The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts amendments to 30 Texas Administrative Code (TAC) §§114.2, 114.53, and 114.87.

Amended §§114.2, 114.53, and 114.87 are adopted without changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2488) and, therefore, will not be republished.

Adopted amended §§114.2, 114.53, and 114.87 will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

Background and Summary of the Factual Basis for the Adopted Rules

Eighteen counties in Texas are subject to 30 TAC Chapter 114 Inspection and Maintenance (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 area; El Paso County; and, beginning November 1, 2026, Bexar County. All I/M counties are subject to this rulemaking.

The 88th Texas Legislature, 2023, Regular Session, passed Senate Bill (SB) 2102, which amended Texas Health and Safety Code (THSC), §382.202 to extend the initial

registration and inspection period for new rental vehicles from two years to three years and to require that the emissions inspection fees that would have applied in the additional exemption year be collected. A rulemaking and SIP revision were adopted on September 24, 2025, to allow one additional year of exemption from emissions inspections for new rental vehicles; however, the fee component of the legislation was not addressed in those rule and SIP actions (Project Nos. 2025-012-114-AI and 2025-013-SIP-NR).

Senate Bill 1729, 89th Texas Legislature, 2025, Regular Session, further amended THSC, §382.202 by consolidating amendments made by SB 2102. The rental vehicle provisions were added to THSC, §382.202(d-2)(1) and (2) with SB 2102 amendments and relocated to THSC, §382.202(d-2) with SB 1729 amendments but were otherwise unaffected.

The rulemaking adds necessary provisions to 30 TAC Chapter 114 to fully implement the statutory requirements in THSC, §382.202(d-2), as added by SB 2102 and amended by SB 1729. Section 382.202(d-2) of the THSC provides that, with EPA approval of a revision to the SIP, the initial registration and emissions inspection period for new rental vehicles is increased from two years to three years. Additionally, THSC, §382.202(d-2) requires that TCEQ establish and assess fees for the emissions inspection of a new rental vehicle in amounts calculated to provide the same revenue for a three-year registration and inspection period that would be provided if the vehicle was inspected annually or biennially. The change to a three-year registration

and inspection period is also required to be revenue neutral.

Emissions inspection fees are not required for new vehicles at initial registration for the first two years. THSC, §382.202(d-2) extends compliance with vehicle emissions inspection requirements to three years for new rental vehicles, pending SIP approval; however, the state must still collect the vehicle emissions inspection fee for the second year even though no inspection is required because THSC, §382.202(d-2) requires revenue neutrality.

The rulemaking adoption and associated SIP revision (Project No. 2026-004-SIP-NR) will assess emissions inspection fees for rental vehicles at the time of initial registration to comply with the statutory requirement to provide the same revenue that would be provided if the vehicle was inspected annually or biennially. The rulemaking does not change any fee amounts in 30 TAC Chapter 114.

Demonstrating Noninterference under Federal Clean Air Act (FCAA), §110(l)

Under FCAA, §110(l), EPA cannot approve a SIP revision if it would interfere with attainment of the National Ambient Air Quality Standards (NAAQS), reasonable further progress toward attainment, or any other applicable requirement of the FCAA. The commission provides the following information to demonstrate why the adopted changes to the I/M program rules in Chapter 114 will not negatively impact the status of the state's progress towards attainment, interfere with control measures, or prevent reasonable further progress toward attainment of the ozone or carbon monoxide (CO)

NAAQS.

The adopted amendments will revise 30 TAC Chapter 114, Subchapters A and C to implement the additional remittance to the state specified in THSC, §382.202(d-2), as added by SB 2102 and consolidated by SB 1729, necessary to maintain the revenue neutral impact of adding an additional year to the initial vehicle registration period for rental vehicles. These amendments do not affect EPA-approved I/M program testing requirements, and therefore, do not interfere with control measures or negatively impact the state's progress towards attainment or reasonable further progress of the 2008 and 2015 eight-hour ozone NAAQS or maintenance of the CO NAAQS in El Paso County, which is under an approved limited maintenance plan.

Section by Section Discussion

The adopted amendments revise the I/M program rules to provide for full implementation of THSC, §382.202(d-2), as added by SB 2102 and consolidated by SB 1729. The adopted amendments include the addition of two I/M definitions and provide that the payment of the emissions inspection fee for rental vehicles under THSC, §382.202(d-2) be made at the time of initial vehicle registration. This adopted amendment meets the THSC, §382.202(d-2) requirement that the one-year extension of emissions inspections for rental vehicles be revenue neutral.

