each county and the department. In
3 the department's County Equipment Guide, a county is allocated eLearning accounts based on the
4 county's current workstation count. Each allocated and leased department workstation is assigned one
5 eLearning user account, which represents the county's Base Accounts. Counties that have workstation
6 counts from 1 to 19 are entitled to one additional eLearning account. Counties that have workstation
7 counts of 20 or more are entitled to 10 percent additional eLearning accounts, which represents the
8 county's Additional Accounts. The county's Base Accounts plus Additional Accounts equals the county's
9 Total Accounts at State Expense.

10

11 Commenters requests that the "sandbox" environment be in place by the rule's effective date
12 and remain available for use as often as desired for continuing education.

13 **Response.** The department disagrees with the comment. This request, while a high priority, will not be
14 available and is separate from this training program. Section 217.75 implements the legislative
15 requirement to implement a required training program under Transportation Code §520.023. The
16 "sandbox" would not be a required part of the training and as such a change has not been made in the
17 rule text to include the "sandbox" in §217.75.

18

19 A Commenter is concerned that mandatory training of employees is somewhat of an overreach
20 into personnel operations of their offices.

21 **Response.** The department disagrees with the comment. As addressed in other responses,
22 Transportation Code §520.023 requires mandatory training for each person performing registration and
23 titling services. Section 217.75 implements that requirement. The rules do not require a county tax

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1 assessor-collector to provide confidential employee information to the department, or address the
2 employment practices of a county for a user that does not complete the required training. Further,
3 while completing some training may enable multiple permissions, the rule does not require a county tax
4 assessor-collector to assign an enabled permission to an employee.

5

6 §217.75(a)

7 Commenters stated that they considered the training requirements unnecessary and preferred
8 to use their own training systems.

9 **Response.** The department disagrees with the comment. Transportation Code §520.023(a) directs the
10 department to implement a training program and Transportation Code §520.023(b) directs the
11 department to require each person performing registration and titling services to complete the training
12 under Transportation Code §520.023(a). The legislature did not authorize an exception. County tax
13 assessor-collectors may require training in addition to the requirement in §217.75.

14

15 Commenters oppose the requirement for each staff member to complete and pass the training
16 in order to maintain access to RTS.

17 **Response.** The department disagrees with the comment. Transportation Code §520.023(b) directs the
18 department to require each person performing registration and titling services to complete the training
19 under Transportation Code §520.023(a). The legislature did not authorize an exception.

20

21 A commenter is concerned that the rule might inhibit performance of legally required services
22 to taxpayers.

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1 **Response.** The agency disagrees with the comment. The legislature has determined that completion of
2 training is a legal requirement for each person performing registration and titling services.

3

4 A commenter asks why driver license information is included in the training.

5 **Response.** The agency appreciates the question. This information is included in the training because
6 identification documents are required as part of certain motor vehicle transactions. RTS users processing
7 transactions should know how to identify fraudulent documents.

8

9 Commenter states that the American Association of Motor Vehicle Administrators (AAMVA)
10 training is important for everyone.

11 **Response.** The department agrees with the comment.

12

13 **§217.75(b)**

14 Commenter suggests Vehicle Titles and Registration (VTR) service centers should have the ability
15 to run RTS user security reports remotely from a VTR service center.

16 **Response.** The department agrees with the comment and has requested programming to allow regional
17 service centers to run county RTS employee security reports. However, §217.75 implements the
18 legislative requirement to implement a required training program under Transportation Code §520.023.
19 The report would not be a required part of the training, and a change has not been made in the rule text
20 to include this report in §217.75.

21

22 Commenter suggested the release of training material should be in February 2020 or later rather
23 than December 2019 due to property tax season, which is the busiest time of the operating year.

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1 **Response.** The department disagrees with this recommendation as it would reduce the time for persons
2 with existing permissions to report completed training. The department recognizes there may be
3 impacts in December, but merely releasing programming in December does not mandate reporting at
4 that time. Further, delay in starting the program in some counties would reduce the period that those
5 counties' employees must complete any training courses needed to maintain access to their existing
6 permissions, before the August 31, 2020, deadline.

