

**VEHICLE INSPECTION OPERATIONS &  
TRAINING MANUAL FOR OFFICIAL VEHICLE  
INSPECTION STATIONS  
(VEHICLE EMISSIONS INSPECTION)**



This manual presented by:

DPS  
Representative \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

Phone \_\_\_\_\_

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# CHAPTER ONE INTRODUCTION

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## **01.05.00 INTRODUCTION**

This manual provides the Department's instruction to inspection stations and inspectors for conducting the vehicle emissions inspection in counties with vehicle emissions inspection and maintenance (I/M) programs.

## **01.10.00 PROGRAM OVERVIEW**

**01.10.01 Purpose** The purpose of the state's I/M program is to ensure compliance with the requirements of the Federal Clean Air Act, U.S. Environmental Protection Agency (EPA) regulations, the Texas Clean Air Act, and the State Implementation Plan regarding vehicle emissions in affected counties.

**01.10.02 Objective** The objective of the I/M program is the reduction of air pollution from motor vehicles by means of various emissions inspections to determine compliance with established emissions standards, and to ensure that necessary repairs are completed.

**01.10.03 Goal** The goal of the I/M program is for the State of Texas to meet the National Ambient Air Quality Standard (NAAQS).

## **01.15.00 I/M PROGRAM DESIGN**

The design of the I/M program is to concentrate on specific pollutants found in vehicle exhaust emissions. Those pollutants are carbon monoxide (CO), hydrocarbons (HC), and nitrogen oxides (NOx). The Texas I/M Program is similar to programs utilized in counties across the U.S. having air quality below the National Ambient Air Quality Standard.

Carbon monoxide is a colorless, odorless, and tasteless gas sometimes found in urban areas in concentrations that can be harmful to people. It is a by-product of combustion and the automobile is the single largest source of this pollutant.

Hydrocarbons are organic compounds composed of hydrogen and carbon. The energy in such compounds is released when combined with oxygen during combustion. Most engine fuels, such as gasoline, propane, methane, etc., contain hydrocarbons and some portion remains after combustion. Hydrocarbons and nitrogen oxides react with sunlight and warm temperatures to form ground-level ozone. Ground-level ozone, a main ingredient in smog, can cause upper respiratory problems and lung damage.

Nitrogen oxides, or NOx, is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO<sub>2</sub>), along with particles in the air, is often seen as a reddish-brown haze (smog) over many urban areas. During combustion, high heat and pressure will cause nitrogen to combine with unused oxygen.

The specific vehicle emissions test used in the I/M program area and in specific counties focuses on the pollutant problem for that area.

### **01.20.00 I/M PROGRAM APPLICABILITY**

The I/M program is applicable in all affected counties. The term "affected counties" applies to all counties classified as nonattainment, where the State Implementation Plan (SIP) requires an I/M program and "participating" counties that voluntarily enter the program in an effort to avoid classification as non-attainment.

In this manual, the affected counties are located in the following areas: Dallas/Ft Worth area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties), Houston/Galveston area (Brazoria, Fort Bend, Galveston, Harris, & Montgomery counties), El Paso area (El Paso County), and the Austin area (Travis and Williamson counties).

In El Paso, Travis and Williamson counties, the I/M program focuses on the reduction of carbon monoxide and hydrocarbon emissions. In all other affected counties, the focus is the reduction of carbon monoxide, hydrocarbon, and oxides of nitrogen emissions from designated vehicles.

### **01.25.00 LAYOUT OF MANUAL**

This manual consists of three (3) chapters. Chapter 1 is an introductory chapter, which explains the purpose and goals of the program. Chapter 3 describes the On- Board Diagnostic Second Generation (OBDII) emissions test performed on 1996 and newer designated gasoline powered vehicles in all affected counties. Chapter 5 is a reference section.

### **01.30.00 PUBLICATION AUTHORITY**

This manual is promulgated under the authority of the Texas Transportation Code, Chapter 548, the Texas Health and Safety Code, Chapter 382 (Texas Clean Air Act), and administrative rules adopted by the Department of Public Safety.

