

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for State Implementation Plan Revision Proposal

AGENDA REQUESTED: September 24, 2013

DATE OF REQUEST: September 5, 2013

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Joyce Nelson, (512) 239-5017

CAPTION: Docket No. 2013-1108-SIP. Consideration for publication of, and hearing on, a proposed revision to the Texas Inspection and Maintenance (I/M) State Implementation Plan (SIP) concerning the safety and emissions inspection fee and the existing dual windshield sticker system for vehicle registrations and safety inspections.

The proposed I/M SIP revision would implement House Bill 2305 from the 83rd Texas Legislature, 2013, Regular Session, relating to replacing the dual windshield sticker system for vehicle inspections and registrations with a single windshield sticker system and modifying the method used to collect the state portion of the vehicle safety and emissions inspection fee. (Angela Kissel, Ross Henderson) (Project No. 2013-041-SIP-NR)

Steve Hagle, P.E.

Deputy Director

David Brymer

Division Director

Joyce Nelson

Agenda Coordinator

Copy to CCC Secretary? NO X YES

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** September 5, 2013

Thru: Bridget C. Bohac, Chief Clerk
Zak Covar, Executive Director

From: Steve Hagle, P.E., Deputy Director
Office of Air

Docket No.: 2013-1108-SIP

Subject: Commission Approval for Proposed Revision to the Inspection and Maintenance (I/M) State Implementation Plan (SIP)
I/M SIP Revision
Non-Rule Project No. 2013-041-SIP-NR

Background and reason(s) for the SIP revision:

On May 29, 1996, the Texas Commission on Environmental Quality (commission or TCEQ) adopted an I/M SIP revision, which implemented a vehicle emissions I/M program in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), and El Paso ozone nonattainment areas. The vehicle emissions I/M program is an air pollution control strategy involving emissions inspection of vehicles to reduce nitrogen oxides and volatile organic compounds to assist with demonstrating attainment or maintaining the ozone National Ambient Air Quality Standard. The Federal Clean Air Act and 40 Code of Federal Regulations, Parts 51 and 85, require an I/M program in nonattainment areas classified as marginal or higher for the ozone NAAQS. The I/M program currently applies to all nine counties (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) in the DFW 1997 eight-hour ozone nonattainment area, selected counties (Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties) in the HGB 1997 eight-hour ozone nonattainment area, and El Paso County. El Paso County was designated nonattainment for the revoked one-hour ozone standard, and was subsequently designated attainment for the 1997 eight-hour ozone standard, effective June 15, 2004. The I/M program remains in place in El Paso County as part of the area's maintenance plan for the 1997 eight-hour ozone standard. On November 17, 2004, an I/M program was adopted for Travis and Williamson Counties in the Austin-Round Rock area as part of the Austin Area Early Action Compact (EAC) SIP.

The I/M rules in 30 Texas Administrative Code (TAC) Chapter 114 require the TCEQ to implement the I/M program in conjunction with the Texas Department of Public Safety (DPS) and require vehicles registered in these areas to pass an emissions inspection at the time of their annual safety inspection. Motorists are required to demonstrate compliance with the I/M program by displaying:

- a current valid safety and emissions inspection windshield certificate or sticker; and
- a current valid registration windshield sticker.

The I/M rules also require denying renewal of the registration until the vehicle complied with the I/M program. The TCEQ is responsible for:

- identifying non-compliant vehicles;

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- notifying motorists of the non-compliance;
- providing information on non-compliant vehicles to the Texas Department of Motor Vehicles (DMV), previously a part of the Texas Department of Transportation; and
- assisting motorists to resolve the non-compliance.

House Bill (HB) 2305, 83rd Texas Legislature, 2013, Regular Session, replaces the current Texas dual inspection and registration sticker system with a single registration sticker and modifies the method used to collect the state portion of the vehicle safety and emissions inspection fee. HB 2305 requires:

- eliminating the use of the safety and emissions inspection windshield certificate, also known as the safety and emissions inspection windshield sticker;
- verifying compliance with I/M program requirements using the vehicle inspection report or vehicle registration insignia sticker instead of the current safety and emissions inspection windshield sticker;
- passing of the vehicle safety and emissions inspection no more than 90 days prior to the expiration of the vehicle's registration instead of on the expiration of the vehicle's safety and emissions inspection windshield sticker;
- replacing the TCEQ with the DPS as the entity providing information on compliant vehicles to the DMV; and
- collecting the state portion of the safety and emissions inspection fee at the time of registration or registration renewal by the DMV or county tax assessor.

HB 2305 became effective on September 1, 2013 and requires the TCEQ to adopt rules necessary to implement these changes prior to March 1, 2014 and implement the changes by March 1, 2015. The proposed SIP revision and associated proposed rulemaking to Chapter 114, Subchapter A, §114.1 and §114.2, Subchapter B, §114.21, and Subchapter C, §§114.50, 114.53, 114.82, 114.84, and 114.87 are needed to comply with the requirements of HB 2305.

Scope of the proposed SIP revision:

This proposed SIP revision would incorporate rulemaking required by HB 2305 into the I/M SIP. The proposed associated rulemaking would revise applicable sections of Chapter 114 relating to the I/M program.

This proposed SIP revision would not include updates to the Austin Area EAC SIP in response to HB 2305. The EAC program concluded in 2008; however, the I/M program commitments in the EAC SIP remain in effect. The proposed revisions to §§114.82, 114.84, and 114.87, which are concurrently being revised through rulemaking (Rule Project No. 2013-035-114-AI), would ensure that the I/M program implemented in Travis and Williamson Counties complies with the requirements of HB 2305.

A.) Summary of what the SIP revision will do:

This proposed revision would include modifications to sections of the I/M SIP that include:

- replacing applicable references to safety and emissions inspection certificate or sticker with “vehicle registration insignia sticker”;
- replacing applicable references to “certificate” with “registration”;
- modifying I/M registration denial compliance procedures; and
- establishing a new procedure for the collection of the state portion of the safety and emissions inspection fee.

The proposed I/M SIP revision would replace the requirements for vehicles to display a safety and emissions inspection windshield sticker with new requirements for vehicles receiving an inspection report. The requirement regarding the amount of the fee that a vehicle owner pays for the inspection would be revised and the amount a station owner pays to the DPS would be repealed. The amount of the vehicle emissions inspection fee paid to the state, which would be collected by the DMV, would be established in a new subsection. The amount of the vehicle emissions inspection fee paid to the state and collected by the DMV from registered vehicle owners would be the same amount previously collected by the DPS from the vehicle emissions inspection stations. Refer to the *Effect on the Regulated Community* section for a breakdown of the fee in each of the I/M program areas.

B.) Scope required by federal regulations or state statutes:

The proposed revision is needed to ensure that the I/M SIP provisions would be consistent with the requirements of HB 2305.

C.) Additional staff recommendations that are not required by federal rule or state statute:

The proposed I/M SIP revision would not include any additional substantive changes beyond the revisions needed to comply with the requirements of HB 2305.

Statutory authority:

This SIP revision and associated rulemaking are proposed under Texas Water Code (TWC), §5.102, General Powers, TWC, §5.103, Rules, and TWC, §5.105, General Policy, which provide the commission with the general powers to carry out its duties and authorize the commission to propose rules necessary to carry out its powers and duties under the TWC; and TWC, §5.013, General Jurisdiction of Commission, which states the commission’s authority over various statutory programs. The revisions are also proposed under Texas Health and Safety Code (THSC), §382.017, Rules, which authorizes the commission to propose rules consistent with the policy and purposes of THSC, Chapter 382 (the Texas Clean Air Act), and to propose rules that differentiate among particular conditions, particular sources, and particular areas of the state. The revisions are also proposed under THSC, §382.002, Policy and Purpose, which establishes the commission’s purpose to safeguard the state’s air resources consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, General Powers and Duties, which authorizes the commission to control the quality of the state’s air; THSC, §382.012, State Air Control Plan, which authorizes the commission to prepare and develop a general,

comprehensive plan for the control of the state's air; THSC, §382.019, Methods Used to Control and Reduce Emissions From Land Vehicles, which provides the commission the authority to propose rules to control and reduce emissions from engines used to propel land vehicles; and THSC, Chapter 382, Subchapter G, Vehicle Emissions, which provides the commission the authority by rule to establish, implement, and administer a program requiring emissions-related inspections of motor vehicles to be performed at inspection facilities consistent with the requirements of Federal Clean Air Act, 42 United States Code, §§7401 *et seq.*; and THSC, Chapter 382, Subchapter H, Vehicle Emissions Programs in Certain Counties, which authorizes the commission to propose an I/M program for participating EAC counties. The rule revisions are proposed pursuant to Texas Transportation Code, §548.104 and §548.302, which was amended by HB 2305 and THSC, §382.0622(a), which was also amended by HB 2305.

Effect on the:

A.) Regulated community:

Effective March 1, 2015, the vehicle emissions inspection station owners would experience a reduction in the maximum vehicle emissions inspection fee that they collect at the time of inspection. The fee would be reduced by the amount of the state's portion of the inspection fee that would now be collected by the DMV or county tax assessor-collector at the time of registration due to the station owner no longer having to purchase safety inspection certificates from the DPS. The maximum vehicle emissions inspection fee would be lowered from:

- \$27 to \$24.50 for vehicles subject to an acceleration simulation mode emissions inspection and from \$27 to \$18.50 for vehicles subject to an on-board diagnostics inspection in the DFW and HGB areas;
- \$16 to \$11.50 for vehicles subject to an emissions inspection in Travis and Williamson Counties; and
- either \$14 to \$11.50 for vehicles subject to an emissions inspection in El Paso County or \$16 to \$11.50 if El Paso County participates in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program.

Motorists would need to adjust to the revised timing for passing the vehicle emissions inspection. Motorists would be required to pass an emissions inspection no sooner than 90 days prior to the corresponding vehicle registration expiration date. Motorists whose vehicle safety and emissions windshield sticker expiration date is more than 90 days prior to the corresponding vehicle registration expiration date may experience paying the inspection fees, including the state portion, for two inspections in less than 12 months during the transition period from March 1, 2014 to March 1, 2016.

B.) Public:

Effective March 1, 2015, the owners of registered vehicles subject to I/M program requirements would experience a reduction in the fee charged by the inspection station and an increase in the fee charged to renew the vehicle's registration. The total amount collected from registered vehicle owners for the vehicle emissions inspection and vehicle registration would not increase or decrease. The change would only affect who collects the

various fees and when those fees are collected. As previously stated, motorists would need to adjust to the revised timing for passing the vehicle emissions inspection.

C.) Agency programs:

The proposed rulemaking would require operational changes to the vehicle emissions inspection analyzer software and to the TCEQ's Air Quality Division work procedures since the TCEQ would no longer be responsible for registration denial activities. Throughout the transition of this portion of the I/M program, the TCEQ staff would coordinate with the DPS and the DMV.

The TCEQ's staff would implement operational changes to end registration denial activities including providing information to the DMV regarding non-compliant vehicles and mailing notices to registered vehicle owners regarding the non-compliant status of their vehicles prior to registration renewal. Currently, the TCEQ spends approximately \$22,750 annually to mail registration denial notices to registered vehicle owners. After March 1, 2015, the TCEQ would cease mailing these notices resulting in a cost savings to the agency. The TCEQ staff would continue providing information regarding compliant vehicles to the DPS but may need to develop a new method for transmitting this information or revise the current method.

HB 2305 requires the DPS to report the compliance status of vehicles receiving emissions inspections to the DMV. The TCEQ would provide vehicle inspection data received from the vehicle emissions inspection stations to the DPS to help fulfill this requirement. The TCEQ staff would facilitate the modifications to the software that operates the vehicle emissions inspection analyzers to allow proper implementation of the requirements in HB 2305. The 83rd Texas Legislature, 2013, Regular Session, provided approximately \$800,000 in funding through a contingency rider in Article IX of the General Appropriations Act for the purpose of updating the vehicle emissions inspection analyzers to comply with HB 2305.

Stakeholder meetings:

No stakeholder meetings were held because of the limited time to implement HB 2305. However, public comment will be taken and public hearings will be held. Program staff will coordinate with the agency's media communications as well as the DPS and the DMV.

Potential controversial concerns and legislative interest:

The vehicle emissions inspection stations may be interested in the proposed lowering of the maximum vehicle emissions inspection fee. Effective March 1, 2015, the maximum vehicle emissions inspection fee will be lowered by:

- \$2.50 for vehicles subject to an acceleration simulation mode emissions inspection and \$8.50 for vehicles subject to an on-board diagnostics inspection in the DFW and HGB I/M program areas;
- \$4.50 for vehicles subject to an emissions inspection in Travis and Williamson Counties; and

- either \$2.50 for vehicles subject to an emissions inspection in the El Paso I/M program area or \$4.50 if the El Paso I/M program area chooses to participate in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program.

The section of the associated I/M rule containing the vehicle emissions inspection fee would be opened, and the TCEQ staff anticipates receiving comments that may include requests to lower the fee by the public or requests to increase the portion of the fee retained by the emissions inspection stations.

Motorists whose vehicle safety and emissions windshield sticker expiration date is more than 90 days prior to the corresponding vehicle registration expiration date may experience paying the inspection fees, including the state portion, for two inspections in less than 12 months during the transition period from March 1, 2014 to March 1, 2016. The TCEQ staff would work with the DMV and the DPS to attempt to remedy this situation.