7

8 **217.75(c)**

9 Commenters identified that the proposal does not define what is required to “pass” or
10 “complete” training, and requested the proposal be amended to state what is required to pass or
11 complete a training course.

12 **Response.** The department agrees to revise the proposed text to clarify the section. The section as
13 proposed uses both the terms “pass” and “complete” a course based on common usage but does not
14 define them. Based on other comments, it is understood this would involve achieving a grade for the
15 course that would be verified in the eLearning system. Verification is necessary because the RTS and
16 current eLearning systems cannot communicate with each other. The department has changed
17 §217.75(c) to remove the word “pass” and replaced it with the word “complete.” To add certainty to
18 what the term “complete” means in this section, the department has added a sentence that reads “A
19 person completes a training course when the person obtains a score of at least 80 percent on the course
20 test, and the training is verified.” The changes do not add costs or affect persons not on notice of this
21 proposal.

22

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1 Commenters suggested that the passing grade be 70 percent because that is usually a passing
2 grade in school.

3 **Response.** The department disagrees with the comment. As addressed in other responses to comments,
4 the department has changed the text in §217.75(c) to provide that a person must obtain a score of at
5 least 80 percent, and the training is verified, for completion of a training course. The department agrees
6 with the many commenters that described their staff as industry professionals. The department
7 considers the goal of the legislative requirement is training for industry professionals. The score reflects
8 that as an industry professional, the individual should demonstrate more than basic understanding of
9 the material to meet customer service demands and expectations.

10
11 Commenters recommend that training be available to take as often as desired; suggest users be
12 allowed to retake the trainings multiple times to complete with a passing score for RTS access; and ask if
13 the rule allows a person multiple opportunities to take and pass the required training prior to being
14 disabled.

15 **Response** The department agrees to revise the proposed text to clarify the section. The proposal is silent
16 on the number of times, or how often, the training and test may be taken. The eLearning system does
17 not currently limit the number of times, or how often, the training and test may be taken. The
18 department did not intend to change that function in the eLearning system in the adoption of §217.75.
19 To add certainty to the rule requirement, the department has added a sentence to §217.75(c) that reads
20 “This section does not limit the number of times or how often a person may take a training course or
21 test.” The change does not add costs or affect persons not on notice of this proposal.

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1 However, while there is no limitation imposed in this rule, a county tax assessor-collector may
2 establish its own policies and procedures limiting the number of times employees may take the course
3 and test.

4

5 **§217.75(c)(2)**

6 Commenters are concerned that the training, depending on a function, may take anywhere from
7 3, 8, 12 and up to 24 hours of training, thus impacting their ability to provide titling and registration
8 services.

9 **Response.** The department agrees there will be an investment of time for training to qualify for a set of
10 permissions associated with common office functions. The amount of training will vary based on the
11 number and type of permissions that the tax collector-assessor wants to assign to the employee. The
12 training is self-paced and the time spent to complete the training will vary by individual.

13

14 A commenter asserts that the rule will require all tax assessor-collector employees, and their full
15 service deputies, to pass more than 51 eLearning courses before continued or new access is allowed.

16 **Response.** The department disagrees with this comment. The amount of required training will vary on
17 the number and type of new permissions that the tax collector-assessor wants to assign to the
18 employee. Employees with existing permissions do not need to retake courses that are documented as
19 having already been completed in the eLearning system.

20

21 **§217.75(c)(3)**

22 Commenters believe that the department stated that each user must be assigned a separate
23 logon, including those who may access RTS for accounting purposes. The commenters consider that

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1 requiring a user to be credentialed and repeat training for each office the logon is used is overbearing,
2 and point out that staff is often rotated throughout various offices to ensure adequate coverage and for
3 security.

4 **Response.** The department disagrees with this comment because a training course must be completed
5 only one time per user. The department believes this comment is based on a misunderstanding during
6 some of its webinars related to the pending rules. The department adjusted its presentation to address
7 this concern. The department prefers each user only have one RTS user logon.