### **01.35.00 OBLIGATION TO ADHERE TO MANUAL**

Failure to comply with any law, rule, regulation, or provision of this manual pertaining to vehicle emissions inspection will result in adverse administrative action that may result in the denial, suspension, or revocation of your inspection authority, and/or criminal charges when applicable.

**CHAPTER THREE  
ON BOARD DIAGNOSTICS II  
INSPECTION PROCEDURE**

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### **3.05.00 ON-BOARD DIAGNOSTICS II (OBDII) EMISSIONS INSPECTION**

#### **03.05.01 OBDII GENERAL**

The primary vehicle emissions analyzer certified by the Texas Commission on Environmental Quality (TCEQ) is capable of performing all emissions tests required by the Texas I/M program applicable in the area (county) for which it is certified. With few exceptions, On-Board Diagnostics II (OBDII) is the primary method of emissions testing model year 1996 and newer vehicles.

This chapter describes the procedures used by the certified inspectors in performing the On- Board Diagnostics II (OBDII) emissions inspection on vehicles in counties with an I/M program using OBDII testing.

#### **03.05.02 OBDII PROTOCOL**

On-Board Diagnostics Second Generation (OBDII) is a computerized system required on 1996 and newer model year vehicles (GVW 8,500 lbs. or less). When an emissions control malfunction is detected, a dashboard light illuminates, displaying one of the following: "Check Engine," "Service Engine Soon," or the international engine symbol. If the OBDII system detects a problem, a corresponding diagnostic trouble code (DTC) is stored in the vehicle's computer memory. OBD equipped vehicles model year 1996 through 2000 shall fail the emissions test in an I/M program if more than two OBD monitors are set to **Not Ready**. OBD equipped vehicles model year 2001 and newer shall fail the emissions test if more than one OBD monitor is set to **Not Ready**. During an emissions inspection, the analyzer plugs into the vehicle's diagnostic link connector, checks and downloads stored information from the emissions related components to identify those that are not working properly. Inspection failures occur when there is a malfunction with the OBDII equipment including the on-board computer, related wiring, or when an emissions related component has failed, causing the vehicle's exhaust emissions to be one and a half times the vehicle's certified emissions level as determined by the manufacturer. In this manual, the term OBD shall refer to the second generation of this system, generally referred to as OBDII.

### **03.05.03 STATION REQUIREMENTS FOR OBDII TESTING**

All inspection stations performing On-Board Diagnostic (OBD) emissions inspections must have a minimum of the following:

1. An emissions analyzer with a gas cap tester certified by the TCEQ to perform OBD testing.
2. A designated internet connection line dedicated solely to each analyzer in the program.
3. An adequate supply of printer supplies.
4. All required analyzer manuals.
5. A business arrangement with the Texas Information Management Systems (TIMS) contractor to obtain a telecommunications link to the Vehicle Information Database (VID). If the inspection station fails to pay its data link fees to the contractor, the analyzer will be locked out from any further inspections until the problem is resolved.

### **03.05.04 TESTING DATA COLLECTION**

All certified emissions inspection stations must report the results of emissions testing, since the collection and reporting of accurate vehicle emissions testing data is of significant importance to the inspection and maintenance (I/M) program.

Any analyzer that loses network connectivity will not allow an offline inspection to occur. It is incumbent on the certified emission station to take immediate action to reestablish the connectivity to the VID. Failure to do so may result in either suspension or revocation of the inspection station license.

### **03.10.00 CERTIFIED INSPECTORS**

Only certified inspectors who have completed training with DPS may perform vehicle emissions testing.

### **03.15.00 OBDII TESTING APPLICABILITY**

(A) OBDII emissions testing will be performed in the following counties:

1. Brazoria,
2. Collin,
3. Dallas,
4. Denton,
5. Ellis,
6. El Paso,
7. Fort Bend,
8. Galveston,
9. Harris,
10. Johnson,



11. Kaufman,
12. Parker,
13. Montgomery,
14. Rockwall,
15. Tarrant,
16. Travis, and
17. Williamson
18. Bexar (No later than November 2026)

(B) OBDII emissions testing is performed on all motor vehicles that are:

1. Capable of being powered by gasoline,
2. Models (2) – (24) years old, and
3. Presented for annual emission inspection, or
4. Required by state law.

