

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

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

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

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

1 clarify the process. Specifically, the department replaced the term “pass” with “complete;” added a
2 sentence to describe completion of a course is obtaining a score of at least 80 percent on the course test,
3 and the training is verified; and added a second sentence clarifying that persons are not limited in the
4 number of times, or how often, they may take a course or test.

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

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

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

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

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

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 120 days after the department has provided notice that the new
5 training is available. The period was extended from 90 in the proposal to 120 days in response to
6 comments. The extended period is intended to reduce the stress on county tax assessor-collector offices
7 to complete training, particularly for smaller offices that perform multiple additional functions for their
8 counties, such as being voter registrar. New training is training that is a new requirement for the
9 permission, or when substantive new information is added to an existing course to render the old
10 information incorrect and outdated.

11 Section 217.75(c)(6) also provides a 14-day limited exception to the 120-day time-limit to
12 complete new training. In response to comments, this limited exemption was expanded to include
13 employees of full service deputies, in addition to county tax assessor-collector employees. This period has
14 also been extended to 120 days to maintain consistency with the proposed text and in response to
15 comments.

16 Section 217.75(d) provides that the department will disable a permission if a person fails to
17 complete the training required for that permission. In response to comments, the department has
18 changed the text to include the proposed text in paragraph (1), and added paragraph (2) as an exception
19 to being disabled if a person submits their required training test scores prior to the end of a training
20 period. The exception is based on the concern that verification may be delayed if a large number of test
21 scores are submitted in the days immediately prior to the end of a training period. Under the exception,
22 a person who timely submits test scores will not be disabled, unless the department determines that they
23 did not score at least 80 percent as required to complete the course.

1 Section 217.75(d)(3) has also been added based on comments. Section 217.75(d)(3) clarifies that
2 a disabled permission may be enabled by using the process to complete training and enable permissions
3 in subsection (c) of this section.

4 As addressed in the proposal, implementation of this rule requires the department to reconfigure
5 its internal systems to conform to the new requirements. The department adopts §217.75 to be effective
6 December 16, 2019.

7

8 **SUMMARY OF COMMENTS.**

9 The department received 148 written comments on the proposal.

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

12 The department received written comments requesting changes in the proposed text or against
13 the rule as proposed from: The Tax Assessor-Collectors Association of Texas (TACA) and tax assessor-
14 collectors for the following counties: Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin,
15 Bandera, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Briscoe, Brown , Calhoun, Callahan, Carson,
16 Cass, Castro, Chambers, Cherokee, Cochran, Coleman, Collin, Colorado, Comal, Cooke, Coryell, Crane,
17 Crosby, Culberson , Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Ector,
18 El Paso, Ellis, Erath, Fayette, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Grimes,
19 Guadalupe, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill,
20 Henderson, Hidalgo, Hood, Hopkins, Houston, Hudspeth , Hutchinson, Jackson, Jefferson, Johnson,
21 Kaufman, Kenedy, Kent, Kerr, Kinney, Lamar, Lampasas, Lavaca, Lee, Leon, Lipscomb, Lubbock, Lynn,
22 Madison, Marion, McCulloch, McLennan, McMullen, Milam, Montgomery, Moore, Nacogdoches,
23 Navarro, Newton, Nueces, Ochiltree, Orange, Parker, Parmer, Pecos, Polk, Real, Red River, Refugio,

1 Roberts, Robertson, Runnels, Rusk, Sabine, San Patricio, Sherman, Smith, Stephens, Sterling, Sutton,
2 Swisher, Tarrant, Taylor, Terry, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Victoria, Walker, Waller,
3 Washington, Wharton, Williamson, Wilson, Winkler, Wise, Wood.

4

5 **General Comments**

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

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

9

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

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

12

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

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

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

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

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

16
17 A commenter is concerned that they may be forced to decline services to their taxpayers
18 because they are locked out; suggests that the rollout begin on a limited scale and with smaller counties;
19 and suggests delaying the training program until February 2020. The commenter also requests
20 dedicated helpdesk support for large counties.

21 **Response.** The department disagrees with the comments and requests. The possibility of an unforeseen
22 or programming error always exists. It is also impossible to tell if the unforeseen error would affect all
23 counties equally. The department will be monitoring and responding to possible programming issues

1 statewide. Further, delay in starting the program in some counties would reduce the period that those
2 counties' employees had to complete any training courses needed to maintain access to their existing
3 permissions, before the August 31, 2020, deadline.