8 The rules do not require each user to be credentialed for each office local area network (LAN)
9 where the user works. As such, offices that do not have multiple logons for individual users will not need
10 to change their systems. The user is only required to complete the training one time, and the training
11 would have to be reported individually for that user logon.

12 For the less than ten tax assessor-collector offices that credential a user with more than one
13 valid RTS user logon, the user is only required to complete the training one time, but the training would
14 have to be reported individually for each user logon. This is because the RTS system does not have the
15 functionality to link multiple RTS user logons. The use of multiple logons is a business decision and not a
16 department requirement. The department will work with these offices to adjust to the process, but the
17 department considers that programming RTS to link multiple logons for the limited number of offices
18 would not be the most practical use of state resources.

19 Regardless of the number of RTS logons they have, each RTS user must have their own unique
20 eLearning Account under which training is completed. Training will need to be completed one time by
21 each employee and reported for each RTS user logon for that employee.

22

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1 Commenters suggest that once a primary logon is validated, the same logon should be validated
2 automatically for additional or alternate logons.

3 **Response.** The agency disagrees with the comment. As addressed in other responses to comments,
4 §217.75 does not require tax assessor-collector offices to use multiple logons. Most tax assessor-
5 collector offices do not use multiple logons. The limited number that do, is in result of a business
6 decision and not a department requirement. The department will work with these offices to adjust to
7 the process, but the department considers that programming RTS to link multiple logons for the limited
8 number of offices would not be the most practical use of state resources.

9
10 **§217.75(c)(4)**

11 Commenters believed that waiting for the department's regional service centers to grant
12 permissions may unnecessarily delay a new employee's ability to begin working in RTS. A commenter
13 suggests amending §217.75(c)(4) to require the department to enable permissions "expediently (by the
14 next business day)."

15 **Response.** The department disagrees with the comment and has not made a change to the rule text.
16 The department will spread processing across a statewide queue. Verification of completed training will
17 be worked under a first come, first serve model. A delay in completing and subsequently reporting the
18 completed training could result in a delay in verification.

19
20 A commenter believes the department should have access to verify all associated training is
21 completed and not require the tax collector-assessors' office to send in reports for each user once they
22 have completed a course. Reporting should be automated without the need for anyone to report
23 anyone else's results.

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1 **Response.** The department agrees with the comment in favor of automation; however, the RTS and the
2 current eLearning system cannot interface. As such, the most effective and efficient way to implement
3 the training program required by the legislature with the current systems is for counties to report the
4 training into RTS for verification so that all associated permissions can be enabled.

5
6 Commenters suggest that the county tax-assessor collector should be allowed to enable
7 permission for up to 90 to 180 days to continue RTS access pending review by the department.

8 **Response.** The department disagrees with the comment and has not made a change to the rule text.
9 Transportation Code §520.023 requires each person performing registration and titling services to
10 “complete” the required training program. The legislature did not authorize an exception.

11
12 **§217.75(c)(5)**

13 A commenter states that the department has made no analysis or study regarding the direct or
14 indirect financial impact to local counties or tax assessor-collectors by requiring staff to repeat training.

15 **Response.** The department disagrees with the comment. The rule does not require an employee or full
16 service deputy to repeat training that the person has completed and is documented in the eLearning
17 system.

18
19 Commenters asserted that employees with existing credentials should be grandfathered into
20 the system.

21 **Response.** The department disagrees with the suggestion and has not made a change in response to this
22 comment. Transportation Code §520.023 requires each person performing registration and titling
23 services to “complete” the required training program. The legislature did not authorize an exception.

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1 The rule provides that a person with an existing permission as of the effective date of §217.75,
2 may continue to use that permission until August 31, 2020. The person is not required to repeat any
3 training in the eLearning system which they have already scored at least 80% on the course test, prior to
4 the effective date of §217.75. Otherwise, the person must complete those courses prior to August 31,
5 2020, to maintain the permission.

6 The department is also concerned that grandfathering could be read to mean that the person
7 would not be required to take new training when it is required to maintain the permission. Section
8 217.75 requires new training to be completed within 90 days after notice of its release to maintain the
9 permission.

