

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** September 5, 2025

Thru: Laurie Gharis, Chief Clerk
Kelly Keel, Executive Director

From: Richard C. Chism, Director *RCC*
Office of Air

Docket No.: 2025-0016-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 114, Control of Air Pollution from Motor Vehicles
House Bill (HB) 3297 and Senate Bill (SB) 2102 Implementation and Vehicle
Inspection and Maintenance (I/M) Program Updates
Rule Project No. 2025-012-114-AI

Background and reason(s) for the rulemaking:

This rulemaking is necessary to implement two bills passed during the 88th Texas Legislature, 2023, Regular Session: HB 3297 eliminated the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025;¹ and SB 2102 extends the initial registration and inspection period for rental vehicles to three years.² A state implementation plan (SIP) revision is also required to incorporate this rulemaking adoption into the SIP.

Eighteen counties in Texas are subject to 30 Texas Administrative Code (TAC) Chapter 114 I/M rules: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties in the Dallas-Fort Worth (DFW) area; Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties in the Houston-Galveston-Brazoria (HGB) area; Travis and Williamson Counties in the Austin-Round Rock (ARR) area; Bexar County; and El Paso County. The commission adopted revisions to Chapter 114 and an associated I/M SIP revision on November 29, 2023, to implement an I/M program in Bexar County by no later than November 1, 2026 (Project Nos. 2022-026-114-AI and 2022-027-SIP NR). All I/M counties will be subject to the implementation of HB 3297 and SB 2102.

Scope of the rulemaking:

The rulemaking adoption will amend 30 TAC Chapter 114, Subchapters A and C, to implement provisions of HB 3297 and SB 2102 and provide for an overall clean-up of the rule language to remove outdated program-related definitions, references, and requirements. The associated adopted I/M SIP revision (Project No. 2025-013-SIP-NR) will incorporate the adopted I/M rules into the SIP.

HB 3297 requires rulemaking to remove references and requirements related to safety inspections from 30 TAC Chapter 114, Subchapters A and C. HB 3297 also requires revisions to the SIP to modify the method for determining eligibility for the low-mileage waiver to comply with the bill and to move items 12 through 15 of the safety inspection process in Texas Transportation Code (TTC), §548.051, which include visual inspection of emissions equipment and the pressurized testing of the fuel tank cap, to the emissions inspection process.

SB 2102 requires rulemaking to make applicable revisions to 30 TAC Chapter 114, Subchapters A and C and the I/M program included in the SIP to allow one additional year of exemption from emissions inspections for rental vehicles. "Rental vehicle" is defined in the rulemaking adoption.

¹ Tex. [H.B. 3297](#), 88th Leg., R.S. (2023).

² Tex. [S.B. 2102](#), 88th Leg., R.S. (2023).

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A.) Summary of what the rulemaking will do:

The rulemaking adoption will amend 30 TAC Chapter 114, Subchapters A and C to implement provisions of HB 3297 and SB 2102 and provide for an overall clean-up of the rule language to remove outdated program-related definitions, references, and requirements. This clean-up is a result of the 2023 Quadrennial Rule Review required for Chapter 114. The clean-up process also includes revisions to the rule and SIP to remove a provision of the I/M rule related to vehicles operated by any federal government agency employee under the jurisdiction of a federal government agency that has not been approved as part of the Texas SIP by the U.S. Environmental Protection Agency (EPA).

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

The rulemaking adoption will implement HB 3297 to satisfy the requirements of the Texas Health and Safety Code (THSC), Chapter 382, and the TTC, Chapters 502, 547, 548, and 731. The rulemaking will implement SB 2102 to satisfy the requirements of the THSC, Chapter 382, and the TTC, Chapters 502 and 548. The rulemaking will revise the SIP and will include a demonstration of non-interference with the SIP to meet federal Clean Air Act, §110(l) requirements to show that implementation of HB 3297 and SB 2102 will not interfere with attainment or maintenance of the ozone or carbon monoxide National Ambient Air Quality Standards.

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

Staff recommend an overall clean-up of the language in 30 TAC Chapter 114, Subchapters A and C, to remove outdated program-related definitions, references, and requirements, and to restructure the rule language for clarity. The clean-up process includes revisions to remove 30 TAC §114.50(b)(2) related to vehicles operated by any federal government agency employee under the jurisdiction of a federal government agency as the provision has not been approved as part of the SIP by EPA. Language and definitions related to acceleration simulation mode and two-speed idle testing that are no longer conducted will be removed as those tests are no longer applicable. Language referencing the “single sticker transition date,” as defined in 30 TAC §114.1, will be removed, and the remaining rule language will be restructured for clarity.