(C) Examples of “required by state law” are:

1. Department of Public Safety directs that a vehicle receives an out-of-cycle emissions test,
2. Vehicle requires an emissions test on resale, or
3. Public college or university requires emissions testing prior to issuance of a school parking permit.

(D) OBD emissions inspections will be performed on other vehicles, as the Department of Public Safety shall direct.

(E) The term (2)-(24) years old refers to vehicles presented for inspection or required to be inspected, during the year when the date of manufacture indicated on the manufacturer’s federal certification label is greater than two years and less than 25 years. In the event the federal certification label is not present or legible, the first month of production of the model year shall be used as the date of manufacture.

### **03.20.00 INSPECTIONS**

(A) The following inspections will be entered into the analyzer at all certified OBDII emissions inspection stations:

1. Emissions only,
2. Federal Motor Carrier Safety Regulations (commercial inspection for windshield or trailer).

(B) The Department approved “OBD Emissions vehicle inspection report” will be issued to designated vehicles passing the OBD emissions inspection, including:

1. Federal Vehicles (not registered in Texas). Federal government or quasi-governmental agency vehicles that are primarily operated in affected counties, but do not display Texas license plates, shall be required to comply with all vehicle emissions requirements.
2. Out-of-State Registered Vehicles (for out-of-state registration purposes only). Vehicles

registered in another state, that requires an emissions test for registration purposes in that state, may be emissions tested.

3. Commercial Motor Vehicles Requiring an Emissions Test. A motor vehicle requiring a Federal Motor Carrier Safety Inspection, that meets the definition of a “designated vehicle,” must pass an emissions inspection prior to receiving a commercial vehicle inspection report. The commercial motor vehicle safety inspection report must be issued within **15 calendar days** of the issuance of the emissions test vehicle inspection report.

### **03.25.00 OBDII INSPECTION DETAILS**

#### **03.25.01 GENERAL**

The primary method of emissions inspection for gasoline powered vehicles, 1996 and newer model years, is through the use of the vehicle On-Board Diagnostic system.

1. All gasoline powered vehicles model years 1996 and newer, with a gross vehicle weight (GVW) of 8500 lbs. or less, are required to have an OBDII system. The OBDII system on these vehicles, with few exceptions, is emissions testable by means of a Diagnostic Link Connector (DLC).
2. Tampering. The OBDII Diagnostic Link Connector (DLC) on all gasoline powered vehicles, model years 1996 and newer with a GVW of 8,500 lbs. or less, must be useable and accessible for the emissions inspection. If obstruction and/or readily apparent tampering prevents the use of the DLC, then the vehicle will fail the inspection.
3. Vehicles with a GVWR over 8,500 lbs. Gasoline powered vehicles, model years 1996 and newer, with a GVW of 8,501 lbs. and greater, are not required to have an emission testable OBD system with a DLC.
4. Oversized vehicles. Vehicles too large to fit into a standardized inspection bay will be inspected outside the building as close to the analyzer as possible, in an area approved by a Department representative.

#### **03.25.02 ORDER OF INSPECTION**

1. Prior to inspection, check for financial responsibility of the vehicle. Conduct a visual inspection of the following systems:
  - a. Thermostatic Air Cleaner (TAC) system
  - b. Exhaust Gas Recirculation (EGR) system valve, hoses, and wires;
  - c. Positive Crankcase Ventilation (PCV) system, valve, and hoses;
  - d. Air Injection System (AIS)
  - e. Evaporative emissions control system, canister, hoses, and gas filler caps;
  - f. Catalytic converter system (for vehicles originally equipped with a catalytic converter at the time of manufacture);
  - g. Exhaust system and its mechanical integrity

2. Prepare the OBDII analyzer for testing. Gas cap calibration is required every 24 hours.
3. Enter your inspector access ID Number and Pin Number through the keyboard and proceed.
4. Follow the screen prompts, answering the questions and entering the required data.
  - a. The inspector must enter all required information correctly. Incorrect information may cause inaccurate test results.
  - b. Any vehicle information displayed on the analyzer screen that is incorrect will be corrected by the inspector before continuing to the next screen.
5. Inspect visually.