For vehicles registered in I/M program areas but exempt from the annual vehicle registration renewal fees and requirements, such as those owned by local and state governments, HB 2305 does not specify a method for collecting the state's portion of the inspection fee or verifying compliance with I/M program requirements using the vehicle's windshield sticker. The DMV is considering amending its rules to require owners of these vehicles to remit the state's portion of the inspection fee to the DMV and display the vehicle registration insignia sticker on the vehicle's windshield but not remit registration fees from which they are currently exempt. The TCEQ does not anticipate any change to its funding related to this issue. The TCEQ staff cannot predict where the DMV would deposit the funds. The TCEQ staff would work with the DMV and the DPS to develop and implement methods for remedying this situation.

Will this SIP revision affect any current policies or require development of new policies?

The proposed I/M SIP revision would modify criteria within the current I/M program but would not affect the current agency policies regarding implementation, enforcement, and oversight of the I/M program as required by the current I/M SIP.

What are the consequences if this SIP revision does not go forward? Are there alternatives to this SIP revision?

If the proposed I/M SIP revision does not go forward, the I/M SIP would conflict with the requirements of HB 2305. There are no viable alternatives to this revision to the I/M SIP since HB 2305 directs the DMV to collect the state portion of the vehicle emissions inspection fee at the time of registration and requires the dual inspection and registration sticker system to be replaced with a single registration sticker.

Key points in the proposed SIP revision schedule:

Anticipated proposal date: September 24, 2013

Anticipated *Texas Register* publication date: October 11, 2013

Anticipated public hearing dates:

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- October 29, 2013 in Houston
- October 30, 2013 in Austin
- October 31, 2013 in Fort Worth
- November 1, 2013 in El Paso

Anticipated public comment period: September 27, 2013 through November 4, 2013

Anticipated adoption date: February 12, 2014

Agency contacts:

Angela Kissel, SIP Project Manager, 239-0707, Air Quality Division

Ross Henderson, Staff Attorney, 239-6257

Attachments

HB 2305

cc: Chief Clerk, 2 copies
Executive Director's Office
Anne Idsal
Curtis Seaton
Tucker Royall
Office of General Counsel
Angela Kissel

REVISION TO THE STATE IMPLEMENTATION PLAN
MOBILE SOURCE STRATEGIES



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

**INSPECTION AND MAINTENANCE STATE
IMPLEMENTATION PLAN REVISION**

Project Number 2013-041-SIP-NR

Proposal
September 24, 2013

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EXECUTIVE SUMMARY

House Bill (HB) 2305, 83rd Texas Legislature, 2013, Regular Session, replaces the current Texas dual inspection and registration sticker system with a single registration sticker, and modifies the method used to collect the state portion of the vehicle safety and emissions inspection fee. HB 2305 requires:

- eliminating the use of the safety and emissions inspection windshield certificate, also known as the safety and emissions inspection windshield sticker;
- verifying compliance with inspection requirements using the vehicle inspection report or vehicle registration sticker instead of the current safety and emissions inspection windshield sticker;
- passing of the vehicle safety and emissions inspection no more than 90 days prior to the expiration of the vehicle's registration instead of on the expiration of the vehicle's safety and emissions inspection windshield sticker;
- replacing the Texas Commission on Environmental Quality (TCEQ) as the entity providing information on compliant vehicles to the Texas Department of Motor Vehicles (DMV) and requiring the Texas Department of Public Safety to fill this role; and
- collecting the state portion of the safety and emissions inspection fee at the time of registration or registration renewal by the DMV or county tax assessor.

The inspection and maintenance (I/M) program currently requires vehicles subject to emissions inspections to demonstrate compliance by displaying a valid, current safety and emissions inspection sticker and a valid, current registration sticker on the vehicle's windshield. Prior to March 1, 2015, the TCEQ is responsible for implementing the registration denial component of the I/M program and providing information to the DMV regarding non-compliant vehicles.

HB 2305, which became effective on September 1, 2013, requires the TCEQ to adopt rules necessary to implement these changes prior to March 1, 2014, and implement the changes by March 1, 2015. The proposed state implementation plan (SIP) revision and associated rulemaking to 30 Texas Administrative Code (TAC) Chapter 114, Subchapter A, §114.1 and §114.2, Subchapter B, §114.21, and Subchapter C, §§114.50, 114.53, 114.82, 114.84, and 114.87 are needed to comply with the requirements of HB 2305. This proposed SIP revision would incorporate rulemaking required by HB 2305 for applicable sections of 30 TAC Chapter 114 relating to the I/M program into the I/M SIP. The proposed SIP revision would not modify the I/M SIP beyond the requirements of HB 2305.

SECTION V-A: LEGAL AUTHORITY

General

The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain, and enforce the National Ambient Air Quality Standards (NAAQS) and to control the quality of the state's air, including maintaining adequate visibility.

The first air pollution control act, known as the Clean Air Act of Texas, was passed by the Texas Legislature in 1965. In 1967, the Clean Air Act of Texas was superseded by a more comprehensive statute, the Texas Clean Air Act (TCAA), found in Article 4477-5, Vernon's Texas Civil Statutes. The legislature amended the TCAA in 1969, 1971, 1973, 1979, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, and 2013. In 1989, the TCAA was codified as Chapter 382 of the Texas Health and Safety Code.

Originally, the TCAA stated that the Texas Air Control Board (TACB) is the state air pollution control agency and is the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). With the creation of the TNRCC, the authority over air quality is found in both the Texas Water Code and the TCAA. Specifically, the authority of the TNRCC is found in Chapters 5 and 7. Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization, and general powers and duties of the TNRCC, and the responsibilities and authority of the executive director. Chapter 5 also authorizes the TNRCC to implement action when emergency conditions arise and to conduct hearings. Chapter 7 gives the TNRCC enforcement authority. In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013, and changed the name of the TNRCC to the TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code, changing the expiration date of the TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2011, the 82nd Texas Legislature continued the existence of the TCEQ until 2023.

The TCAA specifically authorizes the TCEQ to establish the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize the TCEQ to collect information to enable the commission to develop an inventory of emissions; to conduct research and investigations; to enter property and examine records; to prescribe monitoring requirements; to institute enforcement proceedings; to enter into contracts and execute instruments; to formulate rules; to issue orders taking into consideration factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; to conduct hearings; to establish air quality control regions; to encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as the TCEQ to enter property and make inspections. They also may make recommendations to the commission concerning any action of the TCEQ that affects their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

Subchapters G and H of the TCAA authorize the TCEQ to establish vehicle inspection and maintenance programs in certain areas of the state, consistent with the requirements of the Federal Clean Air Act; coordinate with federal, state, and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; establish gasoline volatility and low emission diesel standards; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Applicable Law

The following statutes and rules provide necessary authority to adopt and implement the state implementation plan (SIP). The rules listed below have previously been submitted as part of the SIP.

Statutes

All sections of each subchapter are included, unless otherwise noted.

TEXAS HEALTH & SAFETY CODE, Chapter 382

September 1, 2013

TEXAS WATER CODE

September 1, 2013

Chapter 5: Texas Natural Resource Conservation Commission

Subchapter A: General Provisions

Subchapter B: Organization of the Texas Natural Resource Conservation Commission

Subchapter C: Texas Natural Resource Conservation Commission

Subchapter D: General Powers and Duties of the Commission

Subchapter E: Administrative Provisions for Commission

Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.2275, 5.231, 5.232, and 5.236)

Subchapter H: Delegation of Hearings

Subchapter I: Judicial Review

Subchapter J: Consolidated Permit Processing

Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)

Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement

Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)

Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)

Subchapter C: Administrative Penalties

Subchapter D: Civil Penalties (except §7.109)

Subchapter E: Criminal Offenses and Penalties: §§7.177, 7.179-7.183

Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119

December 13, 1996 and May 2, 2002

Chapter 19: Electronic Reporting

March 15, 2007

Chapter 35: Subchapters A-C, K: Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions

July 20, 2006

Chapter 39: Public Notice, §§39.402(a)(1) - (6), (8), and (10) - (12), 39.405(f)(3) and (g), (h)(1)(A) - (4), (6), (8) - (11), (i) and (j), 39.407, 39.409, 39.411(a), (e)(1) - (4)(A)(i) and (iii), (4)(B), (5)(A) and (B), and (6) - (10), (11)(A)(i) and (iii) and (iv), (11)(B) - (F), (13) and (15), and (f)(1) - (8), (g) and (h), 39.418(a), (b)(2)(A), (b)(3), and (c), 39.419(e), 39.420 (c)(1)(A) - (D)(i)(I) and (II), (D)(ii), (c)(2), (d) - (e), and (h), and 39.601 - 39.605	June 24, 2010
Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, §§55.150, 55.152(a)(1), (2), (5), and (6) and (b), 55.154(a), (b), (c)(1) - (3), and (5), and (d) - (g), and 55.156(a), (b), (c)(1), (e), and (g)	June 24, 2010
Chapter 101: General Air Quality Rules	June 12, 2013
Chapter 106: Permits by Rule, Subchapter A	May 15, 2011
Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter	February 16, 2012
Chapter 112: Control of Air Pollution from Sulfur Compounds	July 16, 1997
Chapter 113: Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants	May 14, 2009
Chapter 114: Control of Air Pollution from Motor Vehicles	September 13, 2012
Chapter 115: Control of Air Pollution from Volatile Organic Compounds	December 29, 2011
Chapter 116: Permits for New Construction or Modification	August 16, 2012
Chapter 117: Control of Air Pollution from Nitrogen Compounds	May 2, 2013
Chapter 118: Control of Air Pollution Episodes	March 5, 2000
Chapter 122: §122.122: Potential to Emit	December 11, 2002
Chapter 122: §122.215: Minor Permit Revisions	June 3, 2001
Chapter 122: §122.216: Applications for Minor Permit Revisions	June 3, 2001
Chapter 122: §122.217: Procedures for Minor Permit Revisions	December 11, 2002
Chapter 122: §122.218: Minor Permit Revision Procedures for Permit Revisions Involving the Use of Economic Incentives, Marketable Permits, and Emissions Trading	June 3, 2001

SECTION VI: CONTROL STRATEGY

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- D. Carbon Monoxide (No change)
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- F. Oxides of Nitrogen (No change)
- G. Sulfur Dioxide (No change)
- H. Conformity with the National Ambient Air Quality Standards (No change)
- I. Site Specific (No change)
- J. Mobile Sources Strategies (Revised)
 - Chapter 1: Inspection/Maintenance (Revised)
 - Chapter 2: Transportation Control Measures (No change)
 - Chapter 3: Vehicle Miles Traveled (No change)
 - Chapter 4: Clean Gasoline (No change)
- K. Clean Air Interstate Rule (No change)
- L. Transport (No change)
- M. Regional Haze (No change)

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- Chapter 21: On-Road Testing (No change from 2005 I/M SIP Revision)
- Chapter 22: State Implementation Plan Submission (No change from 2005 I/M SIP Revision)

LIST OF ACRONYMS

ASM	acceleration simulation mode
BAR	Bureau of Automotive Repair
BPA	Beaumont-Port Arthur
CFR	Code of Federal Regulations
CO	carbon monoxide
DFW	Dallas-Fort Worth
DMV	Texas Department of Motor Vehicles
DPS	Texas Department of Public Safety
EAC	Early Action Compact
EPA	United States Environmental Protection Agency
FCAA	Federal Clean Air Act
FTE	full-time equivalent
GVRW	gross vehicle weight rating
HB	House Bill
HC	hydrocarbon
H-GAC	Houston-Galveston Area Council
HGB	Houston-Galveston-Brazoria
I/M	inspection and maintenance
LIRAP	Low Income Repair and Assistance Program
METT	Mass Emissions Transient Testing
mph	miles per hour
NAAQS	National Ambient Air Quality Standard
NCTCOG	North Central Texas Council of Governments
NO _x	nitrogen oxides
OBD	on-board diagnostics
ppm	parts per million
QC	quality control
RPM	revolutions per minute
SAE	Society of Automotive Engineers
SB	Senate Bill
SIP	state implementation plan
TAC	Texas Administrative Code
TACB	Texas Air Control Board

TAS	Vehicle Emissions Testing Analyzer Specifications
TCAA	Texas Clean Air Act
TCEQ	Texas Commission on Environmental Quality (commission)
THSC	Texas Health and Safety Code
TIMS	Texas Information Management System
TMCP	Texas Motorist's Choice Program
TNRCC	Texas Natural Resource Conservation Commission
TSI	two-speed idle
TTC	Texas Transportation Code
TTI	Texas Transportation Institute
TWC	Texas Water Code
USC	United States Code
VID	Vehicle Identification Database
VIN	Vehicle Identification Number
VIR	Vehicle Inspection Report
VOC	volatile organic compounds
VRF	Vehicle Repair Form

LIST OF COMMONLY USED TERMS

Acceleration Simulation Mode (ASM) Inspection

An emissions inspection using a dynamometer (a set of rollers on which a test vehicle's tires rest) that applies an increasing load or resistance to the drive-train of a vehicle, thereby simulating actual tailpipe emissions of a vehicle as it is moving and accelerating. The ASM vehicle emissions inspection is comprised of two phases: (1) the 50/15 mode, where the vehicle is inspected on the dynamometer simulating the use of 50% of the vehicle's available horsepower to accelerate at a rate of 3.3 miles per hour (mph) at a constant speed of 15 mph; and (2) the 25/25 mode, where the vehicle is inspected on the dynamometer simulating the use of 25% of the vehicle's available horsepower to accelerate at a rate 3.3 mph at a constant speed of 25 mph.