Statutory authority:

Texas Water Code (TWC), §5.102 General Powers
TWC, §5.103, Rules
TWC, §5.105, General Policy
THSC, §382.017, Rules
THSC, §382.011, General Powers and Duties
THSC, §382.202, Vehicle Emissions Inspection and Maintenance Program
THSC, §382.203, Vehicles Subject to Program; Exemptions
THSC, §382.205, Inspection Equipment and Procedures

Effect on the:

A.) Regulated community:

HB 3297 significantly impacts vehicle inspection stations in the state now that noncommercial inspections no longer include safety inspection items and inspection stations no longer earn a \$7.00 safety inspection fee per vehicle. In the 17 counties where emissions inspections are currently required, noncommercial gasoline-powered vehicles two to 24 model-years old continue to receive an emissions inspection each year, and vehicle inspection stations were required to download and install an update to their emissions analyzer. For inspection stations, such analyzer

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updates are part of the normal course of business. No appreciable effect is anticipated as a result of the SIP revision and rulemaking required of TCEQ to implement HB 3297.

As a result of the passage of SB 2102, passenger cars and light trucks that are to be initially registered as rental vehicles may receive an initial three-year registration rather than the initial two-year registration given to other vehicles. Inspection stations and inspectors will be provided with procedural guidance by the Texas Department of Public Safety as these vehicles previously received an initial two-year safety inspection but no longer receive an initial safety inspection as of January 1, 2025.

B.) Public:

As a result of the passage of HB 3297, motorists with noncommercial vehicles in the 17 counties where emissions inspections are currently required no longer have their vehicles inspected for safety inspection items on an annual basis. Motorists are charged \$7.00 less by inspection stations for an inspection. HB 3297 also changed the verification method for the low-mileage waiver from a validation that the vehicle was driven fewer than 5,000 miles since the last safety inspection to a calculation that the vehicle is driven an average of less than 5,000 miles each year.

SB 2102 only affects owners of passenger cars and light trucks that are to be initially registered as rental vehicles. Vehicles in counties subject to I/M that are affected by this bill receive an additional year of exemption from emissions inspection requirements; these vehicle owners will not be required to have the vehicles inspected until the third year of ownership.

C.) Agency programs:

None.

Stakeholder meetings:

The commission did not hold any stakeholder meetings related to this rulemaking.

Public Involvement Plan

Yes.

Alternative Language Requirements

Yes. Spanish.

Public comment:

The public comment period opened on April 22, 2025, and closed on June 3, 2025. Notice of the public hearing was published in English in the *Austin-American Statesman*, *Dallas Morning News*, *El Paso Times*, *Houston Chronicle*, and *San Antonio Express-News* newspapers on April 22, 2025. Notice of the public hearing was published in Spanish in the *El Diario de El Paso* on April 21, 2025; *Hoy en Austin* and *San Antonio Express-News* newspapers on April 22, 2025; in the *Al Día* newspaper on April 23, 2025; and in the *La Voz* newspaper on April 30, 2025. Notices were also posted in English and Spanish and distributed to subscribers through GovDelivery and posted to TCEQ's website, and a notice was published in English in the *Texas Register* on May 2, 2025 (50 TexReg 2670). The commission held a virtual public hearing on May 29, 2025, at 2:00 p.m. A plain language summary was provided in both English and Spanish. TCEQ staff were present and opened the hearing for public comment on this project as well as the concurrent I/M SIP revision (Project No. 2025-013-SIP-NR). However, none of the attendees signed up to make comments on the record, therefore a transcript was not prepared.

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During the public comment period, one written comment was received, and it was outside the scope of this rulemaking.

Significant changes from proposal:

None.

Potential controversial concerns and legislative interest:

None.

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

This rulemaking does not affect any current policies or require development of new policies.

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

There is no alternative to rulemaking. HB 3297 and SB 2102 are required to be implemented.

Key points in the adoption rulemaking schedule:

Texas Register proposal publication date: May 2, 2025

Anticipated *Texas Register* adoption publication date: October 10, 2025

Anticipated effective date: October 16, 2025

Six-month *Texas Register* filing deadline: November 2, 2025

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