The commission also adopts non-substantive changes to update the rules in accordance with current *Texas Register* style and format requirements, improve

readability, establish consistency in the rules, and conform to the standards in the Texas Legislative Council Drafting Manual, September 2020. These non-substantive changes are not intended to alter the existing rule requirements in any way and may not be specifically discussed in this preamble.

Subchapter A: Definitions

§114.2. Inspection and Maintenance Definitions

Implementation of THSC, §382.202(d-2) creates a novel vehicle registration process whereby new rental vehicles may be initially registered for three years rather than two years as is the case for other vehicles subject to emissions inspections. Since THSC, §382.202(d-2) requires revenue neutrality, assessment of emissions inspection fees for new rental vehicles must be collected at initial vehicle registration for the additional exempt year and then annually, the same as all other applicable vehicles. To differentiate between emissions inspection fee assessment at initial registration of rental vehicles and annually for all subject vehicles, the adopted revisions add a definition for “annual vehicle registration” in §114.2(1) and a definition for “initial rental vehicle registration” in §114.2(2). The remaining definitions are renumbered as appropriate.

Subchapter C: Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties

§114.53. Inspection and Maintenance Fees

The adopted revisions amend §114.53(d) to ensure that emissions inspection fees will be paid at the time of initial registration of rental vehicles to comply with THSC, §382.202(d-2). The adopted revisions do not amend fee amounts in §114.53.

The adopted revisions amend §114.53(d)(1)(A) – (C), (d)(2)(A) – (C), (d)(3)(A) – (C), and (d)(4) to add "initial rental vehicle registration" to the registration processes in which vehicle emissions inspections fees are paid in the El Paso County, DFW, HGB, and Bexar County program areas. TCEQ is authorized under THSC, §382.202(e), to assess vehicle emissions inspection fees. Some vehicle emissions inspection fees are not paid to the state through vehicle registration while others are. The fees under §114.53(a) include amounts that vehicle owners pay at inspection stations that are retained by the stations and not paid to the state through registration. By contrast, the fees under §114.53(d) are paid to the state at the time of annual registration.

To fully comply with THSC, §382.202(d-2) requirements, all of the vehicle emissions inspection fees that would be paid to the state at the time of annual vehicle registration need to be included in the initial rental vehicle registration process. These fees need to be paid up front during initial rental vehicle registration because the state cannot ensure that the rental vehicle will be registered in Texas at the time of its first annual registration.

These vehicle emissions inspection fees include the amounts from $2.00 to $6.00 under §114.53(d)(1) – (3) to fund the Low Income Vehicle Repair Assistance, Retrofit,

and Accelerated Vehicle Retirement Program (LIRAP). The LIRAP was established to enhance the objectives of the I/M program. The 77th Texas Legislature, 2001, Regular Session, enacted House Bill 2134, which created the LIRAP to allow I/M program counties to assist low-income individuals with repairs, retrofits, or retirement of vehicles that fail emissions inspections. Participation by an I/M program county is not mandatory. On June 12, 2017, Governor Greg Abbott vetoed the legislative appropriations for the LIRAP for Fiscal Years (FY) 2018 and 2019. All 16 participating counties subsequently opted out of the LIRAP, and no counties have opted back in. No further appropriations for the LIRAP have been made. These vehicle emissions inspection fees, including fees associated with the LIRAP, will be paid to the state during these registration processes when a county is participating in the LIRAP under §114.53(d)(1)(A), (d)(2)(A), and (d)(3)(A) or in the process of opting out of the LIRAP under §114.53(d)(1)(B), (d)(2)(B), or (d)(3)(B).

These vehicle emissions inspection fees also include the $2.50 vehicle emissions inspection fee under §114.53(d)(1) – (4) that will be paid to the state during these registration processes. With these amendments, the registration processes in which vehicle emissions inspections fees are paid in the El Paso County, DFW, HGB, and Bexar County program areas are “annual vehicle registration” and “initial rental vehicle registration.”

