

1 **PUBLIC BENEFIT AND COST NOTE.** Mr. Kuntz has also determined that, for each year of the first five years
2 the amendments are in effect, there is one public benefit anticipated.

3 Anticipated Public Benefits. The statutory name change from the "Automobile Burglary and Theft
4 Prevention Authority" to the "Motor Vehicle Crime Prevention Authority" will be reflected in the
5 department's rule. The public benefit anticipated as a result of the proposed amendments is consistency
6 between the department's rules and the Transportation Code.

7 Anticipated Costs To Comply With The Proposal. Mr. Kuntz anticipates that there will be no costs
8 to comply with these rules. The proposed amendments do not change the nature or substance of the
9 training requirements for individuals performing identification number inspections, but merely update
10 the name of one of the required training courses.

11 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required by Government
12 Code §2006.002 the department has determined that the proposed amendments will not have an adverse
13 economic effect on small businesses, micro-businesses, or rural communities as a result of implementing
14 this rule. The proposed amendments do not change the nature or substance of the training requirements
15 for individuals performing identification number inspections. Therefore, the department is not required
16 to prepare a regulatory flexibility analysis under Government Code §2006.002.

17 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests
18 are affected by this proposal and that this proposal does not restrict or limit an owner's right to property
19 that would otherwise exist in the absence of government action and, therefore, does not constitute a
20 taking or require a takings impact assessment under the Government Code §2007.043.

21 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that during the first five
22 years the proposed amendments are in effect, no government program would be created or eliminated.
23 Implementation of the proposed amendments would not require the creation of new employee positions

1 or elimination of existing employee positions. Implementation would not require an increase or decrease
2 in future legislative appropriations to the department or an increase or decrease of fees paid to the
3 department. The proposed amendments do not create a new regulation, or expand, limit, or repeal an
4 existing regulation. Lastly, the proposed amendments do not affect the number of individuals subject to
5 the rule's applicability and will not affect this state's economy. Again, the proposed amendments do not
6 change the nature or substance of the training requirements for individuals performing identification
7 number inspections; the proposed amendments merely update the name of one of the required training
8 courses.

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10 **REQUEST FOR PUBLIC COMMENT.** If you want to comment on the proposal, submit your written
11 comments by 5:00 p.m. CDT on May 18, 2020. A request for a public hearing must be sent separately
12 from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov*
13 or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue,
14 Austin, Texas 78731. If a hearing is held, the department will consider written comments and public
15 testimony presented at the hearing.

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17 **STATUTORY AUTHORITY.** The amendments are proposed under Transportation Code §1002.001 which
18 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are
19 necessary and appropriate to implement the powers and the duties of the department; and more
20 specifically, Transportation Code, §501.0321 which provides the department authority to adopt rules to
21 determine appropriate training programs for a person who performs vehicle identification number
22 inspections.

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1 **CROSS REFERENCE TO STATUTE.** Transportation Code, §503.0321 and §1002.001.

2 **TEXT.**

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4

Subchapter G. Inspections

5

43 TAC §217.144

6 §217.144. Identification Number Inspection.

7 In addition to any other requirement specified by Transportation Code, §501.0321, a person is

8 qualified to perform an inspection under Transportation Code, §501.0321, [~~Transportation Code,~~] if that

9 person has completed one of the following training programs:

10 (1) Intermediate or Advanced Motor Vehicle Crime [~~Burglary and Theft~~] Investigator

11 Training provided by the Motor Vehicle Crime Prevention Authority [~~Texas Automobile Burglary and Theft~~

12 ~~Prevention Authority~~];

13 (2) Auto Theft School (Parts 1 and 2) provided by the Texas Department of Public Safety;

14 or

15 (3) Auto Theft Course provided by the National Insurance Crime Bureau.

16 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be
17 within the state agency's legal authority to adopt.

18 Issued at Austin, Texas, on April 6, 2020.

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/s/Tracey Beaver
Tracey Beaver, General Counsel