10
11 A commenter suggests removing “by August 31, 2020” from §217.75(c)(5) concerning the period
12 in which a person with existing permissions must complete any incomplete training required to maintain
13 their existing permissions.

14 **Response.** The department disagrees with the comment and has not made any changes based on this
15 comment. The proposed section requires persons with an existing permission to complete required
16 training for those permission on or before August 31, 2020. Removing the date would require all training
17 to be completed on or before the effect date of the rule or be disabled based on §217.75(c)(4) and
18 §217.75(d). Such a change would not be consistent with the proposal, which intends to allow persons
19 with existing permissions adequate time to complete the required training, be it on or before August 31,
20 2020, or within 90 days after new training is required for the permission.

21

22 **§217.75(c)(6)**

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1 Commenters believe a 90-day period to complete new training is too brief. Commenters
2 suggested changing the period ranging from 120 to 180 days.

3 **Response.** The department disagrees with the comment and has not made a change to the rule text.
4 The 90-day period only applies to a person with an existing permission. Training will only be required if
5 the required training course is a new requirement or provides new substantive information or processes
6 not in the prior course. New training is developed as necessary, but generally results from events such
7 as changes in statute, rule, or policy and procedure changes.

8 The time required to complete a new course, or courses, to maintain a permission will vary. The
9 number of training courses required for the permission that would be new at the same time may also
10 vary. The department considers the 90-day period allowed to complete the new course is reasonable
11 and adequate. Further, having training regarding new information protects the public against the use of
12 outdated and incorrect processes.

13
14 A commenter suggests amending the second sentence in §217.75(c)(6), to add full service
15 deputies to the grace period.

16 **Response.** The department agrees with the comment and made the requested change. The department
17 has changed the proposed text to read “A county employee, or full service deputy,” The department
18 has not changed the requirement that the county tax assessor collector must determine that the
19 absence was due to circumstances beyond that person's control. The change does not add costs or
20 affect persons not on notice of this proposal.

21
22 A commenter suggests the qualifying absence period for the 14-day grace period in
23 §217.75(c)(6) be changed from 90 to 180 days.

TITLE 43. TRANSPORTATION

Adopted Sections

Part 10. Texas Department of Motor Vehicles

Chapter 217 – Vehicle Titles and Registration

1 **Response.** The department disagrees with the comment and did not make the requested change. The
2 department rejected the extension of the period to complete new training to 180 days in this paragraph
3 for reasons addressed in other responses to comments. This requested change is not needed for
4 consistency because it appears that the commenter was trying to match the periods.

5

6 **§217.75(d)**

7 A commenter noted that the proposal did not provide criteria for reinstatement.

8 **Response.** The department agrees to revise the proposed text to clarify the process in §217.75(d). The
9 intent of §217.75(d) is to state that the user's permissions would be disabled if the required training is
10 not completed within the time allowed by the rule. Permissions are enabled under §217.75(c) when the
11 training is completed. To clarify the process, the department has added a sentence to §217.75(d) that
12 reads "A disabled permission may be enabled by using the process to complete training and enable
13 permissions in subsection (c) of this section." The change does not add costs or affect persons not on
14 notice of this proposal.

15

16 A commenter suggests amending §217.75(d) from "will disable" to "may limit, suspend, or
17 disable."

18 **Response.** The department disagrees with the comment. RTS users must complete the required training
19 as required in Transportation Code §520.023. The permission can be enabled if the person completes
20 the required training.

21

22 A commenter suggests that the rule provides for the arbitrary termination of user permissions.

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Part 10. Texas Department of Motor Vehicles

Chapter 217 – Vehicle Titles and Registration

1 **Response.** The department disagrees with this comment. The rule does not authorize arbitrary actions.
2 Permissions are not terminated. The dates for completion of training are established in the rule. If
3 permissions are disabled, they may be enabled by completing the training. RTS users must complete the
4 required training as required in Transportation Code §520.023.

5
6 A commenter states the suggestion of removing user permissions if the deadline is not met is ill-
7 advised, because there may be various reasons clerks aren't available to complete a training assessment.