Austin-Round Rock Program Area

In coordination with the commission, the DPS administers the vehicle inspection and maintenance (I/M) program contained in the Austin Early Action Compact. This program area consists of Travis and Williamson Counties.

Candidate Analyzer

Vehicle inspection equipment submitted by the manufacturer to the Texas Commission on Environmental Quality's executive director for approval to be used in the vehicle emissions I/M program.

Dallas-Fort Worth (DFW) Program Area

In coordination with the commission, the Texas Department of Public Safety (DPS) administers the I/M program contained in the Texas I/M state implementation plan (SIP). This program area consists of the following counties: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant.

El Paso Program Area

In coordination with the commission, the DPS administers the vehicle emissions I/M program contained in the Texas I/M SIP. This program area consists of El Paso County.

Emissions Tune-Up

A basic tune-up along with functional checks and any necessary replacement or repair of emissions control components.

Exhaust Gas Analyzer

A device used to measure the amount of emission gases in an exhaust sample.

Fleet Vehicle

Any motor vehicle operated as a member of a group of motor vehicles belonging to a single non-household entity; any state or local government motor vehicle, including a motor

vehicle exempted from payment of a registration fee and issued a specially designated license plate; or any federal government motor vehicle, except for a tactical military vehicle.

Full-Time Equivalent (FTE) Employee

In this SIP revision, an FTE employee is calculated by adding the time each inspector spends on vehicle inspections, and dividing by 50 weeks per year. For example, if a station employed 25 individuals, but each employee only worked on vehicle inspections two weeks' worth of time per year, this station employed one FTE employee.

Gas Cap Integrity Inspection

A fuel cap inspection that determines whether or not the vehicle's gas cap or gas caps are functioning as designed.

High Emitter

A vehicle whose measured tailpipe emissions levels exceed recommended testing standards.

Houston-Galveston-Brazoria (HGB) Program Area

In coordination with the commission, the DPS administers the vehicle emissions I/M program contained in the Texas I/M SIP. This program area consists of the following counties: Brazoria, Fort Bend, Galveston, Harris, and Montgomery.

I/M Program

A vehicle emissions inspection program as defined by the United States Environmental Protection Agency that includes, but is not limited to, the use of computerized emissions analyzers, on-road testing, on-board diagnostic (OBD) inspections, and/or inspection of vehicle emissions devices.

Low-Volume Emissions Inspection Station

A vehicle emissions inspection station that meets all criteria for obtaining a low-volume waiver from the DPS.

Minor Non-Programmatic Modifications

Minor non-programmatic modifications to the analyzer specifications include but are not limited to updates to accommodate new technology vehicles, enhancements to the method of collecting inspection data, and updates to internal reference tables. Modifications resulting in additional costs to vehicle inspection station owners will not be considered minor non-programmatic modifications.

On-Board Diagnostics (OBD)

The computer system installed in a vehicle by the manufacturer, which monitors the performance of the vehicle's emissions control equipment, fuel metering system, and ignition system for the purpose of detecting a malfunction or deterioration in performance that would be expected to cause the vehicle not to meet emissions standards.

Two-Speed Idle (TSI) Inspection

A measurement of the tailpipe exhaust emissions of a vehicle while the vehicle idles, first at a lower speed and then again at a higher speed.

Texas Department of Motor Vehicles (DMV)

A state agency created by the 81st Texas Legislature, 2009, Regular Session from divisions formerly included in the Texas Department of Transportation.

Vehicle Emissions Inspection Station

A facility certified to conduct an emissions inspection for a vehicle and issue a report of emissions inspection.

Vehicle Identification Database (VID)

A database management system that maintains specified vehicle data and emissions inspection information.

Vehicle Inspection Report (VIR)

The printout created after an emissions inspection that displays inspection results, vehicle information, and pass/fail status. Beginning on March 1, 2015, the VIR may be presented to the DMV to verify a passing emissions inspection at the time of vehicle registration.

Vehicle Registration

Vehicles that meet the registration requirements of the Texas Department of Motor Vehicles in 43 TAC §217.22 relating to Motor Vehicle Registration or Texas Transportation Code Chapter 502 relating to Registration of Vehicles.

Vehicle Registration Insignia Sticker

The sticker issued through the DMV to be affixed on the windshield of a vehicle compliant with DMV regulations. Beginning March 1, 2015, the vehicle registration insignia sticker would be used as proof of compliance with I/M program requirements, the DMV's rules and regulations governing vehicle registration, and the DPS's rules and regulations governing safety inspections.

Vehicle Repair Form (VRF)

A printout that includes a description of emissions repairs actually performed and emissions repairs that were recommended, but not performed. The VRF is the primary document used by any motorist seeking a waiver.

IDENTIFICATION OF PREVIOUSLY ADOPTED SIP REVISIONS

This document references state implementation plan (SIP) revisions that were previously adopted by the commission and submitted to the United States Environmental Protection Agency. The following list identifies how these SIP revisions are referenced in this document and contains the project number, adoption date, full title, and a hyperlink for each SIP revision.

2009 I/M SIP Revision (TCEQ Project No. 2009-035-SIP-NR, adopted November 18, 2010)
[Inspection and Maintenance \(I/M\) SIP Revision](http://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf)
(<http://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf>)

2005 I/M SIP Revision (TCEQ Project No. 2005-026-SIP-NR, adopted October 26, 2005)
[Inspection and Maintenance \(I/M\) SIP Revision](http://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2005-026-IM/05026114imsipado.pdf)
(<http://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2005-026-IM/05026114imsipado.pdf>)

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<u>Appendix</u>	<u>Appendix Name</u>
Appendix A	<i>Federal Register Part VII</i> , United States Environmental Protection Agency, 40 Code of Federal Regulations Part 51, Inspection/Maintenance Program Requirements; Final Rule, November 5, 1992, and Flexibility Amendments, September 18, 1995 (No change)
Appendix B	Texas Health and Safety Code, Subtitle C, Air Quality, Revised 78th Texas Legislature, 2003 (No change)
Appendix C	House Bill 2134 by 77th Texas Legislature amendment to the Texas Health and Safety Code. Chapter 382, Health and Safety Code, was amended by adding Subchapter G, and §382.037 to §382.039 Health and Safety Code, were transferred to new Subsection G and renumbered as §§382.202 - 382.208 (No change)
Appendix D	Texas Commission on Environmental Quality (TCEQ) Regulation, 30 Texas Administrative Code, Chapter 114, Control of Air Pollution From Motor Vehicles (No change)
Appendix E	TCEQ Appropriations for Fiscal Years 2004 and 2005. Texas Department of Public Safety, Appropriations for Fiscal Years 2004 and 2005. State of Texas, Text of Conference Committee Report, House Bill 1 (General Appropriations Act), 78th Legislature, Regular Session (No change)
Appendix F	TCEQ, Request for Offer for the Design, Construction, and Operation of the Texas Information Management System (TIMS) for the State of Texas, June 22, 2001 (No change)
Appendix G	Reserved (No change)
Appendix H	Texas Transportation Code, §547.604 and §547.605 and Chapter 548, Compulsory Inspection of Vehicles (No change)
Appendix I	Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003 (No change)
Appendix J	Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003 (No change)
Appendix K	Reserved (No change)
Appendix L	Texas Natural Resources Conservation Commission and Texas Department of Public Safety Memorandum of Understanding, January 22, 1997 (No change)

CHAPTER 1: GENERAL (UPDATED)

1.1 PURPOSE (NO CHANGE FROM 2009 I/M SIP REVISION)

1.2 BACKGROUND (UPDATED)

Emissions inspections began in Texas on July 1, 1984 with the implementation of an anti-tampering check and parameter program in Harris County. The program involved an enhanced visual inspection of required emissions components and a tailpipe inspection for lead using plumtesmo test strips. On January 1, 1986, the parameter program was expanded to include El Paso County.

Beginning January 1, 1987, based on federal air quality standards, El Paso County became the first county in Texas to use a vehicle exhaust emissions analyzer to inspect vehicle exhaust emissions. A Bureau of Automotive Repair (BAR)-84 low-speed idle four-gas analyzer was used to detect carbon monoxide (CO) and hydrocarbon (HC). At the same time, the parameter program expanded to include Dallas and Tarrant Counties. On April 1, 1990, Dallas and Tarrant Counties began inspecting vehicles for HC and CO using BAR-90 low speed idle four-gas analyzers.

The 73rd Texas Legislature, 1993, passed legislation requiring a loaded-mode IM240 centralized emissions inspection, and as a result, the Texas Department of Public Safety (DPS) ceased emissions inspections on December 31, 1994. The centralized emissions inspection program administered by the Texas Commission on Environmental Quality (commission or TCEQ), formerly known as the Texas Natural Resource Conservation Commission, started on January 1, 1995, but was terminated in early February 1995 by the 74th Texas Legislature, 1995, Regular Session.

Senate Bill (SB) 178, 74th Texas Legislature, 1995, required the TCEQ, in cooperation with the DPS, to establish and implement a decentralized vehicle emissions inspection program. The bill required the DPS to resume the previous emissions inspection program in Dallas, Tarrant, El Paso, Denton, Collin, and Harris Counties until such time that a new decentralized emissions program could be developed. On July 1, 1995, the DPS resumed the previous emissions inspection program in these counties. SB 178 also required the governor to adopt a new vehicle emissions inspection program after negotiating with the United States Environmental Protection Agency (EPA). Based on modeling by the TCEQ and input by the DPS, the governor announced the details of the decentralized Texas Motorist's Choice Program (TMCP) in November 1995.

As the TMCP was being developed, the EPA finalized the Inspection and Maintenance (I/M) Flexibility Amendments on November 28, 1995. States were allowed flexibility in designing an I/M program that would meet one of the three program standards: a basic, low-enhanced, or high-enhanced performance standard. The rule also allowed nonattainment areas with an urbanized area of less than 200,000 people to opt out of the vehicle emissions testing program if the area could meet other Federal Clean Air Act requirements. In addition, the rule allowed states to authorize low-income time extensions more than once in the life of a vehicle and allowed some emissions-related repairs, performed 60 days or fewer prior to an initial emissions inspection failure, to be allowed in calculating costs for minimum expenditure waivers.

On July 1, 1996, the first component of the TMCP began in Dallas and Tarrant Counties. The first component of the program involved software upgrades to accommodate real-time communication with a vehicle inspection database. The full TMCP began in Dallas and Tarrant Counties on October 1, 1996. The program involved a low-speed and high-speed idle inspection

known as two-speed idle (TSI), enhanced hardware and software, gas cap leak check, recognized emissions repair facilities, dial-up database verification of inspection history, and automated recording of safety inspections. On January 1, 1997, the TMCP expanded to include Harris and El Paso Counties.

In order to increase the emissions reductions for the I/M program, effective May 1, 2002, Texas transitioned to a low-enhanced program using on-board diagnostics (OBD) inspections for 1996 and newer model-year vehicles, and acceleration simulation mode inspections for pre-1996 model-year vehicles in Collin, Dallas, Denton, and Tarrant Counties in the Dallas-Fort Worth (DFW) area and Harris County in the Houston-Galveston-Brazoria (HGB) area. On May 1, 2003, the program was expanded to include Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the DFW area and Brazoria, Fort Bend, Galveston, and Montgomery Counties in the HGB area.

On November 17, 2004, the commission adopted the Austin Early Action Compact (EAC) SIP revision that implemented an I/M program in Travis and Williamson Counties. On June 18, 2008, the commission adopted the Eight-Hour Ozone Flex Plan for the Austin-Round Rock area that continued implementation of the I/M program commitment in Travis and Williamson Counties. The EAC program concluded in 2008, but Travis and Williamson Counties will continue to implement the I/M program through December 31, 2013 to adhere to the commitments of the Eight-Hour Ozone Flex Plan. TCEQ staff anticipates that the I/M program in Travis and Williamson Counties will continue beyond 2013, but Travis and Williamson Counties are under no obligation to do so.

On January 1, 2007, El Paso County transitioned to a low-enhanced program using OBD inspections for 1996 and newer model-year vehicles and continued TSI inspections on pre-1996 model-year vehicles. Additionally, all vehicle emissions inspection stations in the El Paso area are required to offer both TSI and OBD inspections.

On December 31, 2010, the vehicle emissions inspection limit for low-volume emissions inspection stations changed to comply with the requirements of Section 1 of House Bill (HB) 715, 81st Texas Legislature, 2009, Regular Session. The vehicle emissions inspection limit for stations that only offer emissions inspections on 1996 and newer model-year vehicles has been a component of the I/M program in the DFW and HGB areas since 2002. Section 1 of HB 715 revised Texas Transportation Code, §548.3075 to prevent the DPS from restricting low-volume emissions inspection stations to fewer than 150 OBD inspections per month.

This proposed state implementation plan (SIP) revision would incorporate modifications to the I/M program to comply with the requirements of HB 2305, 83rd Texas Legislature, 2013, Regular Session. Effective March 1, 2015, the I/M program would:

- transition from a dual inspection and registration sticker system to a single registration sticker by eliminating the use of the safety and emissions inspection windshield certificate or sticker;
- verify compliance with inspection requirements using the vehicle inspection report or vehicle registration sticker instead of the current safety and emissions inspection windshield sticker;
- require vehicles to pass the vehicle safety and emissions inspection no more than 90 days prior to the expiration of the vehicle's registration instead of on the expiration of the vehicle's safety and emissions inspection windshield sticker;

- replace the TCEQ with the DPS as the entity providing information on compliant vehicles to the Texas Department of Motor Vehicles (DMV); and
- collect the state portion of the safety and emissions inspection fee at the time of registration by the DMV or county tax assessor instead of at the time of inspection by the emissions inspection station.