§114.87. Inspection and Maintenance Fees

The adopted revisions amend §114.87(d)(1) – (3) to add “initial rental vehicle

registration" to the registration processes in which vehicle emissions inspections fees are paid in Travis and Williamson Counties, similar to the changes described in the Section by Section discussion for §114.53. In order to implement the requirement in THSC, §382.202(d-2) that the amounts calculated provide the same revenue that would be provided if the vehicle was inspected annually or biennially, all of the vehicle emissions inspection fees that would be paid to the state at the time of annual vehicle registration need to be included in the initial rental vehicle registration process. These fees need to be paid up front during initial rental vehicle registration because the state cannot ensure that the rental vehicle would be registered in Texas at the time of its first annual registration. The adopted revisions do not amend fee amounts in §114.87.

These vehicle emissions inspection fees include $2.00 under §114.87(d)(1) and (2) to fund the LIRAP that will be paid to the state during these registration processes when a county is participating in the LIRAP under §114.87(d)(1) or in the process of opting out of the LIRAP under §114.87(d)(2). Travis and Williamson Counties opted out of the LIRAP and have not opted back in. These fees also include the $2.50 vehicle emissions inspection fee under §114.87(d)(1) – (3) that will be paid to the state during these registration processes. With these amendments, the registration processes in which vehicle emissions inspections fees are paid in Travis and Williamson Counties are "annual vehicle registration" and "initial rental vehicle registration."

Final Regulatory Impact Determination

The commission reviewed the rulemaking adoption considering the regulatory impact

analysis requirements of Texas Government Code, §2001.0225 and determined that the rulemaking adoption does not meet the definition of a "Major environmental rule" as defined in that statute, and in addition, if it did meet the definition, will not be subject to the requirement to prepare a regulatory impact analysis. A "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Additionally, the rulemaking adoption does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a "Major environmental rule," which are listed in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225 applies only to a "Major environmental rule," the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. The specific intent of the adopted rules is to make changes to fully implement the statutory requirements in THSC, §382.202(d-2), as added by SB 2102 and consolidated by SB 1729, as discussed elsewhere in this preamble. As vehicle I/M programs are specifically required for certain nonattainment areas by the FCAA any changes that would affect the commission's ability to implement those programs must be submitted to and

approved by EPA.

States are required to adopt SIPs with enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the FCAA. As discussed in the section "Background and Summary of the Factual Basis for the Adopted Rules" of this preamble, the adopted rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond what is necessary to comply with federal requirements on the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. If a state does not comply with its obligations under 42 U.S.C. §7410 (FCAA, §110) to submit SIPs, states are subject to discretionary sanctions under 42 U.S.C. §7410(m) (FCAA, §110(m)) or mandatory sanctions under 42 U.S.C. §7509 (FCAA, §179); as well as the imposition of a federal implementation plan (FIP) under 42 U.S.C. §7410 (FCAA, §110(c)).

The requirement to provide a fiscal analysis of regulations in the Texas Government Code was amended by SB 633 during the 75th legislative session. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis of extraordinary rules. These are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement would seldom apply, the

commission provided a cost estimate for SB 633 that concluded "based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application." The commission also noted that the number of rules that would require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted rules from the full analysis unless the rule was a “Major environmental rule” that exceeds a federal law. Because of the ongoing need to meet federal requirements, the commission routinely proposes and adopts rules incorporating or designed to satisfy specific federal requirements. The legislature is presumed to understand this federal scheme. If each rule proposed by the commission to meet a federal requirement was a major environmental rule that exceeds federal law, then each of those rules would require the full regulatory impact analysis contemplated by SB 633. Requiring a full regulatory impact analysis for all federally required rules is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the that the intent of SB 633 was only to require the full regulatory impact analysis for rules that are extraordinary in nature. While the adopted rules may have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of the FCAA, and in fact creates no additional impacts since the adopted rules do not impose burdens greater than required to comply with federal law, as discussed elsewhere in this preamble. For these reasons, the adopted rules fall under