8 **Response.** The department disagrees with the comment. Transportation Code §520.023(b) directs the
9 department to require each person performing registration and titling services to complete the training
10 under Transportation Code §520.023(a). A person who has not completed training is not eligible under
11 the statute to perform registration and titling services. A person can complete the required training to
12 become eligible, maintain their eligibility, and reinstate their eligibility.

13 The rules provide until August 31, 2020, to complete all required training and 90 days after
14 notice of new training. The department believes that the time frames provide adequate time for persons
15 with existing permissions to complete any training required to retain their RTS permissions, and protect
16 the public from the use of incorrect and outdated processes.

17
18 **STATUTORY AUTHORITY.** Section 217.75 is adopted under Transportation Code §1002.001, which
19 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are
20 necessary and appropriate to implement the powers and the duties of the department; and more
21 specifically, Transportation Code §520.021, which authorizes the department to adopt rules and policies
22 for the maintenance and use of the department's automated registration and titling system; and
23 Transportation Code §520.023, which requires the department to implement a training program providing

TITLE 43. TRANSPORTATION

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1 information on the department's automated registration and titling system and identification of
2 fraudulent activity related to vehicle registration and titling.

3

4 **CROSS REFERENCE TO STATUTE.** Transportation Code §520.021 and §520.023.

5

6 **TEXT.**

7

Subchapter C. Registration and Title Systems

8

43 TAC §217.75

9 §217.75. Required Training on the Registration and Title System and Identification of Fraud.

10 (a) Required training. A person performing registration or titling services through RTS, including a
11 department employee, department contractor, county tax assessor-collector employee, or full service
12 deputy as defined by §217.162(6) of this title (relating to Definitions), must complete a training program
13 as prescribed by this section. Required training will include, at a minimum:

14 (1) training regarding transactions performed in RTS; and

15 (2) identification of fraudulent activity related to vehicle registration and titling.

16 (b) Online training. The department will make required training for county tax assessor-collector
17 employees and full service deputies available through the department's online training system.

18 (c) Registration and Title System training for county tax assessor-collector staff and full service
19 deputies. To satisfy the training requirements under subsection (a)(1) of this section, a county tax
20 assessor-collector employee or full service deputy must complete [pass] each training course associated
21 with the permissions that person is assigned in RTS. A person completes a training course when the person
22 obtains a score of at least 80 percent on the course test, and the training is verified. This section does not
23 limit the number of times or how often a person may take a training course or test.

TITLE 43. TRANSPORTATION

Adopted Sections

Part 10. Texas Department of Motor Vehicles

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1 (1) A county tax assessor-collector or county tax assessor-collector's system administrator
2 must create accounts for and assign permissions in RTS to each employee or full service deputy who will
3 be given access to RTS based on that person's job duties as determined by the county tax assessor-
4 collector or the county tax assessor-collector's system administrator.

5 (2) The department will assign training content for specific permissions in RTS.

6 (3) A person must take required training using the person's individually assigned training
7 identifier for the department's online training system.

8 (4) The department will enable a permission on completion of required training.

9 (5) A person with permissions in RTS on or before the effective date of this section must
10 complete required training under this section by August 31, 2020. A person who has not been assigned
11 permissions in RTS on or before the effective date of this section must complete all required training
12 before permissions are enabled by the department.

13 (6) If new training is made available for a new or existing permission after August 31,
14 2020, a person with permissions enabled before the new training is made available must complete the
15 required training within 90 days of the department's notification that the training is available. A county
16 employee, or full service deputy, who is on leave on the date of the department's notification that the
17 new training is available, for at least 90 days thereafter, and due to circumstances beyond that person's
18 control, as determined by the county tax assessor-collector may have an additional 14 days upon returning
19 to work to complete the new training.

20 (d) Failure to complete required training. The department will disable a permission if a person
21 fails to complete required training for the permission within the timeframes required by this section. A
22 disabled permission may be enabled by using the process to complete training and enable permissions in
23 subsection (c) of this section.

TITLE 43. TRANSPORTATION

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1

2 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be a
3 valid exercise of the agency's legal authority.

4 Issued at Austin, Texas, on Month DD, YYYY.

5

6

7

Tracey Beaver, General Counsel

DRAFT