### **Emissions System**

The owner or operator of a designated motor vehicle shall maintain the emission system in good operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. The owner or operator of the motor vehicle or motor vehicle engine shall not remove or intentionally make inoperable the emissions system or any part thereof, except where the purpose of removal of the emission system or part thereof is to install another emission system or part thereof, which is intended to be equally effective in reducing atmospheric emissions from the vehicle or engine.

#### 1. Inspection Procedure:

Examine visually.

#### 2. Inspect for and reject if:

- a. The emission system has been removed.
- b. The emissions system has been disconnected.
- c. The plumbing or hoses are loose, broken, leaking, or improperly routed.
- e. The emission system has been altered in any manner to make it ineffective.
- f. The catalytic converter has been removed, leaking, or disconnected.

#### 3. Gas Cap Testing

Every gasoline-powered vehicle from 2-24 model years old registered in an affected county will be checked for presence of and by a Department approve "Gas Cap Testing Device" to determine if the gas cap is missing or defective. The following vehicles are exempt:

- a. Vehicles manufactured with a cap-less fuel system.

#### 4. Inspector Procedure

- a. Conduct daily calibration check of gas cap testing device.
- b. Check for presence (all gas caps must be checked).
- c. Check for correct type of gas cap(s).

- d. Remove gas cap(s) and test using an approved testing device. (Gas cap present but not testable will not be cause for rejection).
  - e. Any gas cap(s) failing the initial test will be tested a second time to verify failure.
5. Inspect for and reject if:
- a. Vehicle not equipped with required gas cap(s).
  - b. Vehicle not equipped with proper type of gas cap(s).

## **Exhaust System**

The exhaust system includes the exhaust manifolds, gaskets, exhaust pipes, catalytic converters, mufflers, resonators, and tailpipes.

**Muffler defined:** Muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine. On vehicles manufactured or equipped with a muffler and a turbo, the muffler must be present and in good working order.

Motor vehicle cannot be equipped with a muffler which is perforated or which was perforated and has been repaired, either by a muffler repair jacket or by patching or in any other way. In those cases where a muffler is perforated at the time of an inspection or has been perforated and has been repaired previous to the inspection, the muffler must be replaced or the vehicle rejected.

Dual exhaust systems may be modified to single exhaust systems and single exhaust systems to dual exhaust systems provided the modification does not violate requirements concerning emission systems.

On designated light truck and passenger vehicles, the catalytic converter will be checked for presence and leakage. Flexible tubing which meets the requirements listed below may be used anywhere in the exhaust system.

Inspection of exhaust systems covers the discharge of exhaust fumes and is not concerned with the noise level.

### **1. Inspection Procedure:**

The exhaust system shall be examined visually while the engine is running to determine efficiency of the system.

### **2. Inspect for and reject if:**

- a. Vehicle is not equipped with a muffler.
- b. Any joint is loose or leaking, including manifolds. Does not include minor leakage at exhaust control valve (manifold damper or heat riser valve).