the exception in Texas Government Code, §2001.0225(a), because they are required by, and do not exceed, federal law. The commission has consistently applied this construction to its rules since this statute was enacted in 1997. Since that time, the legislature has revised the Texas Government Code, but left this provision substantially unamended. It is presumed that "when an agency interpretation is in effect at the time the legislature amends the laws without making substantial change in the statute, the legislature is deemed to have accepted the agency's interpretation." (*Central Power & Light Co. v. Sharp*, 919 S.W.2d 485, 489 (Tex. App. Austin 1995), *writ denied with per curiam opinion respecting another issue*, 960 S.W.2d 617 (Tex. 1997); *Bullock v. Marathon Oil Co.*, 798 S.W.2d 353, 357 (Tex. App. Austin 1990, *no writ*). *Cf. Humble Oil & Refining Co. v. Calvert*, 414 S.W.2d 172 (Tex. 1967); *Dudney v. State Farm Mut. Auto Ins. Co.*, 9 S.W.3d 884, 893 (Tex. App. Austin 2000); *Southwestern Life Ins. Co. v. Montemayor*, 24 S.W.3d 581 (Tex. App. Austin 2000, *pet. denied*); and *Coastal Indust. Water Auth. v. Trinity Portland Cement Div.*, 563 S.W.2d 916 (Tex. 1978).) The commission's interpretation of the regulatory impact analysis requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA applying the standard of "substantial compliance" specified in Texas Government Code, §2001.035. The legislature specifically identified Texas Government Code, §2001.0225 as falling under this standard.

As presented in this analysis and elsewhere in this preamble, the evidence supports

the conclusion that the commission has substantially complied with the requirements of Texas Government Code, §2001.0225. The adopted rules support implementation of the requirements of the FCAA as discussed in this analysis and elsewhere in this preamble. The adopted rules were determined to be necessary to comply with federal law and will not exceed any standard set by state or federal law. These adopted rules are also an express requirement of state law, as discussed elsewhere in this preamble. The adopted rules do not exceed a requirement of a delegation agreement or a contract between state and federal government, as the rules adopted by the commission and if approved by EPA, will become federal law as part of the approved SIP required by 42 U.S.C. §7410 (FCAA, §110). The adopted rules were not developed solely under the general powers of the agency but are authorized by specific sections of THSC, Chapter 382 (also known as the Texas Clean Air Act), and the Texas Water Code, which are cited in the STATUTORY AUTHORITY section of this preamble, including THSC, §§382.011, 382.012, 382.017, and 382.202(d-2). Therefore, this rulemaking action is not subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b).

The commission invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. No comments were received.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), taking means a governmental action that

affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or §17 or §19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The commission completed a takings impact analysis for the rulemaking action under the Texas Government Code, Chapter 2007. The primary purpose of this rulemaking action is to make changes to fully implement the statutory requirements in THSC, §382.202(d-2), as added by SB 2102 and consolidated by SB 1729, as discussed elsewhere in this preamble. As vehicle I/M programs are specifically required for certain nonattainment areas by the FCAA any changes that would affect the commission's ability to implement those programs must be submitted to and approved by EPA. Therefore, Chapter 2007 does not apply to this rulemaking adoption because it is an action reasonably taken to fulfill an obligation mandated by federal law, as provided by Texas Government Code, §2007.003(b)(4).

As discussed elsewhere in this preamble, the rulemaking adoption implements requirements of FCAA, 42 U.S.C. §7410, which requires states to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS in each air quality control region of the state. While 42 U.S.C. §7410 generally does not require specific programs, methods, or reductions in order to meet the standard, I/M programs are specifically required by the FCAA. The SIP must include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of the FCAA. The provisions of the FCAA recognize that states are in the best position to determine what programs and controls are necessary or appropriate in order to meet the NAAQS. This flexibility allows states, affected industry, and the public, to collaborate on the best methods for attaining the NAAQS for the specific regions in the state. Even though the FCAA allows states to develop their own programs, this flexibility does not relieve a state from developing a program that meets the requirements of 42 U.S.C. §7410. States are not free to ignore the requirements of 42 U.S.C. §7410 and must develop programs to assure that their contributions to nonattainment areas are reduced so that these areas can be brought into attainment on the schedule prescribed by the FCAA.

States are required to adopt SIPs with enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements

of the FCAA. If a state does not comply with its obligations under 42 U.S.C. §7410, FCAA, §110 to submit SIPs, states are subject to discretionary sanctions under 42 U.S.C. §7410(m) or mandatory sanctions under 42 U.S.C. §7509, FCAA, §179; as well as the imposition of a federal implementation plan (FIP) under 42 U.S.C. §7410, FCAA, §110(c).

