

Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

April 19, 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 April 19, 2023, via WebEx Teleconference.

2. Roll Call

Anthony Moffa	Chairman	Co-Chair, TCEQ appointee
David Campbell	VIAC Member	Safety-Only Inspection Station Owner
Julie Claussen	VIAC Member	
David Lewis	VIAC Member	
Robert Ferre	VIAC Member	
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
Steve Moninger	RSD Sr. Policy Analyst	Texas Department of Public Safety
Chris Lyons	RSD Manager	Texas Department of Public Safety
Lisa Cargill	RSD Manager	Texas Department of Public Safety
Chris Sims	RSD Service Director	Texas Department of Public Safety
Sherrie Zgabay	RSD Service Director	Texas Department of Public Safety
Leslie Stevens	RSD Personnel Ad Spec	Texas Department of Public Safety
Renee Davis	RSD Staff Services Spec	Texas Department of Public Safety
Deborah Failey	RSD Staff Services Spec	Texas Department of Public Safety
Carlos Romero	RSD Admin Ops Spec	Texas Department of Public Safety
David Serrins	Agency Liaison	Texas Commission on Environmental Quality
Edgar Gilmore	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

3. Minutes from February 22, 2023

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

4. Remarks from DPS and TCEQ

a. DPS

Sherrie Zgabay addressed the committee stating that with the legislative session in progress Assistant Chief Jason Hester has been attending as a resource witness on behalf of RSD and DPS.

Sherrie Zgabay discussed the fingerprint and background check process when a person applies for an inspector or station owner license. She stated DPS conducts criminal history background checks to ensure the applicant doesn't have any offenses or convictions that would be disqualifying. DPS also looks at driver license information. She explained that the background checks are name based only, using the person's legal name, as well as aliases, and using their date of birth. Sherrie stated that the division Chiefs are considering moving to a fingerprint-based background check in the future. She stated that this change would allow RSD to conduct continued monitoring of the individuals, known as Rapback.

Sherrie Zgabay informed the committee of the Operation Cinderblock project. In August 2022, DPS began a special project known as "Operation Cinderblock" focusing on vehicle inspection stations and vehicle inspection inspectors who were potentially "clean scanning" vehicles instead of conducting the required emissions test during the inspection process. This project is ongoing and has identified a large number of inspectors and stations participating in clean scanning. Station owners are ultimately responsible for all the operations at the station, and that includes making sure the inspectors inspect all required items for the inspection. Sherrie stated that the department is aggressively pursuing Administrative action against those conducting clean scans and the goal is to shut down this activity.

Julie Claussen asked what the criteria was for shutting down a station due to fraudulent activity. Sherrie Zgabay replied that ongoing clean scans would be cause for this action, however, the station owner is responsible for even one inspector's bad actions. Julie asked, if DPS has a way of pulling those types of items from the analyzer to aid in catching this activity. Chris Sims answered that DPS would need to defer to TCEQ as to whether you can pull that directly from the analyzer. Sherrie Zgabay stated that during this project close to 1000 inspectors and nearly 600 owners have so far been found to be engaging in clean scanning over the last six months.

Anthony Moffa asked if there was anything in place regarding safety inspections and preventing or enforcing this type of activity. Sherry Zgabay stated that safety only inspections were different in that there is no requirement to plug the vehicle into the VIC

unit. Although the department is still auditing and ensuring compliance at these stations as well.

b. TCEQ

David Serrins addressed the committee stating that the TIMS analyzer does not have the capability of pulling reports. The capabilities and requests for those would come from DPS, TCEQ and DPS would need to discuss the possibilities of giving the station owners access to that information.

David Serrins stated that during the current session that they are monitoring several vehicle inspection related bills. Bills that are currently moving are HB 2195, regarding penalties for obscuring, altering or removing license plates, and HB 3014 placing electric vehicle exemptions into statute. David Serrins added that there are four bills attempting to end safety inspections, two in the House, HB 3297 and HB4420 and two in the Senate, SB 1708 and SB 648.

5. Old Business

No discussion of old business.

6. New Business

Steve Moninger addressed the committee regarding proposed rule changes.

Rule 23.01 adds language to the requirements for submitting a new or renewal station application.

Rule 23.5 removes language regarding DWI offenses being disqualifying.

Rule 23.6 adds language requiring completion of a training program after license suspension.

Rule 23.41 adds language to the electric vehicle rule.

Rule 23.51 work is still in progress.

Rule 23.62 adds language regarding clean scanning.

Rule 23.63 reference hearings versus settlement conferences.

Anthony Moffa asked if a person who has had their license suspended wanted to reapply after that period is over, are they going to be required to go through training again. Sherrie Zgabay answered that DPS can require training after a person has had any kind of disciplinary action. She added that owners are not required to complete the training, only inspectors. Anthony asked what the threshold was for revocation and barring someone from becoming an inspector again? Steve Moninger answered that for clean scanning it would be Category C violation and would carry a 12-month suspension, and the second violation would be revocation. Sherrie

added that DPS has discussed this issue and could lengthen the time to a three-year revocation for the first offense.

David Serrins added that TCEQ reviewed the proposed rules draft and did not have any changes or comments. All rule drafts were approved by the committee.

Anthony Moffa asked what vacancies were currently on the committee and what is the status. Sherrie Zgabay asked Leslie Stevens to check the vacancies and to provide a list to Mr. Moffa.

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, June 14, 2023.

10. Adjourn

Anthony Moffa adjourned the meeting at 2:06 p.m.