- c. Manifold is cracked or broken causing leakage.
  - d. Holes, leaking seams, or patches on the muffler, resonators, exhaust pipe, tailpipe, or catalytic converter.
  - e. Holes in the exhaust system made by the manufacturer for drainage are not cause for rejection. The tailpipe must direct the exhaust fumes out from under the passenger compartment.
6. Conduct a complete emissions inspection as prompted by the analyzer. The inspection sequence will be displayed on the analyzer screen and must be followed.
7. MIL illumination check. With ignition key in the “OFF” position, connect the OBD test lead into the diagnostic link connector (DLC).
- a. With the key in the “ON” position and the engine off (KOEO), the Malfunction Indicator Lamp (MIL) must illuminate. Depending on the vehicle manufacturer, the MIL will be a dashboard light that displays “Check Engine”, “Service Engine Soon” or the international check engine symbol.
  - b. With key in the “ON” position and the engine running (KOER), the MIL indicator light must turn off. Refer to Chapter 5 for 1996 Mercedes Benz vehicles.
8. After the MIL illumination check, press “continue” to download data from the vehicle’s OBDII system.
- a. If the emissions analyzer fails to communicate with the OBDII system on a vehicle, the test will be aborted and no fee will be charged.
  - b. If a vehicle identified by TCEQ and DPS as having a problem with “Excessive Monitors Not Ready” fails for this reason:**
    - (1) On the OBD-only analyzer, the test will abort and no fee will be charged.
9. Gas Cap Testing. Every gasoline-powered vehicle from 2-24 model years old will be checked for presence of a gas cap and then tested by a Department approved “gas cap testing device” to determine if the gas cap is defective. The following vehicles are exempt:
- a. Slow-moving vehicles.
  - b. Vehicles operated exclusively by a fuel other than gasoline.
  - c. Vehicles newer than two (2) years old and older than 24 years old.
- (1) Inspection Procedure.
- a. Conduct daily calibration check of gas cap testing device.
  - b. Check for presence (all gas caps must be present).
  - c. Check for correct type of gas cap(s).
  - d. Remove gas cap(s) and test using an approved testing device. (Gas cap present but not testable will not be cause for rejection.)
  - e. Any gas cap(s) failing the initial test will be tested a second time to verify failure.
- (2) Inspect for and reject if:
- a. Vehicle not equipped with required gas cap(s).

- b. Vehicle not equipped with proper type gas cap(s).
  - c. Gas cap(s) fails both tests.
10. Emissions test results, MIL status, DTCs, and readiness monitor results are automatically recorded by the analyzer.
  11. If the vehicle meets all inspection requirements, the appropriate vehicle inspection report will be issued.
  12. The inspector must give a copy of the test results to the motorist. The inspector conducting the test will sign the Vehicle Inspection Report (VIR). Additionally, if the MIL is illuminated, the diagnostic trouble codes and an alert statement based on the reason for failing the OBDII inspection will be printed by the analyzer.
  13. Texas Transportation Code, Section 548.053, states “if an inspection discloses the necessity for adjustment, correction, or repair, an inspection station or inspector may not issue a passing vehicle inspection report until the adjustment, correction, or repair is made.” If a vehicle fails any other item of inspection, the inspector shall verbally explain the reason for the failure.
  14. A vehicle presented for re-inspection within 15 days, not counting the day of inspection, will be inspected using the re-inspection menu only.
  15. The inspector shall provide the motorist whose vehicle has failed, the following:
    - (1) Emissions test results (VIR) signed by the inspector conducting the test,
    - (2) Vehicle Repair Form (VRF)

### **03.30.00 FEES**

An emissions inspection fee may be charged for those vehicles requiring the vehicle emissions inspection. This fee is in addition to any fee charged for conducting the standard safety or Federal Motor Carrier Safety Regulations inspection.

1. If the inspection is aborted due to one of the following reasons: loss of oil pressure, loss of coolant or overheating, fuel system leak, excessive engine noise, or other safety problem, and the appropriate reason is checked on the screen, the entire inspection will be recorded as a failure and the station will be allowed to collect the entire inspection fee.
2. If the inspection is aborted due to one of the following reasons: no inspection required, analyzer problem, or other equipment failure, and the appropriate reason is checked on the screen, then the entire inspection will be recorded as an abort and the station will not be allowed to charge or collect any inspection fee.
3. If the OBD inspection is aborted due to non-communications, the inspection station will not be allowed to charge or collect any inspection fee.

### **03.35.00 REPORTS**

The station’s inspection log/report will be printed automatically each Monday morning by the analyzer or may be printed at any time on demand. The inspection station is not required to mail the inspection log/report to DPS; however, the station is required to maintain a copy of the log/report for one year from the date of printing. A vehicle inspection station is not required to

maintain duplicate paper records of electronically reported inspections or transactions.