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

12
13 Commenters cross-train employees to assist with motor vehicle duties and disagree with the
14 \$11 annual fee paid for each employee to access the eLearning Center if the county exceeds their
15 account allocation at the state's expense.

16 **Response.** The department agrees that the fee exists. The fee is set in the county equipment guide and
17 agreed to through the interlocal agreement entered into between each county and the department. In
18 the department's County Equipment Guide, a county is allocated eLearning accounts based on the
19 county's current workstation count. Each allocated and leased department workstation is assigned one
20 eLearning user account, which represents the county's Base Accounts. Counties that have workstation
21 counts from 1 to 19 are entitled to one additional eLearning account. Counties that have workstation
22 counts of 20 or more are entitled to 10 percent additional eLearning accounts, which represents the

1 county's Additional Accounts. The county's Base Accounts plus Additional Accounts equals the county's
2 Total Accounts at State Expense.

3

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

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

11

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

14 **Response.** The department disagrees with the comment. As addressed in other responses,
15 Transportation Code §520.023 requires mandatory training for each person performing registration and
16 titling services. Section 217.75 implements that requirement. The rules do not require a county tax
17 assessor-collector to provide confidential employee information to the department, or address the
18 employment practices of a county for a user that does not complete the required training. Further,
19 while completing some training may enable multiple permissions, the rule does not require a county tax
20 assessor-collector to assign an enabled permission to an employee.

21

22 **§217.75(a)**

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

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

8
9 Commenters oppose the requirement for each staff member to complete and pass the training
10 in order to maintain access to RTS.

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

14
15 A commenter is concerned that the rule might inhibit performance of legally required services
16 to taxpayers.

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

19
20 A commenter asks why driver license information is included in the training.

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

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

Response. The department agrees with the comment.

§217.75(b)

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

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

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

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

1 **217.75(c)**

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

5 **Response.** The department agrees to revise the proposed text to clarify the section. The section as
6 proposed uses both the terms “pass” and “complete” a course based on common usage but does not
7 define them. Based on other comments, it is understood this would involve achieving a grade for the
8 course that would be verified in the eLearning system. Verification is necessary because the RTS and
9 current eLearning systems cannot communicate with each other. The department has changed
10 §217.75(c) to remove the word “pass” and replaced it with the word “complete.” To add certainty to
11 what the term “complete” means in this section, the department has added a sentence that reads “A
12 person completes a training course when the person obtains a score of at least 80 percent on the course
13 test, and the training is verified.” The changes do not add costs or affect persons not on notice of this
14 proposal.

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

18 **Response.** The department disagrees with the comment. As addressed in other responses to comments,
19 the department has changed the text in §217.75(c) to provide that a person must obtain a score of at
20 least 80 percent, and the training is verified, for completion of a training course. The department agrees
21 with the many commenters that described their staff as industry professionals. The department
22 considers the goal of the legislative requirement is training for industry professionals. The score reflects

1 that as an industry professional, the individual should demonstrate more than basic understanding of
2 the material to meet customer service demands and expectations.

3

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

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

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

18

19 **§217.75(c)(2)**

20 Commenters are concerned that the training, depending on a function, may take anywhere from
21 3, 8, 12 and up to 24 hours of training, thus impacting their ability to provide titling and registration
22 services.

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

5

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

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

12

13 **§217.75(c)(3)**

14 Commenters believe that the department stated that each user must be assigned a separate
15 logon, including those who may access RTS for accounting purposes. The commenters consider that
16 requiring a user to be credentialed and repeat training for each office the logon is used is overbearing,
17 and point out that staff is often rotated throughout various offices to ensure adequate coverage and for
18 security.

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

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

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

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

15
16 Commenters suggest that once a primary logon is validated, the same logon should be validated
17 automatically for additional or alternate logons.

18 **Response.** The agency disagrees with the comment. As addressed in other responses to comments,
19 §217.75 does not require tax assessor-collector offices to use multiple logons. Most tax assessor-
20 collector offices do not use multiple logons. The limited number that do, is in result of a business
21 decision and not a department requirement. The department will work with these offices to adjust to
22 the process, but the department considers that programming RTS to link multiple logons for the limited
23 number of offices would not be the most practical use of state resources.