1.3 HEALTH EFFECTS (NO CHANGE FROM 2009 I/M SIP REVISION)

1.4 PUBLIC HEARINGS INFORMATION (UPDATED)

The commission will offer public hearings for this proposed SIP revision and associated rulemaking at the following times and locations.

City	Date	Time	Location
Houston	October 29, 2013	2:00 p.m.	Houston-Galveston Area Council 3555 Timmons Lane, Ste. 120, Houston, TX 77227
Austin	October 30, 2013	10:00 a.m.	Texas Commission on Environmental Quality 12100 Park 35 Circle, Building E, Room 201S, Austin, TX 78753
Fort Worth	October 31, 2013	2:00 p.m.	Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, TX 76118
El Paso	November 1, 2013	3:00 p.m.	El Paso Public Library, 501 N. Oregon Street, El Paso, TX 79901

The notice for these hearings will be published in the *Austin American Statesman*, *Houston Chronicle*, *Fort Worth Star Telegram*, and *El Paso Times*. Open discussion will not be permitted during the hearing; however, the TCEQ staff will be available to discuss the proposed SIP revision and associated rulemaking 30 minutes prior to the hearing.

The public comment period will open on September 27, 2013 and will close on November 4, 2013. Written comments will be accepted via mail or fax. Comments may be submitted to Angela Kissel, MC-206, State Implementation Plan Team, Office of Air, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas, 78711-3087 or faxed to (512) 239-6188. Electronic comments may be submitted through the [eComments](http://www5.tceq.state.tx.us/rules/ecomments/) system (<http://www5.tceq.state.tx.us/rules/ecomments/>). All comments should reference the “Inspection and Maintenance SIP Revision” and Project Number 2013-041-SIP-NR.

An electronic version of this proposed SIP revision and associated rulemaking can be found on the TCEQ’s [SIP Hot Topics](http://www.tceq.texas.gov/airquality/sip/Hottop.html) Web page (<http://www.tceq.texas.gov/airquality/sip/Hottop.html>).

1.5 SOCIAL AND ECONOMIC CONSIDERATIONS (NO CHANGE FROM 2009 I/M SIP REVISION)

1.6 FISCAL AND MANPOWER RESOURCES (NO CHANGE FROM 2009 I/M SIP REVISION)

CHAPTER 2: APPLICABILITY (NO CHANGE FROM 2009 I/M SIP REVISION)

**CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS
(NO CHANGE FROM 2005 I/M SIP REVISION)**

CHAPTER 4: NETWORK TYPE AND PROGRAM EVALUATION (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 5: ADEQUATE TOOLS AND RESOURCES (UPDATED)

5.1 GENERAL (NO CHANGE FROM 2005 I/M SIP REVISION)

5.2 ADMINISTRATIVE RESOURCES (UPDATED)

Vehicle emissions inspection fees, which are set by the commission and deposited to the credit of the clean air account and the Texas Department of Public Safety (DPS) general revenue fund in the Texas Treasury under Texas Health and Safety Code, §382.202(e) and (k), are used for the purpose of supporting the vehicle emissions inspection and maintenance (I/M) program. In addition, the clean air account receives \$2.00 per vehicle from an automobile safety inspection that is dedicated for use in the air quality programs of Texas.

Article 6 of the General Appropriations Act specifically earmarked funds available to develop, administer, evaluate, and maintain the vehicle emissions I/M program, including federally required reporting measures to demonstrate compliance with applicable federal and state laws.

Beginning March 1, 2015, \$2.50 of the fee collected for each vehicle registration issued by the Texas Department of Motor Vehicles (DMV) would be available to the Texas Commission on Environmental Quality (TCEQ) and the DPS. The TCEQ commits to maintaining a staffing level necessary for the I/M program design, oversight, and evaluation. Effective March 1, 2015, the registration denial component of the I/M program will be conducted by the DMV. The DPS has access to a wide variety of vehicles for use in covert audits of the vehicle emissions inspection program and commits to a dedicated staffing level of no less than 52 full-time equivalent (FTE) employees to the I/M program implementation, administration, enforcement, and support. The breakdown of FTE employees by agency is shown in Table 5.1: *TCEQ FTE Employee Descriptions*, Table 5.2: *DPS FTE Employee Descriptions*, and Table 5.3: *DMV FTE Employee Description*.

Table 5.1: TCEQ FTE Employee Descriptions

FTE Description	Number of FTE Employees
Data collection and analysis	2 FTE employees
Performance monitoring/evaluation	1 FTE employee
State implementation plan amendments, rulemaking, and program development	2 FTE employees
Consumer assistance	2 FTE employees
Technical assistance	2 FTE employees
Other administrative and management functions	1.5 FTE employees

Table 5.2: DPS FTE Employee Descriptions

FTE Description	Number of FTE Employees
Technician assistance	4 FTE employees
Overt and covert auditing	31 FTE employees
Consumer assistance	2 FTE employees
Waiver oversight	4 FTE employees
Enforcement	6 FTE employees
Other administrative and management functions	4 FTE employees
Remote sensing	1 FTE employee

Table 5.3: DMV FTE Employee Descriptions

FTE Description	Number of FTE Employees
Registration denial	1 FTE employee

5.3 PROGRAM ADMINISTRATION (UPDATED)

The TCEQ oversees emissions inspection data collection and analyzes the results to improve I/M program requirements, and the DPS oversees the remote sensing program that was implemented in October 1998. House Bill 2305 requires that the TCEQ and DPS work collectively to ensure the DMV has access to timely and accurate vehicle emissions inspection data to ensure vehicle compliance with the I/M program prior to a vehicle being re-registered. The DMV will continue to provide the TCEQ and DPS access to registration data and ensure that required staffing is available to enforce the registration denial component of the I/M program.

CHAPTER 6: TEST FREQUENCY AND CONVENIENCE (UPDATED)

6.1 INSPECTION FREQUENCY (UPDATED)

An annual emissions and gas cap integrity inspection is required for all subject vehicles as part of the inspection and maintenance (I/M) program. Inspection frequency implementation is detailed in 30 Texas Administrative Code (TAC) §114.50. Under this inspection frequency, modeling runs show that emissions targets are achieved. 30 TAC §114.50 will be revised to incorporate the requirements of House Bill 2305, 83rd Texas Legislature, 2013, Regular Session, which require a motorist to pass an emissions inspection no more than 90 days before a vehicle's registration expiration date.

An initial vehicle emissions inspection is given to each subject vehicle presented for inspection and an inspection fee is charged to the motorist. If the vehicle passes the inspection, an inspection report is issued. If the vehicle fails the initial vehicle emissions inspection, applicable repairs must be completed and annotated on the vehicle repair form. The motorist's vehicle may then be reinspected at the same facility at no charge if the reinspection is completed within 15 days after the initial inspection was conducted. The motorist may choose to go to a different facility for reinspection, although the motorist is charged the full price of an inspection. If the reinspection occurs more than 15 days after the initial inspection was conducted, a complete inspection is conducted and the motorist is charged a full inspection fee. An inspection report will not be issued until the subject vehicle, which failed an initial inspection, passes a reinspection or complies with the I/M program requirements.

6.2 TEST-ON-RESALE (NO CHANGE FROM 2005 I/M SIP REVISION)

6.3 INSPECTION CONVENIENCE (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 7: VEHICLE COVERAGE (UPDATED)

7.1 SUBJECT VEHICLES (UPDATED)

The inspection and maintenance (I/M) program requires annual emissions inspections for all gasoline-powered motor vehicles that are:

- two through 24 years old based on the model-year;
- required by the Texas Department of Public Safety (DPS) to comply with vehicle safety inspection requirements; and
- registered and primarily operated in Brazoria, Collin, Dallas, Denton, El Paso, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, and Tarrant Counties.

Dual-fueled vehicles capable of operating on gasoline and leased vehicles that meet these criteria are also subject to I/M program requirements. Subject vehicles are identified through the registration database provided to the Texas Commission on Environmental Quality (TCEQ) by the Texas Department of Motor Vehicles (DMV). The DMV also provides electronic updates to this database. Table 7.1: *2012 Subject Vehicle Registrations by County* provides an estimate of the number of subject vehicles by county based on the DMV's 2012 registration database.

Table 7.1: 2012 Subject Vehicle Registrations by County

County	Number of Vehicles
Brazoria	207,183
Collin	517,271
Dallas	1,532,971
Denton	414,661
Ellis	107,948
El Paso	482,117
Fort Bend	374,856
Galveston	190,943
Harris	2,485,486
Johnson	103,484
Kaufman	68,024
Montgomery	295,389
Parker	78,667
Rockwall	54,760
Tarrant	1,170,690

Businesses and public agencies operating any number of vehicles may inspect and repair their own vehicles. However, these businesses and agencies are required to obtain an emissions station inspection license that includes licensing of inspection technicians from the DPS. Once a business or public agency is licensed, all other I/M program requirements apply.

7.1.1 Compliance (Updated)

Subject vehicles must pass an emissions inspection at a facility certified to perform safety and emissions inspections by the DPS and receive a valid vehicle inspection report. Failure to pass

I/M program requirements results in noncompliance of a vehicle. The TCEQ compares registration and vehicle inspection data to identify noncompliant subject vehicles. Registered vehicle owners in affected counties are notified if they are not in compliance with I/M program requirements. The enforcement for noncompliance ranges from issuance of a citation to denial of re-registration. Enforcement of the I/M program is discussed further in Chapter 11: *Motorist Compliance Enforcement* and Chapter 12: *Enforcement Program Oversight*. In addition, remote sensing is used to identify gross polluting vehicles that are operated and registered in I/M program areas.

7.1.2 Remote Compliance (No change from 2005 I/M SIP Revision)

7.2 EXEMPT VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

7.3 FEDERAL VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

7.4 UNITED STATES ARMED FORCES PRIVATELY OWNED VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 8: TEST PROCEDURES, STANDARDS, AND TEST EQUIPMENT (NO
CHANGE FROM 2009 I/M SIP REVISION)**

CHAPTER 9: QUALITY CONTROL (UPDATED)

9.1 OVERVIEW (NO CHANGE FROM 2009 I/M SIP REVISION)

9.2 EQUIPMENT CALIBRATION AND MAINTENANCE (NO CHANGE FROM 2009 I/M SIP REVISION)

9.3 DOCUMENT SECURITY (UPDATED)

All vehicle inspection reports (VIR) are printed with a unique serial number. House Bill 2305, 83th Texas Legislature, 2013, Regular Session, provides for the Texas Department of Public Safety to adopt rules regarding the issuance of VIRs, including rules providing for the format and safekeeping of the reports.

A passing inspection report is not issued until a vehicle passes all components of the safety and emissions inspection. The inspection station will issue a passing VIR to the owner or operator of each vehicle inspected by the station that passes all components of the safety and emission inspection.

CHAPTER 10: WAIVERS AND TIME EXTENSIONS (UPDATED)

10.1 WAIVER SUMMARY (NO CHANGE FROM 2005 I/M SIP REVISION)

10.2 LOW-MILEAGE VEHICLE WAIVER (NO CHANGE FROM 2005 I/M SIP REVISION)

10.3 INDIVIDUAL VEHICLE WAIVER (UPDATED)

If a vehicle has failed an emissions inspection, a motorist may petition the Texas Department of Public Safety (DPS) for an individual vehicle waiver in order for the vehicle to receive a vehicle inspection report. The DPS will review the measures taken by the motorist to ensure that they have been performed. A vehicle may be eligible for an individual vehicle waiver provided that:

- it failed both the initial emissions inspection and the reinspection;
- the motorist demonstrates that all reasonable measures including, but not limited to, diagnostics, repairs, and replacement parts, have been taken to try to bring the vehicle into compliance with the inspection and maintenance program;
- the motorist has incurred qualified emissions-related repairs costs equal to or in excess of the maximum reasonable repair expenditure amounts for the county in which the vehicle is registered (\$450 in El Paso County and \$600 for all other counties); and
- further measures would be economically unfeasible and would result in a minimal impact on air quality.

10.4 PARTS AVAILABILITY TIME EXTENSION (UPDATED)

If a vehicle fails its initial emissions inspection and the repairs necessary for a reduction in emissions require an uncommon part, the vehicle may qualify for a parts availability time extension. This type of extension is granted by a DPS representative on a case-by-case basis and is issued for either 30, 60, or 90 days, or longer, if applicable, but not to exceed one inspection cycle. An automotive emissions-related part is considered uncommon if it takes more than 30 days for expected delivery, the motorist can demonstrate that a reasonable attempt was made to locate necessary emissions control parts by retail or wholesale parts suppliers, and the time required to receive the part exceeds the expiration date of the vehicle's current inspection cycle.

The motorist is required to submit the following information to a DPS representative for each component to demonstrate that the necessary emissions control components have been ordered:

- an invoice or receipt indicating that the necessary emissions control components have been ordered; or
- the name, address, and phone number of the parts distributor, the order number, the name, description, and catalog number of each component; and
- any other information as necessary.

The DPS representative may contact the parts distributor to verify the length of time necessary for the components to be received. The DPS representative may issue a time extension that includes additional time needed to complete the repairs. The motorist must return to an inspection station for an emissions reinspection when the repairs are complete. If the vehicle passes the reinspection, it is issued the appropriate inspection report. If the vehicle fails the reinspection and meets the necessary criteria, the motorist may then apply for a low-mileage waiver, individual vehicle waiver, or low-income time extension.