In addition, the commission's assessment indicates that Texas Government Code, Chapter 2007 does not apply to these adopted rules because this action is taken to fully implement the statutory requirements in THSC, §382.202(d-2), as added by SB 2102 and consolidated by SB 1729, as discussed elsewhere in this preamble, which provided for changes to the vehicle I/M program which is a required element of the state implementation plan for ozone which addresses real and substantial threats to public health and safety; that is designed to significantly advance the health and safety purpose; and that does not impose a greater burden than is necessary to achieve the health and safety purpose. Thus, this action is exempt under Texas Government Code, §2007.003(b)(13). The adopted rules fulfill the FCAA requirement for states to create plans including control strategies to attain and maintain the NAAQS, as discussed elsewhere in this preamble. The adopted rules would assist in achieving the timely attainment of the ozone or CO NAAQS and reduced public exposure to ozone or CO. The NAAQS are promulgated by EPA in accord with the FCAA, which requires EPA to identify and list air pollutants that "cause or contribute to air pollution which may reasonably be anticipated to endanger public health and welfare" and "the presence of which in the ambient air results from numerous or diversion mobile or stationary

sources," as required by 42 U.S.C. §7408. For those air pollutants listed, EPA then is required to issue air quality criteria identifying the latest scientific knowledge regarding on adverse health and welfare effects associated with the listed air pollutant, in accord with 42 U.S.C. §7408. For each air pollutant for which air quality criteria have been issued, EPA must publish proposed primary and secondary air quality standards based on the criteria that specify a level of air quality requisite to protect the public health and welfare from any known or anticipated adverse effects associated with the presence of the air pollutant in the ambient air, as required by 42 U.S.C. §7409. As discussed elsewhere in this preamble, states have the primary responsibility to adopt plans designed to attain and maintain the NAAQS.

The adopted rules will not create any additional burden on private real property beyond what is required under federal law, as the rules adopted by the commission and approved by EPA, will become federal law as part of the approved SIP required by 42 U.S.C. §7410, FCAA, §110. The adopted rules will not affect private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. The adoption also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the rulemaking adoption will not cause a taking under Texas Government Code, Chapter 2007. For these reasons, Texas Government Code, Chapter 2007 does not apply to this rulemaking adoption.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking adoption and found the rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) relating to rules subject to the Coastal Management Program, and will, therefore, require that goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission invited public comment regarding the consistency with the coastal management program during the public comment period. No comments were received.

Public Comment

The comment period for the proposed Chapter 114 I/M rulemaking opened on April 3, 2026, and closed on May 19, 2026. The commission held a virtual public hearing on May 14, 2026, at 2:00 p.m. 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. 2026-004-SIP-NR). One attendee signed up to make comments on the record, and a written transcript of the public hearing was prepared. The commission received written comments from the same individual who provided oral testimony at the public hearing. The written comment submission and the oral comments provided during the public hearing, are outside the scope of this rulemaking.

Response to Comments

Comment

One individual commented on the implementation of the Bexar County I/M program. The individual requested that TCEQ publish a household-level cost-benefit analysis examining program costs by income quintile, by vehicle age cohort, and by Commissioner precinct, specifying the projected air quality benefit per dollar extracted from families at each income level. The individual requested completion of the study before September 9, 2026.

The individual presented Bexar County I/M program impact metrics, including vehicle failure rate, average repair cost, average program cost to the vehicle owner, and the presence of government assistance (the Low Income Vehicle Repair Assistance Retrofit, and Accelerated Vehicle Retirement Program, or LIRAP) available to the vehicle owner. With these metrics applied to three separate scenarios with vehicles aged 10, 15, and 20 years old, the individual requested that TCEQ quantify the air quality benefit per dollar of cost imposed on each case.

The individual requested that TCEQ confirm whether the “negligible” characterization applies to the Bexar County program specifically; that TCEQ explain in the adoption package for this rulemaking how a program producing negligible benefit justifies a mandatory $28.50 annual fee with no household-level impact analysis; and that TCEQ address whether FCAA §110(l) review is warranted.

The individual requested that TCEQ’s adoption package address the empirical record of the Dallas-Fort Worth I/M program area and explain what analytical basis supports

the expectation that Bexar County will achieve attainment through an I/M program.

The individual requested that TCEQ formally acknowledge that AirCheckTexas is non-operational and does not cover Bexar County; that TCEQ update Form VIE-7 to remove reference to AirCheckTexas as a Bexar County resource; and that TCEQ encourage the Bexar County Commissioners Court to activate the LIRAP enrollment before November 1, 2026.