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2 **§217.75(c)(4)**

3 Commenters believed that waiting for the department’s regional service centers to grant
4 permissions may unnecessarily delay a new employee’s ability to begin working in RTS. A commenter
5 suggests amending §217.75(c)(4) to require the department to enable permissions “expediently (by the
6 next business day).”

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

11

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

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

20

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

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

4

5 **§217.75(c)(5)**

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

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

11

12 Commenters asserted that employees with existing credentials should be grandfathered into
13 the system.

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

17 The rule provides that a person with an existing permission as of the effective date of §217.75,
18 may continue to use that permission until August 31, 2020. The person is not required to repeat any
19 training in the eLearning system which they have already scored at least 80% on the course test, prior to
20 the effective date of §217.75. Otherwise, the person must complete those courses prior to August 31,
21 2020, to maintain the permission.

22 The department is also concerned that grandfathering could be read to mean that the person
23 would not be required to take new training when it is required to maintain the permission. Section

1 217.75(c)(6), as changed in this adoption, requires new training to be completed within 120 days after
2 notice of its release to maintain the permission.

3

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

7 **Response.** The department disagrees with the comment and has not made any changes based on this
8 comment. The proposed section requires persons with an existing permission to complete required
9 training for those permission on or before August 31, 2020. Removing the date would require all training
10 to be completed on or before the effect date of the rule or be disabled based on §217.75(c)(4) and
11 §217.75(d). Such a change would not be consistent with the proposal, which intends to allow persons
12 with existing permissions adequate time to complete the required training, be it on or before August 31,
13 2020, or within 120 days after new training is required for the permission.

14

15 **§217.75(c)(6)**

16 Commenters believe a 90-day period to complete new training is too brief. Commenters
17 suggested changing the period ranging from 120 to 180 days. A commenter also suggests the qualifying
18 absence period for the 14-day grace period in §217.75(c)(6) be changed from 90 to 180 days, which is
19 consistent with the commenters suggestion to extend the training period to 120 days.

20 **Response.** The department agrees with the comments and has made a change to the rule text to extend
21 the periods to 120 days. The extended training period is intended to reduce the stress on county tax
22 assessor-collector offices to complete training, particularly smaller offices that perform multiple
23 additional functions for their counties such as being voter registrar.

1 The 90-day qualifying absence period for the 14-day grace period is also extended to 120 days
2 for consistency. The changes do not add costs or affect persons not on notice of this proposal.

3 The 120-day period only applies to a person with an existing permission. Training will only be
4 required if the required training course is a new requirement or provides new substantive information
5 or processes not in the prior course. New training is developed as necessary, but generally results from
6 events such as changes in statute, rule, or policy and procedure changes.

7 The time required to complete a new course, or courses, to maintain a permission will vary. The
8 number of training courses required for the permission that would be new at the same time may also
9 vary. The department considers the 120-day period allowed to complete the new course is reasonable
10 and adequate. Further, having training regarding new information protects the public against the use of
11 outdated and incorrect processes.

12

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

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

20

21 **§217.75(d)**

22 Commenters expressed concern that that the verification process might result in delays in
23 completing training.

1 **Response.** The department agrees with the comment and has made a change to the rule text. The
2 department has amended the rule proposed text to list the existing statement that the department will
3 disable a permission as §217.75(d)(1) and has added an exception as §217.75(d)(2) for a person who
4 submits their required training test scores prior to the end of a training period. Under the exception, a
5 person who timely submits test scores will not be disabled, unless the department determines that they
6 did not score at least 80 percent as required to complete the course. The change does not add costs or
7 affect persons not on notice of this proposal. Subsection (d) now reads:

8 “(d) Failure to complete required training. The department will:

9 (1) except as provided in paragraph (2) of this subsection, disable a permission if a
10 person fails to complete required training for the permission within the timeframes required by this
11 section.

12 (2) not disable a permission for a county tax assessor-collector employee or a full service
13 deputy if the person timely submits their score for each required training; however, the department will
14 disable the person’s permission if the department subsequently determines that each [we determine
15 the] submitted score is not at least 80 percent.”