The Texas Commission on Environmental Quality periodically audits the vehicle inspection data to ensure that vehicles receiving parts availability time extensions are being properly repaired

and reinspected. A vehicle that receives a parts availability time extension in one inspection cycle without receiving a reinspection is ineligible for a parts availability time extension in the subsequent inspection cycle and is subject to other applicable enforcement mechanisms.

10.5 LOW-INCOME TIME EXTENSIONS (NO CHANGE FROM 2005 I/M SIP REVISION)

10.6 WAIVER RATE (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 11: MOTORIST COMPLIANCE ENFORCEMENT (UPDATED)

11.1 GENERAL (NO CHANGE FROM 2009 I/M SIP REVISION)

11.2 REGISTRATION DENIAL (UPDATED)

Prior to March 1, 2015, the Texas Commission on Environmental Quality (TCEQ) is required to supply emissions inspection data to the Texas Department of Public Safety (DPS) to implement registration denial as an enforcement tool. Beginning March 1, 2015, the DPS is required to manage a database to contain emissions inspection data and transmit the vehicle inspection data and make it accessible to the Texas Department of Motor Vehicles (DMV). The DMV is required to verify a vehicle's compliance using the database to register a vehicle and notify the vehicle owner. Registered vehicle owners may also present a passing vehicle inspection report (VIR) to the DMV to verify compliance with the inspection and maintenance (I/M) program. Registered vehicle owners of non-compliant vehicles that do not comply with the I/M program are denied registration until the vehicle has complied with I/M program requirements.

11.3 STICKER-BASED ENFORCEMENT (UPDATED)

Prior to March 1, 2015, registration certificates, which are affixed on the windshield immediately above the safety inspection certificate, have markings that indicate a vehicle is registered in an I/M program area. The safety inspection program uses a windshield certificate indicating the subject vehicle is in compliance with both the emissions and the safety inspection program. Law enforcement officials can visually compare the county of registration and the county of inspection. Beginning March 1, 2015, vehicle registration insignia stickers, which are affixed on the windshield, indicate the subject vehicle is compliant with the I/M program.

All VIRs are printed with a unique serial number. The DPS may adopt rules regarding the issuance of VIRs, including rules providing for the format of the reports. The DPS may add additional security features to deter counterfeiters. The DPS is required to track inspection report numbers with assistance from the vehicle identification database (VID) and the TCEQ's "[Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program](#)"

(<http://www.tceq.state.tx.us/assets/public/implementation/air/ms/IM/txvehanspecs.pdf>).

Motorists are issued citations by local and state law enforcement officials for driving a vehicle with an expired or invalid registration or for evading the emissions inspection or inspection outside of the affected area. These violations of the Texas Transportation Code (TTC), §548.602 (Class C misdemeanor) and §548.603 (Class B misdemeanor) are punishable by a fine starting at \$200 and not exceeding \$2,000 for each occurrence. The owner is subject to an additional citation every time the vehicle is driven. Violators are given notification that they shall comply with the I/M program requirements. Noncompliance will result in delivery of additional citations and fines that may accumulate to more than the expense of a minimum expenditure waiver.

Fines for motorists involved in bribery or fraud are substantially higher and may result in incarceration. Under TTC, §548.603 (Class B misdemeanor), a motorist suspected of obtaining a passing inspection report in a neighboring county to avoid the emissions portion of an inspection may be charged with willful purchase of a fraudulent inspection report.

11.4 ADDITIONAL ENFORCEMENT ACTIVITIES (NO CHANGE FROM 2009 I/M SIP REVISION)

CHAPTER 12: ENFORCEMENT PROGRAM OVERSIGHT (UPDATED)

12.1 GENERAL (NO CHANGE FROM 2005 I/M SIP REVISION)

12.2 PROCEDURES (NO CHANGE FROM 2005 I/M SIP REVISION)

12.3 INSPECTION REPORT (RENAMED AND UPDATED)

Vehicle inspection reports (VIR) are designed to prevent counterfeiting as discussed in Chapter 9: *Quality Control*. Texas Department of Public Safety (DPS) and Texas Department of Motor Vehicles personnel are provided written instructions and training to enable them to recognize fraudulent documents. The DPS and local law enforcement have a program that is designed to find counterfeit vehicle registration insignia stickers and prosecute those making, possessing, or selling them. The DPS has established measures to control and track inspection report distribution and handling. Additionally, the DPS maintains a complete record of all VIRs issued at each inspection facility.

The DPS conducts a monthly check for proper issuance of VIRs. The DPS conducts biannual audits of inspection reports and has adopted a unique inspection reports for use in the inspection and maintenance program areas.

12.4 OVERSIGHT (NO CHANGE FROM 2005 I/M SIP REVISION)

12.5 COMPUTERIZED TESTING (NO CHANGE FROM 2005 I/M SIP REVISION)

12.6 DATABASE (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 13: QUALITY ASSURANCE (UPDATED)

13.1 OVERVIEW (NO CHANGE FROM 2005 I/M SIP REVISION)

13.2 PERFORMANCE AUDITS (NO CHANGE FROM 2005 I/M SIP REVISION)

13.2.1 Overt Audits (No change from 2005 I/M SIP Revision)

13.2.2 Covert Audits (No change from 2005 I/M SIP Revision)

13.3 RECORDS AUDITS

Vehicle inspection station and inspector records are reviewed at least monthly to assess document security, recordkeeping practices, certifications, and other required display information. This audit of the records also assists in identifying problems that may indicate potential fraud or incompetence. An electronic database is used to perform computer analyses of emissions data in order to identify statistically inconsistent information, discrepancies, patterns, and unusual entries.

An auditor visits an inspection station to review records not already covered in the electronic analysis. A comprehensive accounting for all inspection reports is also performed during an audit of the records.

13.4 EQUIPMENT AUDITS (NO CHANGE FROM 2005 I/M SIP REVISION)

13.5 AUDITOR TRAINING AND PROFICIENCY (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 14: ENFORCEMENT AGAINST CONTRACTORS, STATIONS, AND
INSPECTORS (NO CHANGE FROM 2005 I/M SIP REVISION)**

CHAPTER 15: DATA COLLECTION (UPDATED)

15.1 GENERAL (NO CHANGE FROM 2005 I/M SIP REVISION)

15.2 INSPECTION DATA (UPDATED)

A contractor has established a statewide central database for the collection, processing, transmission, monitoring, and reporting of vehicle emissions inspection data. The vehicle identification database (VID) has the capability to receive, process, and transmit vehicle emissions inspection data at the beginning and conclusion of each emissions inspection on a real-time basis. In addition, the VID is designed to receive and process vehicle data obtained by remote sensing devices. The data contractor is responsible for maintaining the data collection system and for providing oversight and administrative capabilities to the Texas Commission on Environmental Quality and the Texas Department of Public Safety.

The following data is collected for each vehicle inspection conducted:

- inspection record number;
- inspection station number;
- analyzer number;
- inspector identification number;
- inspection system number;
- date of inspection;
- emissions inspection start time;
- time final emissions scores are determined;
- vehicle identification number;
- license plate number;
- inspection report number;
- gross vehicle weight rating;
- transmission type;
- fuel type;
- vehicle model-year;
- vehicle make;
- vehicle type;
- inspection procedure used;
- odometer reading;
- type of inspection performed (initial or reinspection);
- results of each visual and parameter inspection;
- results of the gas cap integrity inspection;
- results and standards for hydrocarbons, carbon monoxide, nitrogen oxides, and carbon dioxide for each inspection mode;
- overall inspection results;
- audit flag;
- dispute and waiver flag;
- number of cylinders or engine displacement;
- type of vehicle preconditioning performed;
- emissions inspection sequences used; and
- results of the on-board diagnostics inspection expressed as a pass or fail along with the diagnostic trouble codes revealed.

15.3 QUALITY CONTROL (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 16: DATA ANALYSIS AND REPORTING (NO CHANGE FROM 2005 I/M
SIP REVISION)**

**CHAPTER 17: INSPECTOR LICENSING AND CERTIFICATION (NO CHANGE
FROM 2005 I/M SIP REVISION)**

CHAPTER 18: PUBLIC INFORMATION AND CONSUMER PROTECTION (UPDATED)

18.1 PUBLIC AWARENESS PLAN (NO CHANGE FROM 2005 I/M SIP REVISION)

18.2 VEHICLE INSPECTOR REPORT (NO CHANGE FROM 2005 I/M SIP REVISION)

18.3 VEHICLE REPAIR FORM (NO CHANGE FROM 2005 I/M SIP REVISION)

18.4 GENERAL REPAIR INFORMATION (NO CHANGE FROM 2005 I/M SIP REVISION)

18.5 REPAIR INDUSTRY PERFORMANCE STATISTICS (NO CHANGE FROM 2005 I/M SIP REVISION)

18.6 CONSUMER PROTECTION PROVISIONS (NO CHANGE FROM 2005 I/M SIP REVISION)

18.6.1 DPS Challenge Facilities (Updated)

The Texas Department of Public Safety (DPS) provides challenge/referee facilities so that a motorist whose vehicle fails an emissions inspection may challenge the findings at a DPS challenge facility. The DPS tracks the number and results of all challenge inspections. If a vehicle passes its challenge reinspection, the motorist is issued a vehicle emissions inspection report indicating the passing status of the vehicle. If the report is issued by the station that performed the initial inspection, no fee is assessed for the second emissions inspection when it is obtained within 15 days of the initial inspection. An emissions inspection station that produces excessive challenge reinspections may be subjected to more frequent auditing.

18.6.2 DPS Oversight (No change from 2005 I/M SIP Revision)

18.6.2.1 Audits (No change from 2005 I/M SIP Revision)

18.6.2.2 System Calibration Surveillance (No change from 2005 I/M SIP Revision)

18.6.2.3 Technician Monitoring (No change from 2005 I/M SIP Revision)

18.6.3 Whistle Blowers Protection (No change from 2005 I/M SIP Revision)

18.6.4 Compliant Handling Procedures (No change from 2005 I/M SIP Revision)

18.6.5 Warranty Repair Assistance (No change from 2005 I/M SIP Revision)

18.6.5.1 Performance Warranty (No change from 2005 I/M SIP Revision)

18.6.5.2 Design and Defect Warranty (No change from 2005 I/M SIP Revision)

CHAPTER 19: IMPROVING REPAIR EFFECTIVENESS (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 20: COMPLIANCE WITH RECALL NOTICES (NO CHANGE FROM 2005
I/M SIP REVISION)**

CHAPTER 21: ON-ROAD TESTING (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 22: STATE IMPLEMENTATION PLAN SUBMISSION (NO CHANGE
FROM 2005 I/M SIP REVISION)**

Appendices Available Upon Request

Mobile Source Programs Team
Air Quality Planning Section
Texas Commission on Environmental Quality
Phone: (512) 239-1459
E-mail: aqp@tceq.texas.gov

AN ACT

relating to motor vehicle inspections; creating an offense; changing the collection method for certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 548.104, Transportation Code, is amended to read as follows:

Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]. (a) The commission shall adopt uniform standards of safety applicable to each item required to be inspected by Section 548.051. The standards and the list of items to be inspected shall be posted in each inspection station.

(b) An inspection station or inspector may issue a passing vehicle [~~an~~] inspection report [~~certificate~~] only if the vehicle is inspected and found to be in proper and safe condition and to comply with this chapter and the rules adopted under this chapter.

(c) An inspection station or inspector may inspect only the equipment required to be inspected by Section 548.051 and may not:

(1) falsely and fraudulently represent to an applicant that equipment required to be inspected must be repaired, adjusted, or replaced before the vehicle will pass inspection; or

(2) require an applicant to have another part of the vehicle or other equipment inspected as a prerequisite for issuance of a passing vehicle [~~an~~] inspection report [~~certificate~~].

1 (d) An inspection station or inspector may not issue a
2 passing vehicle [~~an~~] inspection report [~~certificate~~] for a vehicle
3 equipped with:

4 (1) a carburetion device permitting the use of
5 liquefied gas alone or interchangeably with another fuel, unless a
6 valid liquefied gas tax decal issued by the comptroller is attached
7 to the lower right-hand corner of the front windshield of the
8 vehicle on the passenger side; [~~or~~]

9 (2) a sunscreening device prohibited by Section
10 547.613, except that the department by rule shall provide
11 procedures for issuance of a passing vehicle [~~an~~] inspection report
12 [~~certificate~~] for a vehicle exempt under Section 547.613(c); or

13 (3) a compressed natural gas container unless the
14 owner demonstrates in accordance with department rules proof:

15 (A) that:

16 (i) the container has met the inspection
17 requirements under 49 C.F.R. Section 571.304; and

18 (ii) the manufacturer's recommended service
19 life for the container, as stated on the container label required by
20 49 C.F.R. Section 571.304, has not expired; or

21 (B) that the vehicle is a fleet vehicle for which
22 the fleet operator employs a technician certified to inspect the
23 container.

24 (e) The department shall adopt rules relating to inspection
25 of and issuance of a vehicle [~~an~~] inspection report [~~certificate~~]
26 for a moped.

27 SECTION 2. Article 45.003, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 45.003. DEFINITION FOR CERTAIN PROSECUTIONS. For
3 purposes of dismissing a charge under Section 502.407 [~~or 548.605~~],
4 Transportation Code, "day" does not include Saturday, Sunday, or a
5 legal holiday.