Finally, the individual requested that TCEQ formally support EPA's initiation of an FCAA, §179B feasibility review; and TCEQ communicate to EPA that TCEQ's own negligible finding and the documented transport record strengthen the §179B case.

Response

The individual's comments regarding the broader implementation of the federally required I/M program are outside the scope of this rulemaking, which exclusively concerns the initial assessment of emissions inspection fees for new rental vehicles at the time of initial registration. Additionally, comments requesting specific assessment, information, or action from the commission are also outside the scope of this rulemaking. The commission's assessment regarding the applicability of FCAA, §110(l) to this rulemaking was specifically addressed in the proposal preamble and is reiterated elsewhere in this adoption preamble. No changes were made in response to these comments.

SUBCHAPTER A: DEFINITIONS

§114.2

Statutory Authority

The rules are adopted under the authority of Texas Water Code (TWC), §5.102, concerning general powers; TWC, §5.103, concerning rules; TWC, §5.105, concerning general policy; and Texas Health & Safety Code (THSC), §382.017, concerning rules.

The rules are also adopted under THSC, §382.002, concerning the 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, concerning general powers and duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the 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, §382.202, concerning the vehicle emissions inspection and maintenance program, which provides authority for the program; THSC, §382.203, concerning vehicles subject to program, exemptions, which provides authority for the inspection of specific vehicles; and THSC, §382.205, concerning inspection equipment and procedures, which provides authority vehicle inspection equipment and procedures.

The adopted rules implement TWC, §§5.102, 5.103, and 5.105; and THSC, §§382.002, 382.011, 382.012, 382.017, 382.202, and 382.205.

The amended rules are also adopted under and implement the provisions of Senate Bill (SB) 2102, 88th Legislature, Regular Session, 2023 and SB 1729, 89th Legislature, Regular Session, 2025.

§114.2. Inspection and Maintenance Definitions.

Unless specifically defined in Texas Health and Safety Code, Chapter 382, also known as the Texas Clean Air Act (TCAA), or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following words and terms, when used in Subchapter C of this chapter (relating to Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties), have the following meanings, unless the context clearly indicates otherwise.

(1) Annual vehicle registration--The yearly process of officially recording a motor vehicle with the Texas Department of Motor Vehicles (DMV) for a duration of one year. This process begins when a vehicle becomes two years old, except for a rental vehicle, as defined in paragraph (9) in this section, for which this process begins when the vehicle becomes three years old.

(2) Initial rental vehicle registration--The process of initially registering a rental vehicle, as defined in this section, for a duration of 36 months. This process only applies to a new passenger car or light truck registering as a rental vehicle.

(3) Motorist--A person or other entity responsible for the inspection, repair, and maintenance of a motor vehicle, which may include, but is not limited to, owners and lessees.

(4) On-board diagnostic (OBD) system--The computer system installed in a vehicle by the manufacturer that monitors the performance of the vehicle emissions control equipment, fuel metering system, and ignition system for the purpose of detecting malfunction or deterioration in performance that would be expected to cause the vehicle not to meet emissions standards. All references to OBD should be interpreted to mean the second generation of this equipment, sometimes referred to as OBD II.

(5) On-road test--Utilization of remote sensing technology to identify vehicles operating within the inspection and maintenance program areas that have a high probability of being high-emitters.

(6) Out-of-cycle test--Required emissions test not associated with vehicle safety inspection testing cycle.

(7) Primarily operated--Use of a motor vehicle greater than 60 calendar days per testing cycle in an affected county. Motorists shall comply with emissions requirements for such counties. It is presumed that a vehicle is primarily operated in the county in which it is registered.

(8) Program area--County or counties in which the Texas Department of Public Safety, in coordination with the commission, administers the vehicle emissions inspection and maintenance program contained in the Texas Inspection and Maintenance State Implementation Plan. These program areas include:

(A) the Dallas-Fort Worth program area, consisting of the following counties: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant;

(B) the El Paso program area, consisting of El Paso County;

(C) the Houston-Galveston-Brazoria program area, consisting of Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties; and

(D) the Bexar County program area, consisting of Bexar County.

(9) Rental vehicle--A motor vehicle for which a rental certificate has been furnished as provided by Texas Tax Code, §152.061.

(10) Retests--Successive vehicle emissions inspections following the failing of an initial test by a vehicle during a single testing cycle.

(11) Testing cycle--The annual cycle commencing with the first vehicle registration expiration date for which a motor vehicle is subject to a vehicle emissions inspection.

