

# Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

June 14, 2023

## 1. Call to Order

The regular meeting of the Vehicle Inspection Advisory Committee (VIAC) was called to order at 1:02 p.m. on June 14, 2023, via WebEx Teleconference.

## 2. Roll Call

Anthony Moffa	Chairman	Co-Chair, TCEQ appointee
Robert Ferre	VIAC Member	Co-Chair,
David Campbell	VIAC Member	Safety-Only Inspection Station Owner
Julie Claussen	VIAC Member	
Lisa Cargill	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
Steve Moninger	RSD Sr. Policy Analyst	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
Edgar Gilmore	Agency Liaison	Texas Commission on Environmental Quality
David Serrins	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 April 19, 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 regarding House Bill 3297 (HB 3297), which was signed by the Governor June 13, 2023, and will take effect January 1, 2025. HB 3297 eliminates vehicle safety inspections in Texas. Yearly emissions testing in certain counties will remain a requirement. She stated that DPS will begin the process of disassembling the safety components of the program. This will require revision of the Administrative Rules. She indicated DPS will work on putting together more information on this in the near future.

Anthony Moffa asked what changes would be made to the Advisory Committee due to HB 3297. Steve Moninger replied that statute states four members shall be representatives of inspection station owners and operators, one member shall be a representative of manufacturers of motor vehicle emission inspection devices, one member shall be a representative of independent vehicle equipment repair technicians, and one member shall be a representative of the public. As of January 1, 2025, the only individuals who will meet the requirements for inspection station owners and operators will be from emission testing stations.

Anthony Moffa asked what changes, if any, will occur to commercial vehicle inspections due to HB 3297. Sherrie Zgabay answered that HB 3297 did not change anything regarding commercial vehicle inspections and that will still be required. David Serrins added that what constitutes a commercial vehicle is determined by the Department of Motor Vehicles (DMV).

David Campbell stated that next year the licenses for inspectors will be due for renewal. He asked if DPS will still be requiring the renewals. Sherrie Zgabay replied that while she did not have a definite answer to this question, it is on the list of items to be considered and discussed when deconstructing the program. She added that as they move forward DPS will send notices with as much information as possible.

**b. TCEQ**

David Serrins addressed the committee stating HB 3297 will require rulemaking changes within TCEQ as well. He also stated updates to the State Implementation Plan (SIP) and to the analyzer software will also be needed. David said this is a lengthy process that will likely take a year or more to conclude. Steve Moninger asked if TCEQ was petitioning the Environmental Protection Agency (EPA) for permission to change the SIP regarding rental vehicles and how long that might take.

David Serrins stated that Senate Bill 2102 (SB 2102) will change the initial inspection on rental vehicles from two years to three years, meaning those vehicles will not receive an emissions test for three years. He stated TCEQ will have to update the SIP to acknowledge that and seek permission from the federal government. David stated that there is an estimated 76,000 rental vehicle in the state. He does not know which way the EPA will go on this issue. Steve Moninger asked how long it would take, to which Kristen Jacobsen answered it could take up to two years for a response. David added that it will take TCEQ a year to update the SIP and no changes will occur until after that process completes.

David Serrins discussed the proposed rulemaking and supervision regarding the future emissions testing in Bexar County. This issue was heard by TCEQ commissioners on May 31<sup>st</sup>. A public stakeholder meeting is set to be held July 13, 2023. The comment period will close on July 17, 2023. He stated that anyone with questions or comments should reach out to Edgar Gilmore.

## **5. Old Business**

No discussion of old business.

## **6. Discussion and Possible Recommendation Items**

- a. Amendments to Rule 23.55, relating to Certified Emissions Inspection Station and Inspector Requirements, adding requirement of a separate static Internet Protocol (IP) address for each vehicle emissions analyzer.**
  
- b. Amendments to Rule 23.62, relating to Violations and Penalty Schedule, providing for the violation of failing to maintain compliance with the requirements of 23.55.**

Steve Moninger addressed the committee stating these proposed changes to the rules are in response to the clean scanning issue that is ongoing and being addressed. When clean scanning, some operators are moving the analyzers to another location. This rule change would prevent the movement of the analyzers from their designated and approved location. This change would place in the application that they have a static IP address, as opposed to the standard that has a revolving or rotating address. He also stated that this violation would be added to the penalty schedule as a Category C violation, which equates to a 12 month suspension for the first offense and a revocation of the license for the second.

Robert Ferre asked if the analyzers had dedicated phone lines that they are plugged into. Lisa Cargill responded to his question stating that years ago analyzers had to be plugged into a dedicated phone line, but that ceased with the move to the internet. Edgar Gilmore added that the difference between internet and phonenumber is that if you unplug it and move it to a different location you end up changing the telephone number when you plug it into the new port.

Anthony Moffa asked if the analyzer records attempts made to change its location and if so, could that information be accessed. Edgar Gilmore responded that he is unsure but will look into that possibility.

Steve Moninger informed the committee that the state of Georgia has a requirement similar to this proposed change.

David Serrins stated that TCEQ would like the chance to meet and discuss this change. He asked what the timeline was implement this change. Steve Moninger said there is no rush to make this change. Steve stated other Vehicle Inspection rule changes would be going to the Public Safety Commission for adoption in October and it would be good to have this change ready to send to them at that time.

On a vote of 2 for and 1 against, the committee approved these rule changes as presented.

## **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, Robert Ferre, or Leslie Stevens.

## **9. Date of Next Meeting**

The next meeting was scheduled for Wednesday, September 13, 2023.

## **10. Adjourn**

Anthony Moffa adjourned the meeting at 1:51 p.m.