6 SECTION 3. Section 51.207(d), Education Code, is amended to
7 read as follows:

8 (d) This subsection applies only to a public institution of
9 higher education campus that is not covered by Subsection (b). The
10 institution may not issue a permit to a student of the institution
11 for driving or parking a motor vehicle on institutional property
12 unless the institution provides written notice to the student that
13 failure to register the vehicle in this state [~~or to display a
14 current and appropriate inspection certificate issued under
15 Chapter 548, Transportation Code,~~] may violate state law if the
16 owner of the vehicle resides in this state.

17 SECTION 4. Section 103.0213, Government Code, is amended to
18 read as follows:

19 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
20 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
21 party to a civil suit, as applicable, shall pay the following fees
22 and costs under the Transportation Code if ordered by the court or
23 otherwise required:

24 (1) administrative fee on dismissal of charge of
25 driving with an expired motor vehicle registration (Sec. 502.407,
26 Transportation Code) . . . not to exceed \$20;

27 (2) administrative fee on dismissal of charge of

1 driving with an expired driver's license (Sec. 521.026,
2 Transportation Code) . . . not to exceed \$20;

3 (3) [~~administrative fee on remediation of charge of~~
4 ~~driving with an expired inspection certificate (Sec. 548.605,~~
5 ~~Transportation Code) . . . not to exceed \$20;~~

6 [(4)] administrative fee for failure to appear for a
7 complaint or citation on certain offenses (Sec. 706.006,
8 Transportation Code) . . . \$30 for each violation; and

9 (4) [(5)] administrative fee for failure to pay or
10 satisfy certain judgments (Sec. 706.006, Transportation Code)
11 . . . \$30.

12 SECTION 5. Section 382.0622(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) Clean Air Act fees consist of:

15 (1) fees collected by the commission under Sections
16 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
17 by law;

18 (2) \$2 of each fee [~~advance payment~~] collected for
19 inspections of [~~by the Department of Public Safety for inspection~~
20 ~~certificates for~~] vehicles other than mopeds under Section 548.501,
21 Transportation Code; and

22 (3) fees collected that are required under Section 185
23 of the federal Clean Air Act (42 U.S.C. Section 7511d).

24 SECTION 6. Sections 382.202(d) and (l), Health and Safety
25 Code, are amended to read as follows:

26 (d) On adoption of a resolution by the commission and after
27 proper notice, the Department of Public Safety of the State of Texas

1 shall implement a system that requires, as a condition of obtaining
2 a passing vehicle [~~safety~~] inspection report [~~certificate~~] issued
3 under Subchapter C, Chapter 548, Transportation Code, in a county
4 that is included in a vehicle emissions inspection and maintenance
5 program under Subchapter F of that chapter, that the vehicle,
6 unless the vehicle is not covered by the system, be annually or
7 biennially inspected under the vehicle emissions inspection and
8 maintenance program as required by the state's air quality state
9 implementation plan. The Department of Public Safety shall
10 implement such a system when it is required by any provision of
11 federal or state law, including any provision of the state's air
12 quality state implementation plan.

13 (1) Except as provided by this subsection, a person who
14 sells or transfers ownership of a motor vehicle for which a passing
15 vehicle [~~emissions~~] inspection report [~~certificate~~] has been
16 issued is not liable for the cost of emission control system repairs
17 that are required for the vehicle subsequently to receive a passing
18 report [~~an emissions inspection certificate~~]. This subsection does
19 not apply to repairs that are required because emission control
20 equipment or devices on the vehicle were removed or tampered with
21 before the sale or transfer of the vehicle.

22 SECTION 7. Section 382.205(d), Health and Safety Code, is
23 amended to read as follows:

24 (d) The Department of Public Safety of the State of Texas by
25 rule shall adopt:

26 (1) testing procedures in accordance with motor
27 vehicle emissions testing equipment specifications; and

1 (2) procedures for issuing a vehicle [~~or denying an~~
2 ~~emissions~~] inspection report following an emissions inspection and
3 submitting information to the inspection database described by
4 Section 548.251, Transportation Code, following an emissions
5 inspection [~~certificate~~].

6 SECTION 8. Sections 382.220(b) and (d), Health and Safety
7 Code, are amended to read as follows:

8 (b) A program under this section must be implemented in
9 consultation with the commission and may include a program to:

10 (1) expand and enhance the AirCheck Texas Repair and
11 Replacement Assistance Program;

12 (2) develop and implement programs or systems that
13 remotely determine vehicle emissions and notify the vehicle's
14 operator;

15 (3) develop and implement projects to implement the
16 commission's smoking vehicle program;

17 (4) develop and implement projects in consultation
18 with the director of the Department of Public Safety for
19 coordinating with local law enforcement officials to reduce the use
20 of counterfeit registration insignia and vehicle inspection
21 reports [~~state inspection stickers~~] by providing local law
22 enforcement officials with funds to identify vehicles with
23 counterfeit registration insignia and vehicle inspection reports
24 [~~state inspection stickers~~] and to carry out appropriate actions;

25 (5) develop and implement programs to enhance
26 transportation system improvements; or

27 (6) develop and implement new air control strategies

1 designed to assist local areas in complying with state and federal
2 air quality rules and regulations.

3 (d) Fees collected under Sections 382.202 and 382.302 may be
4 used, in an amount not to exceed \$5 million per fiscal year, for
5 projects described by Subsection (b). The fees shall be made
6 available only to counties participating in the low-income vehicle
7 repair assistance, retrofit, and accelerated vehicle retirement
8 programs created under Section 382.209 and only on a matching
9 basis, whereby the commission provides money to a county in the same
10 amount that the county dedicates to a project authorized by
11 Subsection (b). The commission may reduce the match requirement
12 for a county that proposes to develop and implement independent
13 test facility fraud detection programs, including the use of remote
14 sensing technology for coordinating with law enforcement officials
15 to detect, prevent, and prosecute the use of counterfeit
16 registration insignia and vehicle inspection reports [~~state~~
17 ~~inspection stickers~~].

18 SECTION 9. Sections 2308.253(d) and (e), Occupations Code,
19 are amended to read as follows:

20 (d) Except as provided by a contract described by Subsection
21 (e), a parking facility owner may not have a vehicle removed from
22 the parking facility merely because the vehicle does not display[+]

23 [~~(1)~~] an unexpired license plate or registration
24 insignia issued for the vehicle under Chapter 502, Transportation
25 Code, or the vehicle registration law of another state or country[+]
26 ~~or~~

27 [~~(2) a valid vehicle inspection certificate issued~~

1 ~~under Chapter 548, Transportation Code, or the vehicle inspection~~
2 ~~law of another state or country].~~

3 (e) A contract provision providing for the removal from a
4 parking facility of a vehicle that does not display an unexpired
5 license plate or registration insignia [~~or a valid inspection~~
6 ~~certificate~~] is valid only if the provision requires the owner or
7 operator of the vehicle to be given at least 10 days' written notice
8 that the vehicle will be towed from the facility at the vehicle
9 owner's or operator's expense if it is not removed from the parking
10 facility. The notice must be:

11 (1) delivered in person to the owner or operator of the
12 vehicle; or

13 (2) sent by certified mail, return receipt requested,
14 to that owner or operator.

15 SECTION 10. Section 501.030(a), Transportation Code, is
16 amended to read as follows:

17 (a) Before a motor vehicle that was last registered or
18 titled in another state or country may be titled in this state, [~~the~~
19 ~~applicant must furnish~~] the county assessor-collector shall verify
20 that the vehicle has passed the inspections required by Chapter
21 548, as indicated in the Department of Public Safety's inspection
22 database under Section 548.251 [~~with a verification form under~~
23 ~~Section 548.256~~].

24 SECTION 11. Section 502.0023, Transportation Code, is
25 amended by adding Subsection (j) to read as follows:

26 (j) A motor vehicle, semitrailer, or trailer registered
27 under this section is subject to the inspection requirements of

1 Chapter 548 as if the vehicle, semitrailer, or trailer were
2 registered without extended registration. The department and the
3 Department of Public Safety shall by rule establish a method to
4 enforce the inspection requirements of Chapter 548 for motor
5 vehicles, semitrailers, and trailers registered under this
6 section. The department may assess a fee to cover the department's
7 administrative costs of implementing this subsection.

8 SECTION 12. Section 502.047, Transportation Code, is
9 amended to read as follows:

10 Sec. 502.047. REGISTRATION-BASED ENFORCEMENT OF MOTOR
11 VEHICLE [EMISSIONS] INSPECTION [AND MAINTENANCE] REQUIREMENTS.

12 (a) The department and the Department of Public Safety shall
13 ensure compliance with the motor vehicle inspection requirements
14 under Chapter 548, including compliance with the motor vehicle
15 emissions inspection and maintenance program under Subchapter F of
16 that chapter, through a vehicle registration-based enforcement
17 system [~~inspection sticker-based enforcement system except as~~
18 ~~provided by this section or Section 548.3011. Subsections (b)-(c)~~
19 ~~apply only if the United States Environmental Protection Agency~~
20 ~~determines that the state has not demonstrated, as required by~~
21 ~~C.F.R. Section 51.361, that sticker-based enforcement of the~~
22 ~~program is more effective than registration-based enforcement and~~
23 ~~gives the Texas Commission on Environmental Quality or the governor~~
24 ~~written notification that the reregistration-based enforcement of~~
25 ~~the program, as described by those subsections, will be required.~~
26 ~~If Subsections (b)-(c) are made applicable as provided by this~~
27 ~~subsection, the department shall terminate reregistration-based~~

1 ~~enforcement of the program under those subsections on the date the~~
2 ~~United States Environmental Protection Agency gives the Texas~~
3 ~~Commission on Environmental Quality or a person the commission~~
4 ~~designates written notification that reregistration-based~~
5 ~~enforcement is not required for the state implementation plan].~~

6 (b) A motor vehicle may not be registered if the department
7 receives from the Texas Commission on Environmental Quality or the
8 Department of Public Safety notification that the registered owner
9 of the vehicle has not complied with [~~Subchapter F,~~] Chapter 548.

10 (c) A motor vehicle may not be registered if the vehicle was
11 denied registration under Subsection (b) unless verification is
12 received that the registered vehicle owner is in compliance with
13 [~~Subchapter F,~~] Chapter 548.

14 (d) The department and the Department of Public Safety shall
15 enter into an agreement regarding the timely submission by the
16 Department of Public Safety of inspection compliance information to
17 the department.

18 (d-1) The department, the Texas Commission on Environmental
19 Quality, and the Department of Public Safety shall enter an
20 agreement regarding the responsibilities for costs associated with
21 implementing this section.

22 (e) A county tax assessor-collector is not liable to any
23 person for refusing to register a motor vehicle because of the
24 person's failure to provide verification of the person's compliance
25 with [~~Subchapter F,~~] Chapter 548.

26 SECTION 13. Section 502.059(c), Transportation Code, is
27 amended to read as follows:

1 (c) Except as provided by Subsection (f), the registration
2 insignia for validation of a license plate shall be attached to the
3 inside of the vehicle's windshield, if the vehicle has a
4 windshield, in the lower left corner in a manner that will not
5 obstruct the vision of the driver [~~within six inches of the place~~
6 ~~where the motor vehicle inspection sticker is required to be~~
7 ~~placed~~]. If the vehicle does not have a windshield, the owner, when
8 applying for registration or renewal of registration, shall notify
9 the department, and the department shall issue a distinctive device
10 for attachment to the rear license plate of the vehicle.

11 SECTION 14. The heading to Section 521.3465, Transportation
12 Code, is amended to read as follows:

13 Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF
14 CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE
15 PLATES, REGISTRATION INSIGNIA, OR VEHICLE [~~SAFETY~~] INSPECTION
16 REPORTS [~~CERTIFICATES~~].

17 SECTION 15. Section 521.3465(a), Transportation Code, is
18 amended to read as follows:

19 (a) A license is automatically suspended on final
20 conviction of the license holder of:

21 (1) an offense under Section 502.475(a)(4)
22 [~~502.409(a)(4)~~]; or

23 (2) an offense under Section 548.603(a)(1) that
24 involves a fictitious vehicle [~~safety~~] inspection report
25 [~~certificate~~].

26 SECTION 16. Section 521.3466(a), Transportation Code, is
27 amended to read as follows:

1 (a) A license is automatically revoked on final conviction
2 of the license holder of an offense under Section 37.10, Penal Code,
3 if the governmental record was a motor vehicle license plate or
4 registration insignia, within the meaning of Chapter 502, or a
5 vehicle [safety] inspection report [certificate], within the
6 meaning of Chapter 548.

7 SECTION 17. Section 548.001, Transportation Code, is
8 amended by adding Subdivision (10) to read as follows:

9 (10) "Vehicle inspection report" means a report issued
10 by an inspector or an inspection station for a vehicle that
11 indicates whether the vehicle has passed the safety and, if
12 applicable, emissions inspections required by this chapter.

13 SECTION 18. Section 548.004(c), Transportation Code, is
14 amended to read as follows:

15 (c) The facility may inspect only a vehicle owned by the
16 political subdivision or state agency. [~~An officer, employee, or~~
17 ~~inspector of the subdivision or agency may not place an inspection~~
18 ~~certificate received from the department under this section on a~~
19 ~~vehicle not owned by the subdivision or agency.~~]

20 SECTION 19. Section 548.053(a), Transportation Code, is
21 amended to read as follows:

22 (a) If an inspection discloses the necessity for
23 adjustment, correction, or repair, an inspection station or
24 inspector may not issue a passing vehicle inspection report [~~an~~
25 ~~inspection certificate~~] until the adjustment, correction, or
26 repair is made. The owner of the vehicle may have the adjustment,
27 correction, or repair made by a qualified person of the owner's

1 choice, subject to reinspection. The vehicle shall be reinspected
2 once free of charge within 15 days after the date of the original
3 inspection, not including the date the original inspection is made,
4 at the same inspection station after the adjustment, correction, or
5 repair is made.