SUBCHAPTER C: VEHICLE INSPECTION AND MAINTENANCE; LOW INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM; AND EARLY ACTION COMPACT COUNTIES

DIVISION 1: VEHICLE INSPECTION AND MAINTENANCE

§114.53

Statutory Authority

The rules are adopted under the authority of Texas Water Code (TWC), §5.102, concerning general powers; TWC, §5.103, concerning rules; TWC, §5.105, concerning general policy; and Texas Health & Safety Code (THSC), §382.017, concerning rules.

The rules are also adopted under THSC, §382.002, concerning the 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, concerning general powers and duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the 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, §382.0622, concerning clean air act fees, which provides authority for various fees collected by the commission; THSC, §382.202, concerning the vehicle emissions inspection and maintenance program, which provides authority for the program; THSC, §382.203, concerning vehicles subject to program, exemptions, which provides authority for the inspection of specific vehicles; and THSC, §382.205, concerning inspection equipment and procedures, which provides authority vehicle inspection equipment and

procedures.

The adopted rules implement TWC, §§5.102, 5.103, and 5.105; and THSC, §§382.002, 382.011, 382.012, 382.017, 382.0622, 382.202, and 382.205.

The amended rules are also adopted under and implement the provisions of Senate Bill (SB) 2102, 88th Legislature, Regular Session, 2023 and SB 1729, 89th Legislature, Regular Session, 2025.

§114.53. Inspection and Maintenance Fees.

(a) The following fees must be paid for an emissions inspection of a vehicle at an inspection station. This fee must include one free retest should the vehicle fail the emissions inspection provided that the motorist has the retest performed at the same station where the vehicle originally failed and submits, prior to the retest, a properly completed vehicle repair form showing that emissions-related repairs were performed and the retest is conducted within 15 days of the initial emissions test.

(1) Any emissions inspection station required to conduct an emissions test in accordance with §114.50(a)(1) of this title (relating to Vehicle Emissions Inspection Requirements) in El Paso County must collect a fee not to exceed $11.50, and any emissions inspection station required to conduct an emissions test in

accordance with §114.50(a)(1) of this title in the Dallas-Fort Worth and Houston-Galveston-Brazoria program areas must collect a fee not to exceed $18.50.

(2) In the Bexar County program area beginning November 1, 2026, any emissions inspection station in Bexar County required to conduct an emissions test in accordance with §114.50(a)(2)(A) or (B) of this title must collect a fee not to exceed $18.50.

(b) The per-vehicle fee and the amount the inspection station remits to the DPS for a challenge test at an inspection station designated by the Texas Department of Public Safety (DPS), must be the same as the amounts set forth in subsection (a) of this section. The challenge fee must not be charged if the vehicle is retested within 15 days of the initial test.

(c) Inspection stations performing out-of-cycle vehicle emissions inspections for the state's remote sensing element must charge a motorist for an out-of-cycle emissions inspection in the amount specified in subsection (a) of this section resulting from written notification that subject vehicle failed on-road testing. If the vehicle passes the vehicle emissions inspection, the vehicle owner may request reimbursement from the DPS.

(d) Vehicle owners shall remit the amount of the vehicle emissions inspection fee that is required to be remitted to the state as part of the fees collected by the Texas

Department of Motor Vehicles (DMV) or county tax assessor-collector at annual vehicle registration, as defined in §114.2 of this title (relating to Inspection and Maintenance Definitions), and initial rental vehicle registration, as defined in §114.2 of this title.

(1) In El Paso County, the following requirements apply.

(A) If participating in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), vehicle owners shall remit $4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee. Of the $4.50 remitted, $2.00 constitutes the LIRAP fee as defined in §114.7 of this title (relating to Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions).

(B) If participating in the LIRAP and in the process of opting out, vehicle owners shall remit $4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in §114.7 of this title. Of the $4.50 remitted, $2.00 constitutes the LIRAP fee as defined in §114.7 of this title. Upon the

LIRAP fee termination effective date, vehicle owners shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(C) If not participating in the LIRAP, vehicle owners shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(2) In the Dallas-Fort Worth program area, the following requirements apply.

(A) Vehicle owners in counties participating in the LIRAP shall remit $8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee. Of the $8.50 remitted for OBD tests, $6.00 constitutes the LIRAP fee as defined in §114.7 of this title.

(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit $8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in §114.7 of this title. Of the $8.50 remitted for OBD tests, $6.00 constitutes the LIRAP fee as defined in §114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(C) Vehicle owners in counties not participating in the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(3) In the Houston-Galveston-Brazoria program area, the following requirements apply.

(A) Vehicle owners in counties participating in the LIRAP shall remit $8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee. Of the $8.50 remitted for OBD tests, $6.00 constitutes the LIRAP fee as defined in §114.7 of this title.

(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit $8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in §114.7 of this title. Of the $8.50 remitted for OBD tests, $6.00 constitutes the LIRAP fee as defined in §114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(C) Vehicle owners in counties not participating in the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or

county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(4) In the Bexar County program area, vehicle owners shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

SUBCHAPTER C: VEHICLE INSPECTION AND MAINTENANCE; LOW INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM; AND EARLY ACTION COMPACT COUNTIES

DIVISION 3: EARLY ACTION COMPACT COUNTIES

§114.87

Statutory Authority

The rules are adopted under the authority of Texas Water Code (TWC), §5.102, concerning general powers; TWC, §5.103, concerning rules; TWC, §5.105, concerning general policy; and Texas Health & Safety Code (THSC), §382.017, concerning rules.

The rules are also adopted under THSC, §382.002, concerning the 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, concerning general powers and duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the 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, §382.0622, concerning clean air act fees, which provides authority for various fees collected by the commission; THSC, §382.202, concerning the vehicle emissions inspection and maintenance program, which provides authority for the program; THSC, §382.203, concerning vehicles subject to program, exemptions, which provides authority for the inspection of specific vehicles; and THSC, §382.205, concerning inspection equipment and procedures, which provides authority vehicle inspection equipment and

procedures.

The adopted rules implement TWC, §§5.102, 5.103, and 5.105; and THSC, §§382.002, 382.011, 382.012, 382.017, 382.0622, 382.202, and 382.205.

The rules are also adopted under and implement the provisions of Senate Bill 2102, 88th Legislature, Regular Session.

§114.87. Inspection and Maintenance Fees.

(a) The following fees must be paid for an emissions inspection of a vehicle at an inspection station in an affected early action compact program county. This fee must include one free retest if the vehicle fails the emissions inspection, provided that the motorist has the retest performed at the same station where the vehicle originally failed; the motorist submits, prior to the retest, a properly completed vehicle repair form showing that emissions-related repairs were performed; and the retest is conducted within 15 days of the initial emissions test. In Travis and Williamson Counties, any emissions inspection station required to conduct an emissions test in accordance with §114.80 of this title (relating to Applicability) must collect a fee not to exceed $11.50 for each emissions test.

(b) The per-vehicle fee and the amount the inspection station remits to the DPS for a challenge test at an inspection station designated by the DPS must be the same as

the amounts specified in subsection (a) of this section. The challenge fee must not be charged if the vehicle is retested within 15 days of the initial test.

(c) Inspection stations performing out-of-cycle vehicle emissions inspections resulting from written notification that the subject vehicle failed on-road testing (remote sensing) must charge a motorist for an out-of-cycle emissions inspection in the amount specified in subsection (a) of this section. If the vehicle passes the vehicle emissions inspection, the vehicle owner may request reimbursement from the DPS.

(d) In Travis and Williamson Counties, the following requirements apply.

(1) Vehicle owners in counties participating in Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) shall remit $4.50 for motor vehicles subject to vehicle emissions inspections to the Texas Department of Motor Vehicles (DMV) or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title (relating to Inspection and Maintenance Definitions), and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee. Of the $4.50 remitted, $2.00 constitutes the LIRAP fee as defined in §114.7 of this title (relating to Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions).

(2) Vehicle owners in counties participating in the LIRAP and in the process of opting out shall remit $4.50 for motor vehicles subject to emissions inspection to the DMV or county tax assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in §114.7 of this title. Of the $4.50 remitted, $2.00 constitutes the LIRAP fee as defined in §114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.

(3) Vehicle owners in counties not participating in the LIRAP shall remit $2.50 for motor vehicles subject to vehicle emissions inspection to the DMV or county tax-assessor-collector at the time of annual vehicle registration, as defined in §114.2 of this title, and initial rental vehicle registration, as defined in §114.2 of this title, as part of the vehicle emissions inspection fee.