### **03.40.00 ANALYZER LOCKOUTS**

(A) Notify the local Texas Department of Public Safety Vehicle Regulatory Services Division Office for lockouts resulting from:

1. State lockout,
2. State disk drive tamper,
3. TAS cabinet tamper,
4. Maximum inspections without communications to VID contractor, or
5. Exceeds maximum number of OBD inspections (Public OBD-only stations, where permitted).

(B) Notify Gordon-Darby (1-877-434-8467) for lockouts resulting from:

1. Failure to pay communication fees to VID contractor.

(C) Notify the analyzer manufacturer for lockouts resulting from:

1. Disk failure,
2. Hard drive failure,
3. Internal clock failure, and
4. Gas cap calibration failure.

### **03.45.00 APPROVED EQUIPMENT**

The following is a list of currently approved vendors of OBD testing analyzers.

1. ESP:

Model 10400-57 (ASM/OBD/TSI)

Model 10400-59 (OBD-Only, Large cabinet)

Model 10400-60 (OBD-Only, Small cabinet)

Model 10400-63 (OBD-Only, FCIS cabinet)

2. Snap-On:

Sun model EEEA110 (ASM/OBD/TSI; any letter designation may follow model number)

John Bean model EEEA116 (ASM/OBD/TSI; any letter designation may follow model number)

Model EEEA134A (OBD-Only)

3. Worldwide:

Model EIS-5000 (ASM/OBD/TSI)

Model EIS-6000

**Updated Analyzer Information from TCEQ can be obtained at:**

**<http://www.tceq.texas.gov/airquality/mobilesource/vim/testing.html>**

**CHAPTER FIVE  
REFERENCE SECTION**

VEHICLE REPAIR FORM (VIE-7)	<a href="#"><u>05.15.00</u></a>
OBD LOW VOLUME WAIVER	<a href="#"><u>05.20.00</u></a>
ADMINISTRATIVE RULES	<a href="#"><u>05.35.00</u></a>



# TEXAS DEPARTMENT OF PUBLIC SAFETY

## VEHICLE REPAIR FORM (VRF)

### Vehicle Information

Vehicle Make

Model

Yr Model

VIN

License Plate #

Mileage

### Repairs made by:

#### Recognized Repair Facility

AirCheckTexas Repair & Replacement Program Vehicle

Recognized Facility ID#

Recognized Tech ID# (DL #)

--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--

Non-Recognized Repair Facility

Self

### Repair Information

Repair Date      /      /       
                  MM      DD      YY

- |  |   |   |  |  |
|--|---|---|--|--|
| <input type="checkbox"/> Fuel System (100)   | <input type="checkbox"/> Ignition/Electrical System (200) | <input type="checkbox"/> Emissions System (300) | <input type="checkbox"/> Engine Mechanical (400)   | <input type="checkbox"/> Miscellaneous (500)     |
| <input type="checkbox"/> Fuel Pump (110)     | <input type="checkbox"/> Battery/Charging System (210)    | <input type="checkbox"/> CAT (310)              | <input type="checkbox"/> Engine Block (410)        | <input type="checkbox"/> Trans/Final Drive (510) |
| <input type="checkbox"/> Fuel Filter (120)   | <input type="checkbox"/> Spark plugs (220)                | <input type="checkbox"/> EGR/VVT (320)          | <input type="checkbox"/> Camshaft (420)            | <input type="checkbox"/> Vehicle Fluids (520)    |
| <input type="checkbox"/> Injectors (130)     | <input type="checkbox"/> Spark plug wires (230)           | <input type="checkbox"/> AIS (330)              | <input type="checkbox"/> Cylinder Head (430)       | <input type="checkbox"/> Cooling System (530)    |
| <input type="checkbox"/> Throttle Body (140) | <input type="checkbox"/> Spark Timing (240)               | <input type="checkbox"/> PCV (340)              | <input type="checkbox"/> Valves (Mechanical) (440) | <input type="checkbox"/> Exhaust System (540)    |
| <input type="checkbox"/> O2 Sensor (150)     | <input type="checkbox"/> PCM (250)                        | <input type="checkbox"/> EVAP (350)             | <input type="checkbox"/> Valves (Oil Seals) (450)  |  |
|  |   | <input type="checkbox"/> TAC (360)              |  |  |

Total Repair Cost (Diagnosis, Parts & Labor)

At the discretion of the motorist, NOT all recommended repairs were performed.