6 SECTION 20. The heading to Subchapter C, Chapter 548,
7 Transportation Code, is amended to read as follows:

8 SUBCHAPTER C. PERIODS OF INSPECTION; PREREQUISITES TO ISSUANCE OF
9 PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]

10 SECTION 21. Section 548.101, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as
13 provided by Section 548.102, the department shall require an annual
14 inspection. The department shall set the periods of inspection and
15 may make rules with respect to those periods. The rules must provide
16 that:

17 (1) a vehicle owner may obtain an inspection not
18 earlier than 90 days before the date of expiration of the vehicle's
19 registration; and

20 (2) a used motor vehicle sold by a dealer, as defined
21 by Section 503.001, must be inspected in the 180 days preceding the
22 date the dealer sells the vehicle.

23 SECTION 22. Section 548.103, Transportation Code, is
24 amended to read as follows:

25 Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN
26 VEHICLES. The department may extend the time within which the
27 resident owner of a vehicle that is not in this state when an

1 inspection is required must obtain a vehicle [~~an~~] inspection report
2 [~~certificate~~] in this state.

3 SECTION 23. Section 548.105, Transportation Code, is
4 amended to read as follows:

5 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS
6 PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT
7 [~~CERTIFICATE~~]. (a) An inspection station or inspector may not
8 issue a passing vehicle [~~an~~] inspection report [~~certificate~~] for a
9 vehicle unless the owner or operator furnishes evidence of
10 financial responsibility at the time of inspection. Evidence of
11 financial responsibility may be shown in the manner specified under
12 Section 601.053(a). A personal automobile insurance policy used as
13 evidence of financial responsibility must be written for a term of
14 30 days or more as required by Section 1952.054 [~~Article 5.06~~],
15 Insurance Code.

16 (b) An inspection station is not liable to a person,
17 including a third party, for issuing a passing vehicle [~~an~~]
18 inspection report [~~certificate~~] in reliance on evidence of
19 financial responsibility furnished to the station. An inspection
20 station that is the seller of a motor vehicle may rely on an oral
21 insurance binder.

22 SECTION 24. The heading to Subchapter E, Chapter 548,
23 Transportation Code, is amended to read as follows:

24 SUBCHAPTER E. ISSUANCE [~~, RECORDING, AND PROOF~~] OF VEHICLE
25 INSPECTION REPORTS; SUBMISSION OF INFORMATION TO DEPARTMENT
26 DATABASE [~~CERTIFICATES AND VERIFICATION FORMS~~]

27 SECTION 25. Section 548.251, Transportation Code, is

1 amended to read as follows:

2 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~
3 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department
4 shall maintain an electronic database to which inspection stations
5 may electronically submit the information required by Section
6 548.253 [~~provide serially numbered inspection certificates and~~
7 ~~verification forms to inspection stations. The department may~~
8 ~~issue a unique inspection certificate for:~~

9 ~~[(1) a commercial motor vehicle inspected under~~
10 ~~Section 548.201; or~~

11 ~~[(2) a vehicle inspected under Subchapter F].~~

12 SECTION 26. Section 548.252, Transportation Code, is
13 amended to read as follows:

14 Sec. 548.252. ISSUANCE [~~SAFEKEEPING AND CONTROL~~] OF VEHICLE
15 INSPECTION REPORTS [~~CERTIFICATES AND VERIFICATION FORMS~~].

16 (a) The department by rule shall require an inspection station to:

17 (1) issue a vehicle inspection report to the owner or
18 operator of each vehicle inspected by the station; and

19 (2) issue a passing vehicle inspection report to the
20 owner or operator of each vehicle inspected by the station that
21 passes the inspections required by this chapter.

22 (b) The department may adopt rules regarding the issuance of
23 vehicle inspection reports, including rules providing for [~~On being~~
24 ~~licensed, an inspector or owner of an inspection station shall:~~

25 ~~[(1) provide for]~~ the format and safekeeping of the
26 reports [~~inspection certificates and verification forms,~~

27 ~~[(2) safeguard the certificates and forms against~~

1 ~~theft, loss, or damage,~~

2 ~~[(3) control the sequence of issuance of the~~
3 ~~certificates and forms; and~~

4 ~~[(4) ensure that the certificates and forms are issued~~
5 ~~in accordance with department rules].~~

6 SECTION 27. Section 548.253, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON
9 COMPLETION [~~ISSUANCE~~] OF INSPECTION [~~CERTIFICATE AND VERIFICATION~~
10 ~~FORM~~]. An inspection station or inspector, on completion of
11 [~~issuing~~] an inspection [~~certificate and verification form~~], shall
12 electronically submit to the department's inspection database:

13 (1) the vehicle identification number of the inspected
14 vehicle and an indication of whether the vehicle passed the
15 inspections required by this chapter [~~make a record and report as~~
16 ~~prescribed by the department of the inspection and certificate~~
17 ~~issued~~]; and

18 (2) any additional [~~include in the inspection~~
19 ~~certificate and verification form the~~] information required by rule
20 by the department for the type of vehicle inspected.

21 SECTION 28. Section 548.254, Transportation Code, is
22 amended to read as follows:

23 Sec. 548.254. VALIDITY OF VEHICLE INSPECTION REPORT
24 [~~CERTIFICATE~~]. A vehicle [~~An~~] inspection report [~~certificate~~] is
25 invalid after the end of the 12th month following the month in which
26 the report [~~certificate~~] is issued. [~~An unused inspection~~
27 ~~certificate representing a previous inspection period may not be~~

1 ~~issued after the beginning of the next period.]~~

2 SECTION 29. Section 548.256, Transportation Code, is
3 amended to read as follows:

4 Sec. 548.256. PROOF OF INSPECTION [~~VERIFICATION FORM~~]
5 REQUIRED TO REGISTER VEHICLE. [~~(a)~~] Before a vehicle [~~that is~~
6 ~~brought into this state by a person other than a manufacturer or~~
7 ~~importer~~] may be registered, the Texas Department of Motor Vehicles
8 or the county assessor-collector registering the vehicle shall
9 verify that the vehicle has passed the inspections required by this
10 chapter, as indicated in the department's inspection database. If
11 the database information is not available, the owner of the vehicle
12 may present a vehicle inspection report issued for the vehicle[~~7~~
13 ~~the owner must have the vehicle inspected and have the inspection~~
14 ~~station record the following information on a verification form~~
15 ~~prescribed and provided by the department.~~

16 [~~(1) the vehicle identification number,~~

17 [~~(2) the number appearing on the odometer of the~~
18 ~~vehicle at the time of the inspection, if the vehicle has an~~
19 ~~odometer, and~~

20 [~~(3) other information the department requires].~~

21 [~~(b) An inspection station may not issue the verification~~
22 ~~form unless the vehicle complies with the inspection requirements~~
23 ~~of this chapter.]~~

24 SECTION 30. Section 548.258(b), Transportation Code, is
25 amended to read as follows:

26 (b) The department may adopt rules to require an inspection
27 station to use the state electronic Internet portal to[+

1 ~~[(1) purchase inspection certificates, or~~
2 ~~[(2)]~~ send to the department a record, report, or
3 other information required by the department.

4 SECTION 31. Section 548.301(c), Transportation Code, is
5 amended to read as follows:

6 (c) A program established under this section must
7 ~~[Subsection (b) or (b-1) may]~~ include registration and
8 reregistration-based enforcement.

9 SECTION 32. Section 548.302, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND
12 REQUIREMENTS. The commission shall:

13 (1) adopt standards for emissions-related inspection
14 criteria consistent with requirements of the United States and the
15 conservation commission applicable to a county in which a program
16 is established under this subchapter; and

17 (2) develop and impose requirements necessary to
18 ensure that a passing vehicle ~~[an]~~ inspection report ~~[certificate]~~
19 is not issued to a vehicle subject to a program established under
20 this subchapter and that information stating that a vehicle has
21 passed an inspection is not submitted to the department's database
22 unless the vehicle has passed a motor vehicle emissions inspection
23 at a facility authorized and certified by the department.

24 SECTION 33. Section 548.304, Transportation Code, is
25 amended to read as follows:

26 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
27 INSPECTIONS. ~~[(a)]~~ The department may authorize and certify

1 inspection stations as necessary to implement the
2 emissions-related inspection requirements of the motor vehicle
3 emissions inspection and maintenance program established under
4 this subchapter if the station meets the department's certification
5 requirements.

6 ~~[(b) The department shall provide inspection certificates
7 for distribution and issuance at inspection stations certified by
8 the department.]~~

9 SECTION 34. Section 548.401, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.401. CERTIFICATION GENERALLY. A person may
12 perform an inspection, ~~[or]~~ issue a vehicle [an] inspection report,
13 or submit inspection information to the department's inspection
14 database ~~[certificate]~~ only if certified to do so by the department
15 under rules adopted by the department.

16 SECTION 35. Section 548.407(d), Transportation Code, is
17 amended to read as follows:

18 (d) The department may provide that a revocation or
19 suspension takes effect on receipt of notice under Subsection (b)
20 if the department finds that the action is necessary to prevent or
21 remedy a threat to public health, safety, or welfare. Violations
22 that present a threat to public health, safety, or welfare include:

23 (1) issuing a passing vehicle [an] inspection report
24 or submitting inspection information to the department's database
25 ~~[certificate]~~ with knowledge that the issuance or submission is in
26 violation of this chapter or rules adopted under this chapter;

27 (2) falsely or fraudulently representing to the owner

1 or operator of a vehicle that equipment inspected or required to be
2 inspected must be repaired, adjusted, or replaced for the vehicle
3 to pass an inspection;

4 (3) issuing a vehicle [~~an~~] inspection report or
5 submitting inspection information to the department's database
6 [~~certificate~~]:

7 (A) without authorization to issue the report or
8 submit the information [~~certificate~~]; or

9 (B) without inspecting the vehicle;

10 (4) issuing a passing vehicle [~~an~~] inspection report
11 or submitting inspection information to the department's database
12 [~~certificate~~] for a vehicle with knowledge that the vehicle has not
13 been repaired, adjusted, or corrected after an inspection has shown
14 a repair, adjustment, or correction to be necessary;

15 (5) knowingly issuing a passing vehicle [~~an~~]
16 inspection report or submitting inspection information to the
17 department's database [~~certificate~~]:

18 (A) for a vehicle without conducting an
19 inspection of each item required to be inspected; or

20 (B) for a vehicle that is missing an item
21 required to be inspected or that has an item required to be
22 inspected that is not in compliance with state law or department
23 rules;

24 (6) refusing to allow a vehicle's owner to have a
25 qualified person of the owner's choice make a required repair,
26 adjustment, or correction;

27 (7) charging for an inspection an amount greater than

1 the authorized fee;

2 (8) a violation of Subchapter F;

3 (9) a violation of Section 548.603; or

4 (10) a conviction of a felony or a Class A or B
5 misdemeanor that directly relates to or affects the duties or
6 responsibilities of a vehicle inspection station or inspector or a
7 conviction of a similar crime under the jurisdiction of another
8 state or the federal government.

9 SECTION 36. Section 548.501, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as
12 provided by Sections 548.503 and 548.504, the fee for inspection of
13 a motor vehicle other than a moped is \$12.50. The fee for
14 inspection of a moped is \$5.75. [~~The fee for a verification form
15 issued as required by Section 548.256 is \$1.~~]

16 (b) Out of each fee for an inspection, \$5.50 shall be
17 remitted to the state under Section 548.509. [~~An inspection
18 station shall pay to the department \$5.50 of each fee for an
19 inspection. The department may require the station to make an
20 advance payment of \$5.50 for each inspection certificate provided
21 to the station. If advance payment is made:~~

22 [~~(1) no further payment may be required on issuance of
23 a certificate,~~

24 [~~(2) the inspection station may waive the fee due from
25 the owner of an inspected vehicle who is issued a certificate to
26 which the advance payment applies,~~

27 [~~(3) the department shall refund to the inspection~~

1 ~~station \$5.50 for each unissued certificate that the station~~
2 ~~returns to the department in accordance with department rules, and~~
3 ~~[(4) the conservation commission shall pay to the~~
4 ~~department \$2 for each unissued certificate that the station~~
5 ~~returns to the department.]~~

6 SECTION 37. Section 548.502, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE
9 AGENCY. A political subdivision or state agency for which the
10 department certifies an inspection station under Section 548.004:

11 (1) shall pay to the state ~~[department an advance~~
12 ~~payment of]~~ \$5.50 for each inspection under Section 548.509
13 ~~[certificate provided to it]~~; and

14 (2) may not be required to pay the remainder of the
15 ~~[compulsory]~~ inspection fee.

16 SECTION 38. Section 548.503, Transportation Code, is
17 amended to read as follows:

18 Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR
19 OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or
20 light truck under Section 548.102 shall be set by the department by
21 rule on or before September 1 of each year. A fee set by the
22 department under this subsection must be based on the costs of
23 ~~[producing certificates,]~~ providing inspections~~[,]~~ and
24 administering the program, but may not be less than \$21.75.