16

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

18 **Response.** The department agrees to revise the proposed text to clarify the process in §217.75(d). The
19 intent of §217.75(d) is to state that the user’s permissions would be disabled if the required training is
20 not completed within the time allowed by the rule. Permissions are enabled under §217.75(c) when the
21 training is completed. To clarify the process, the department has added §217.75(d)(3) that reads “A
22 disabled permission may be enabled by using the process to complete training and enable permissions

1 in subsection (c) of this section.” The change does not add costs or affect persons not on notice of this
2 proposal.

3 A commenter suggests amending §217.75(d) from “will disable” to “may limit, suspend, or
4 disable.”

5 **Response.** The department disagrees with the comment. RTS users must complete the required training
6 as required in Transportation Code §520.023. The permission can be enabled if the person completes
7 the required training. In addition, as addressed in other responses to comments, the department has
8 changed the text of §217.75(d) to provide that a person who timely submits test scores will not be
9 disabled, unless the department determines that the person did not score at least 80 percent as
10 required to complete the course.

11
12 A commenter suggests that the rule provides for the arbitrary termination of user permissions.

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

17
18 A commenter states the suggestion of removing user permissions if the deadline is not met is ill-
19 advised, because there may be various reasons clerks aren't available to complete a training assessment.

20 **Response.** The department disagrees with the comment. Transportation Code §520.023(b) directs the
21 department to require each person performing registration and titling services to complete the training
22 under Transportation Code §520.023(a). A person who has not completed training is not eligible under

1 the statute to perform registration and titling services. A person can complete the required training to
2 become eligible, maintain their eligibility, and reinstate their eligibility.

3 The rules provide until August 31, 2020, to complete all required training and 120 days after
4 notice of new training. The department believes that the time frames provide adequate time for persons
5 with existing permissions to complete any training required to retain their RTS permissions, and protect
6 the public from the use of incorrect and outdated processes.

7
8 **STATUTORY AUTHORITY.** Section 217.75 is adopted under Transportation Code §1002.001, which
9 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are
10 necessary and appropriate to implement the powers and the duties of the department; and more
11 specifically, Transportation Code §520.021, which authorizes the department to adopt rules and policies
12 for the maintenance and use of the department's automated registration and titling system; and
13 Transportation Code §520.023, which requires the department to implement a training program providing
14 information on the department's automated registration and titling system and identification of
15 fraudulent activity related to vehicle registration and titling.

16
17 **CROSS REFERENCE TO STATUTE.** Transportation Code §520.021 and §520.023.

18
19 **TEXT.**

20 **Subchapter C. Registration and Title Systems**

21 **43 TAC §217.75**

22 §217.75. Required Training on the Registration and Title System and Identification of Fraud.

23 (a) Required training. A person performing registration or titling services through RTS, including a

1 department employee, department contractor, county tax assessor-collector employee, or full service
2 deputy as defined by §217.162(6) of this title (relating to Definitions), must complete a training program
3 as prescribed by this section. Required training will include, at a minimum:

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

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

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

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

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

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

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

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

22 (5) A person with permissions in RTS on or before the effective date of this section must
23 complete required training under this section by August 31, 2020. A person who has not been assigned

1 permissions in RTS on or before the effective date of this section must complete all required training
2 before permissions are enabled by the department.

3 (6) If new training is made available for a new or existing permission after August 31,
4 2020, a person with permissions enabled before the new training is made available must complete the
5 required training within 120 days of the department's notification that the training is available. A county
6 employee, or full service deputy, who is on leave on the date of the department's notification that the
7 new training is available, for at least 120 days thereafter, and due to circumstances beyond that person's
8 control, as determined by the county tax assessor-collector may have an additional 14 days upon returning
9 to work to complete the new training.

10 (d) Failure to complete required training.

11 (1) Except as provided in paragraph (2) of this subsection, the department will disable a
12 permission if a person fails to complete required training for the permission within the timeframes
13 required by this section;

14 (2) The department will not disable a permission for a county tax assessor-collector
15 employee or a full service deputy if the person timely submits their score for each required training
16 course; however, the department will disable the person's permission if the department determines
17 that the submitted score is not at least 80 percent.

18 (3) A disabled permission may be enabled by using the process to complete training and
19 enable permissions in subsection (c) of this section.

20

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

23 Issued at Austin, Texas, on November 18, 2019.

1
2

/s/ Tracey Beaver
Tracey Beaver, General Counsel