\$

1. This form must be completed upon return for re-inspection

2. Present this form and all repair/parts receipts if applying for a waiver.

For more repair and waiver information visit [www.airchecktexas.com](http://www.airchecktexas.com)

**05.20.00 OBD LOW VOLUME WAIVER –  
(ONLY APPLIES TO THE DFW AND HOUSTON AREAS)**

Low Volume Emissions Inspection Station Waiver  
"OBD Only"

Date: \_\_\_\_\_

TO: DPS Regional Supervisor  
(address)

The inspection station below requests an "OBD-Only" Low Volume Emissions Inspection Station Waiver.

Station name: \_\_\_\_\_

Station number: \_\_\_\_\_

Physical address of the station: \_\_\_\_\_

Mailing address of the station: \_\_\_\_\_

A copy of the purchase order or receipt for a state approved OBDII only emissions testing equipment is attached.

By signing below, I, the station owner or operator, acknowledge that I have read and understand the limitations of the low volume waiver, to wit:

"I understand the conditions and limitations of being granted a low volume, OBD only emissions inspection station waiver. I agree to the limitation of 1800 annual emissions tests per year and agree to the 150 monthly emissions test limit. I agree this inspection station shall not issue vehicle inspection reports to other than 1996 and newer model year designated vehicles. I understand and agree that violating the terms of this waiver shall result in the suspension and/or revocation of this station's certification."

Signature of the station owner or operator: \_\_\_\_\_

Printed or typed name of station owner or operator: \_\_\_\_\_

For Department Use Only:

Approve: \_\_\_\_\_ Disapprove: \_\_\_\_\_

Regional Supervisor Signature: \_\_\_\_\_

Reasons for Disapproval: \_\_\_\_\_

Distribution: Original to Department file and copy to requesting station

# Texas Administrative Code

[Next Rule>>](#)

**TITLE 37** PUBLIC SAFETY AND CORRECTIONS

**PART 1**

TEXAS DEPARTMENT OF PUBLIC SAFETY

**CHAPTER 23** VEHICLE INSPECTION

**SUBCHAPTER E** VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM

**RULE §23.51** Vehicle Emissions Inspection Requirements

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(a) In affected counties, to be certified by the department as a vehicle inspection station, the station must be certified by the department to perform vehicle emissions testing. This provision does not apply to vehicle inspection stations certified by the department as stations endorsed only to issue one or more of the following inspection certificates: trailer certificates, motorcycle certificates, commercial motor vehicle windshield certificates, or commercial trailer certificates.

(b) A vehicle inspection station in a county not designated as an affected county shall not inspect a designated vehicle unless the vehicle inspection station is certified by the department to perform emissions testing, or unless the motorist presenting the vehicle signs an affidavit on a form provided by the department stating the vehicle is exempted from emissions testing. The affidavit will be held by the vehicle inspection station for collection by the department. Under the exceptions outlined in paragraphs (1) - (3) of this subsection, a vehicle registered in an affected county may receive a safety inspection at a vehicle inspection station in a non-affected county.

(1) The vehicle is not a designated vehicle because it has not and will not be primarily operated in an affected county. This exception includes the subparagraphs (A) and (B) of this paragraph:

(A) Company fleet vehicles owned by business entities registered at a central office located in an affected county but operated from branch offices and locations in non-affected counties on a permanent basis.

(B) Hunting and recreational vehicles registered to the owner in an affected area, but permanently maintained on a hunting property or vacation home site in a non-affected county.

(2) The vehicle no longer qualifies as a designated vehicle because it no longer and will be no longer primarily operated in an affected county. For example, the vehicle registration indicates it is registered in an affected county, but the owner has moved, does not currently reside in, nor will primarily operate the vehicle in an affected county.