25 (b) Out of each fee for an inspection under this section,
26 \$14.75 shall be remitted to the state under Section 548.509. ~~[The~~
27 ~~department shall require an inspection station to make an advance~~

1 ~~payment of \$14.75 for a certificate to be issued under this section.~~
2 ~~Additional payment may not be required of the station for the~~
3 ~~certificate. The inspection station may waive the fee due from the~~
4 ~~owner of the vehicle inspected. A refund for an unissued~~
5 ~~certificate shall be made in the same manner as provided for other~~
6 ~~certificate refunds.]~~

7 SECTION 39. Section 548.504(b), Transportation Code, is
8 amended to read as follows:

9 (b) Out of each fee for inspection of a commercial motor
10 vehicle, \$10 shall be remitted to the state under Section 548.509.
11 ~~[The inspection station shall pay to the department \$10 of each fee~~
12 ~~for inspection of a commercial motor vehicle. The department may~~
13 ~~require the station to make an advance payment of \$10 for a~~
14 ~~certificate to be issued under this section. If advance payment is~~
15 ~~made:~~

16 ~~[(1) no additional payment may be required of the~~
17 ~~station for the certificate, and~~

18 ~~[(2) a refund for an unissued certificate shall be~~
19 ~~made in the same manner as provided for other certificate refunds.]~~

20 SECTION 40. Section 548.505(a), Transportation Code, is
21 amended to read as follows:

22 (a) The department by rule may impose an inspection fee for
23 a vehicle inspected under Section 548.301(a) in addition to the fee
24 provided by Section 548.501, 548.502, 548.503, or 548.504. A fee
25 imposed under this subsection must be based on the costs of:

26 (1) ~~[producing certificates,~~

27 ~~[(2)] providing inspections; and~~

1 (2) [~~(3)~~] administering the program.

2 SECTION 41. Section 548.508, Transportation Code, is
3 amended to read as follows:

4 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
5 Sections 382.0622 and 382.202, Health and Safety Code, and Section
6 548.5055, each fee remitted to the comptroller [~~collected by the~~
7 ~~department~~] under this subchapter shall be deposited to the credit
8 of the Texas mobility fund.

9 SECTION 42. Subchapter H, Chapter 548, Transportation Code,
10 is amended by adding Section 548.509 to read as follows:

11 Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. The
12 Texas Department of Motor Vehicles or a county assessor-collector
13 that registers a motor vehicle that is subject to an inspection fee
14 under this chapter shall collect at the time of registration of the
15 motor vehicle the portion of the inspection fee that is required to
16 be remitted to the state. The Texas Department of Motor Vehicles or
17 the county assessor-collector shall remit the fee to the
18 comptroller.

19 SECTION 43. Section 548.601(a), Transportation Code, is
20 amended to read as follows:

21 (a) A person, including an inspector or an inspection
22 station, commits an offense if the person:

23 (1) submits information to the department's inspection
24 database or issues a vehicle inspection report [~~an inspection~~
25 ~~certificate~~] with knowledge that the submission or issuance is in
26 violation of this chapter or rules adopted under this chapter;

27 (2) falsely or fraudulently represents to the owner or

1 operator of a vehicle that equipment inspected or required to be
2 inspected must be repaired, adjusted, or replaced for the vehicle
3 to pass an inspection;

4 (3) misrepresents:

5 (A) material information in an application in
6 violation of Section 548.402 or 548.403; or

7 (B) information filed with the department under
8 this chapter or as required by department rule;

9 (4) submits information to the department's inspection
10 database or issues a vehicle inspection report [~~an inspection~~
11 ~~certificate~~]:

12 (A) without authorization to issue the report or
13 submit the information [~~certificate~~]; or

14 (B) without inspecting the vehicle;

15 (5) submits information to the department's inspection
16 database indicating that a vehicle has passed the applicable
17 inspections or issues a passing vehicle [~~an~~] inspection report
18 [~~certificate~~] for a vehicle with knowledge that the vehicle has not
19 been repaired, adjusted, or corrected after an inspection has shown
20 a repair, adjustment, or correction to be necessary;

21 (6) knowingly submits information to the department's
22 inspection database or issues a vehicle inspection report [~~an~~
23 ~~inspection certificate~~]:

24 (A) for a vehicle without conducting an
25 inspection of each item required to be inspected; or

26 (B) for a vehicle that is missing an item
27 required to be inspected or that has an item required to be

1 inspected that is not in compliance with state law or department
2 rules;

3 (7) refuses to allow a vehicle's owner to have a
4 qualified person of the owner's choice make a required repair,
5 adjustment, or correction;

6 (8) charges for an inspection an amount greater than
7 the authorized fee; or

8 (9) performs an act prohibited by or fails to perform
9 an act required by this chapter or a rule adopted under this
10 chapter.

11 SECTION 44. Sections 548.603(a), (b), and (c),
12 Transportation Code, are amended to read as follows:

13 (a) A person commits an offense if the person:

14 (1) presents to an official of this state or a
15 political subdivision of this state a vehicle inspection report
16 ~~[displays or causes or permits to be displayed an inspection~~
17 ~~certificate]~~ or insurance document knowing that the report
18 ~~[certificate]~~ or document is counterfeit, tampered with, altered,
19 fictitious, issued for another vehicle, issued for a vehicle
20 failing to meet all emissions inspection requirements, or issued in
21 violation of:

22 (A) this chapter, rules adopted under this
23 chapter, or other law of this state; or

24 (B) a law of another state, the United States,
25 the United Mexican States, a state of the United Mexican States,
26 Canada, or a province of Canada;

27 (2) ~~[transfers an inspection certificate from a~~

1 ~~windshield or location to another windshield or location,~~
2 ~~[(3)]~~ with intent to circumvent the emissions
3 inspection requirements seeks an inspection of a vehicle at a
4 station not certified to perform an emissions inspection if the
5 person knows that the vehicle is required to be inspected under
6 Section 548.301; or

7 (3) ~~[(4)]~~ knowingly does not comply with an emissions
8 inspection requirement for a vehicle~~;~~ ~~or~~

9 ~~[(5) displays on a vehicle an inspection certificate~~
10 ~~that was obtained knowing that the vehicle does not meet all~~
11 ~~emissions inspection requirements for the vehicle].~~

12 (b) A person commits an offense if the person:

13 (1) makes or possesses, with the intent to sell,
14 circulate, or pass, a counterfeit vehicle inspection report
15 ~~[certificate]~~ or insurance document; or

16 (2) possesses any part of a stamp, dye, plate,
17 negative, machine, or other device that is used or designated for
18 use in making a counterfeit vehicle inspection report ~~[certificate]~~
19 or insurance document.

20 (c) The owner of a vehicle commits an offense if the owner
21 knowingly allows the vehicle to be registered using a vehicle
22 inspection report ~~[or operated while the vehicle displays an~~
23 ~~inspection certificate]~~ in violation of Subsection (a).

24 SECTION 45. Section 548.603(f), Transportation Code, as
25 added by Chapter 851 (H.B. 1048), Acts of the 75th Legislature,
26 Regular Session, 1997, is amended to read as follows:

27 (f) Notwithstanding Subsection (c), an offense under

1 Subsection (a)(1) that involves a fictitious vehicle inspection
2 report [~~certificate~~] is a Class B misdemeanor.

3 SECTION 46. Section 548.6035(a), Transportation Code, is
4 amended to read as follows:

5 (a) A person commits an offense if, in connection with a
6 required emissions inspection of a motor vehicle, the person
7 knowingly:

8 (1) submits information to the department's inspection
9 database stating that a vehicle has passed the applicable
10 inspections or issues a passing vehicle inspection report [~~places~~
11 ~~or causes to be placed on a motor vehicle an inspection~~
12 ~~certificate~~], if:

13 (A) the vehicle does not meet the emissions
14 requirements established by the department; or

15 (B) the person has not inspected the vehicle;

16 (2) manipulates an emissions test result;

17 (3) uses or causes to be used emissions data from
18 another motor vehicle as a substitute for the motor vehicle being
19 inspected; or

20 (4) bypasses or circumvents a fuel cap test.

21 SECTION 47. Section 623.011(d), Transportation Code, is
22 amended to read as follows:

23 (d) When the department issues a permit under this section,
24 the department shall issue a sticker to be placed on the front
25 windshield of the vehicle [~~above the inspection certificate issued~~
26 ~~to the vehicle~~]. The department shall design the form of the
27 sticker to aid in the enforcement of weight limits for vehicles.

1 SECTION 48. Section 683.051, Transportation Code, is
2 amended to read as follows:

3 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
4 CERTAIN MOTOR VEHICLES. A person may apply to the department for
5 authority:

6 (1) to sell, give away, or dispose of a motor vehicle
7 to a motor vehicle demolisher if:

8 (A) the person owns the motor vehicle and the
9 certificate of title to the vehicle is lost, destroyed, or faulty;
10 or

11 (B) the vehicle is an abandoned motor vehicle and
12 is:

13 (i) in the possession of the person; or
14 (ii) located on property owned by the
15 person; or

16 (2) to dispose of a motor vehicle to a motor vehicle
17 demolisher for demolition, wrecking, or dismantling if:

18 (A) the abandoned motor vehicle:

19 (i) is in the possession of the person;
20 (ii) is more than eight years old;

21 (iii) either has no motor or is otherwise
22 totally inoperable or does not comply with all applicable air
23 pollution emissions control related requirements included in[+

24 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
25 ~~evidenced by a current inspection certificate affixed to the~~
26 ~~vehicle windshield, or (bb)] the vehicle emissions inspection and~~

27 maintenance requirements contained in the Public Safety

1 Commission's motor vehicle emissions inspection and maintenance
2 program under Subchapter F, Chapter 548, or the state's air quality
3 state implementation plan; and

4 (iv) was authorized to be towed by a law
5 enforcement agency; and

6 (B) the law enforcement agency approves the
7 application.

8 SECTION 49. Section 683.071, Transportation Code, as
9 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the
10 82nd Legislature, Regular Session, 2011, is reenacted and amended
11 to read as follows:

12 Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this
13 subchapter, "junked vehicle" means a vehicle that:

14 (1) is self-propelled; and

15 (2) is:

16 (A) wrecked, dismantled or partially dismantled,
17 or discarded; or

18 (B) inoperable and has remained inoperable for
19 more than:

20 (i) 72 consecutive hours, if the vehicle is
21 on public property; or

22 (ii) 30 consecutive days, if the vehicle is
23 on private property.

24 (b) For purposes of this subchapter, "junked vehicle"
25 includes a motor vehicle, aircraft, or watercraft. This subchapter
26 applies only to:

27 (1) a motor vehicle that displays an expired license

1 plate [~~or invalid motor vehicle inspection certificate~~] or does not
2 display a license plate [~~or motor vehicle inspection certificate~~];

3 (2) an aircraft that does not have lawfully printed on
4 the aircraft an unexpired federal aircraft identification number
5 registered under Federal Aviation Administration aircraft
6 registration regulations in 14 C.F.R. Part 47; or

7 (3) a watercraft that:

8 (A) does not have lawfully on board an unexpired
9 certificate of number; and

10 (B) is not a watercraft described by Section
11 31.055, Parks and Wildlife Code.

12 SECTION 50. The following statutes are repealed:

13 (1) Section 548.053(c), Transportation Code;

14 (2) Section 548.255, Transportation Code;

15 (3) Section 548.257, Transportation Code;

16 (4) Section 548.602, Transportation Code;

17 (5) Section 548.603(e)(2), Transportation Code;

18 (6) Section 548.603(f), Transportation Code, as added
19 by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular
20 Session, 1997; and

21 (7) Section 548.605, Transportation Code.

22 SECTION 51. Article 45.003, Code of Criminal Procedure,
23 Section 103.0213, Government Code, and Sections 521.3465,
24 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as
25 amended by this Act, and the repeal by this Act of Sections 548.602
26 and 548.605, Transportation Code, apply only to an offense
27 committed on or after March 1, 2015. An offense committed before

1 March 1, 2015, is governed by the law in effect on the date the
2 offense was committed, and the former law is continued in effect for
3 that purpose. For purposes of this section, an offense was
4 committed before March 1, 2015, if any element of the offense
5 occurred before that date.

6 SECTION 52. To the extent of any conflict, this Act prevails
7 over another Act of the 83rd Legislature, Regular Session, 2013,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 53. (a) Except as provided by Subsection (c) of
11 this section, not later than March 1, 2014, the Texas Department of
12 Motor Vehicles, the Department of Public Safety of the State of
13 Texas, and the Texas Commission on Environmental Quality shall
14 adopt rules necessary to implement the changes in law made by this
15 Act.

16 (b) Not later than March 1, 2014, the Department of Public
17 Safety shall create the database described by Section 548.251,
18 Transportation Code, as amended by this Act, and require inspection
19 stations to submit to the database the information required by
20 Section 548.253, Transportation Code, as amended by this Act.

21 (c) Not later than January 1, 2014, the Department of Public
22 Safety shall adopt rules relating to the proof required by Section
23 548.104(d)(3), Transportation Code, as added by this Act.

24 (d) Except as otherwise provided by Subsections (e) and (f)
25 of this section, this Act takes effect March 1, 2015.

26 (e) Subsections (a), (b), and (c) of this section take
27 effect September 1, 2013.

1 (f) The change in law made by Section 548.104(d)(3),
2 Transportation Code, as added by this Act, takes effect September
3 1, 2014, and applies only to a vehicle inspected on or after that
4 date.

President of the Senate

Speaker of the House

I certify that H.B. No. 2305 was passed by the House on May 8, 2013, by the following vote: Yeas 144, Nays 3, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2305 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2305 on May 26, 2013, by the following vote: Yeas 126, Nays 20, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2305

I certify that H.B. No. 2305 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2305 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor