

# Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

February 22, 2023

## **1. Call to Order**

The regular meeting of the Vehicle Inspection Advisory Committee (VIAC) was called to order at 1:01 p.m. on February 22, 2023, via WebEx Teleconference.

## **2. Roll Call**

Anthony Moffa	Co-Chairman	Texas Commission on Environmental Quality (TCEQ)
Robert Ferre	Co-Chairman	Public Safety Committee Appointee
David Campbell	VIAC Member	Safety-Only Inspection Stations
Julie Claussen	VIAC Member	Emissions Analyst
David Lewis	VIAC Member	Emission Testing Equipment Manufacturer
Pablo Luna	RSD Service Director	Texas Department of Public Safety
Chris Lyons	RSD Manager	Texas Department of Public Safety
Lawrence Cortez	RSD Supervisor	Texas Department of Public Safety
Robert Hawkins	RSD Manager	Texas Department of Public Safety
Jeremy LeCrone	RSD Manager	Texas Department of Public Safety
Sherrie Zgabay	RSD Service Director	Texas Department of Public Safety
Chris Sims	RSD Service Director	Texas Department of Public Safety
Steve Moninger	RSD Sr. Policy Analyst	Texas Department of Public Safety
Leslie Stevens	RSD Executive Assistant	Texas Department of Public Safety
Edgar Gilmore	Agency Liaison	Texas Commission on Environmental Quality
David Serrins	Agency Liaison	Texas Commission on Environmental Quality
Donna Huff	Agency Liaison	Texas Commission on Environmental Quality
Sarah Thomas	Agency Liaison	Texas Commission on Environmental Quality
Nicholas Landuyt	Agency Liaison	Texas Commission on Environmental Quality
Kristen Jacobsen	Agency Liaison	Texas Commission on Environmental Quality

## **3. Minutes from September 14, 2022**

The minutes of the previous meeting were unanimously approved as distributed.

## **4. Remarks from DPS and TCEQ**

### **a. DPS**

Pablo Luna addressed the committee stating station license renewals are due this year. He stated the portal is currently open for this process to begin and will be available until August 31<sup>st</sup>, 2023.

Pablo Luna informed the committee that they were ready to begin implementing the new Bring Your Own Device (BYOD) program to approximately 6,500 safety-only inspection stations. The current VIC units are end of life, necessitating the need for this project. Mr. Luna stated that bulletins have been circulating informing the stations of the upcoming BYOD go-live. Anthony Moffa asked if gas cap testing would still occur and how that would work. Pablo Luna explained that the gas cap testers are owned by the stations and will continue to be used. David Campbell stated that gas cap testers have been getting increasingly more difficult to come by and asked if anyone know of any newer versions that may be available. Pablo Luna stated that he could provide a list.

Pablo Luna informed the committee about the continuing project regarding clean scan violations going on throughout the state. He stated that they had been successful thus far and have been taking administrative, and in some cases criminal actions.

Pablo Luna stated that the legislative session had begun and that so far only a few VI bills have been referred. Mr. Luna also reminded the committee that they can utilize Texas Legislature Online to track legislation.

Steve Moninger addressed the committee on VI rule items. He began by asking the committee to consider repealing the rule pertaining to the eligibility disqualifier regarding Chapter 49 of the Texas Penal Code. He specifically referred to repealing the portion of the rule that would make DWI a disqualifier, which currently disqualifies an individual for two years for a Class B conviction and five years for a Class A conviction. Mr. Moninger explained that other disqualifying offenses listed in the rule are Arson, Burglary, and Murder and DUI does not seem to rise to the same level of offense, nor does it really relate to performing vehicle inspections. He asked for the committee's feedback regarding their thoughts on this topic. David Campbell stated that he also didn't think it should be a disqualifier and if a person had a suspended license as a result, they would just have to have a different person conduct the driving portion of the inspection. He mentioned to the committee that he had an employee who does most of the inspection process but does not drive the vehicle. He stated that his station has a person who does the inside inspection of the vehicle, a person who does the outside inspection of the vehicle and a third person who does the driving portion. Steve Moninger added that the law that governs occupational licenses has changed, and agencies cannot have blanket disqualifiers any longer, and disqualifying criminal offenses must relate to the licensed activity. The concern is that DWI does not appear to relate to the functions of a vehicle inspector. He further stated that this discussion was to gauge how the committee feels about this change so after the current Legislative session they could go through the rule making process to

change. Julie Claussen told the committee that her concern was if the person were a habitual offender, she felt that they should receive a disqualification. Steve Moninger asked what constitutes a habit, what length of time, and that it would have to be reasonable as to why the offense is related to the job of vehicle inspector. Sherrie Zgabay stated that typically repeat offenders for DUI would likely not have a driver's license any longer and not having a valid license would remain a disqualifier.

#### **b. TCEQ**

David Serrins addressed the committee stating TCEQ held a public information meeting via Microsoft Teams on Tuesday, January 17, to provide information on implementation of the Bexar County vehicle inspection and maintenance program. He explained the meeting was an opportunity for interested parties to learn about the TCEQ's planning efforts to implement a program in Bexar County and ask questions about emissions inspection requirements. Mr. Serrins stated that TCEQ is currently working on the rulemaking and update to the State Implementation Plan for Bexar County's vehicle inspection and maintenance program. The expected proposal date for the rulemaking is May 31, 2023, the expected adoption date is November 8, 2023, and the expected effective date is November 30, 2023. The comment period is expected to run June 17 through July 17, 2023.

#### **5. Old Business**

David Campbell mentioned deleted diesels stating that the topic had been brought up many times before but still has no resolution. He stated that he had tried many times to get assistance and guidance regarding the problem, but it has remained an issue. He stated that his station receives an administrative action regarding deleted diesels, and he would like to see the larger problem addressed. Pablo Luna thanked him for bringing this matter to his attention and stated that he would address with the team member who issued the action and ensure it didn't happen again.

#### **6. New Business**

No new business at this time.

#### **7. Public Comments**

No public comments.

#### **8. Future Agenda Items**

No future agenda items were presented at this time. Please provide any future agenda items to Anthony Moffa or Robert Ferre.

**9. Date of Next Meeting**

The next meeting was scheduled for Wednesday, April 19, 2023.

**10. Adjourn**

Anthony Moffa adjourned the meeting at 2:16 p.m.