(3) The vehicle is registered in an affected county and is primarily operated in a non-affected county, but will not return to an affected county prior to the expiration of the current inspection certificate. Under this exception the vehicle will be reinspected at a vehicle inspection station certified to do vehicle emissions testing immediately upon return to an affected county. Examples of this exception include:

(A) Vehicles operated by students enrolled at learning institutions.

(B) Vehicles operated by persons during extended vacations.

(C) Vehicles operated by persons on extended out of county business.

(c) All designated vehicles must be emissions tested at the time of and as a part of the designated vehicle's annual vehicle safety inspection at a vehicle inspection station certified by the department to perform vehicle emissions testing. The exceptions outlined in paragraphs (1) and (2) of this subsection apply to this provision.

(1) Commercial motor vehicles, as defined by Texas Transportation Code, §548.001, meeting the description of "designated vehicle" provided in this section. Designated commercial motor vehicles must be emissions tested at a vehicle inspection station certified by the department to perform vehicle emissions testing and must be issued an emissions test only inspection certificate, as authorized by Texas Transportation Code, §548.251,

affixed to the lower left-hand corner of the windshield of the vehicle, immediately above the registration sticker, prior to receiving a commercial motor vehicle safety inspection certificate pursuant to Texas Transportation Code, Chapter 548. The emissions test only inspection certificate must be issued within 15 calendar days prior to the issuance of the commercial motor vehicle safety inspection certificate and will expire at the same time the newly issued commercial motor vehicle safety inspection certificate expires.

(2) Vehicles presented for inspection by motorists in counties not designated as affected counties meeting other exceptions listed in this section.

(d) A vehicle with a currently valid safety inspection certificate presented for an "Emissions Test on Resale" inspection shall receive an emissions test. The owner or selling dealer may choose one of two options:

(1) a complete safety and emissions test and receipt of a new inspection certificate; or

(2) an emissions test and receipt of the emissions test only inspection certificate affixed to the lower left-hand corner of the windshield of the vehicle, immediately above the registration sticker. The emissions test only inspection certificate will expire at the same time as the safety inspection certificate currently displayed on the vehicle at the time the emissions test-only certificate is issued.

(e) Any vehicle not listed as an exempt vehicle that is capable of being powered by gasoline, from two years old up to and including 24 years old, presented for the annual vehicle safety inspection in affected counties will be presumed to be a designated vehicle and will be emissions tested as a part of the annual vehicle safety inspection. Emissions testing will be conducted as follows:

(1) In all affected counties, except Travis, Williamson, and El Paso counties:

(A) All 1996 model year and newer designated vehicles, which are equipped with an onboard diagnostic (OBD) system, will be emission tested using approved OBD inspection and maintenance (I/M) test equipment.

(B) All 1995 model year and older designated vehicles will be emission tested using the acceleration simulation mode (ASM-2) I/M test equipment.

(C) Vehicles which cannot be tested using the prescribed emission testing equipment will be tested using the default methods described within this subparagraph, only as prompted by the emissions testing analyzer or as approved by the department. OBD vehicles will be tested using ASM-2 test equipment. If the vehicle cannot be tested on ASM-2 test equipment (four-wheel drive and unique transmissions), then the vehicle will be tested using approved two-speed idle (TSI) I/M test equipment.

(2) This paragraph applies to all designated vehicles in Travis, Williamson and El Paso counties.

(A) All 1996 model year and newer designated vehicles, which are equipped with an onboard diagnostic system, will be emission tested using approved OBD I/M test equipment.

(B) All 1995 model year and older designated vehicles will be emissions tested using TSI I/M test equipment.

(C) Vehicles which cannot be tested using the prescribed emission testing equipment will be tested using the following default method, only as prompted by the emissions testing analyzer or as approved by the department. OBD vehicles will be tested using TSI I/M test equipment.

(f) Vehicles registered in affected counties will be identified by a distinguishing validation registration sticker or a registration sticker imprinted with the name of the county, as determined by the Texas Department of Motor Vehicles.

(g) Vehicles inspected under the vehicle emissions testing program and found to meet the requirements of the program in addition to all other vehicle safety inspection requirements will be approved by the certified inspector, who will thereafter affix to the windshield a unique emissions inspection certificate pursuant to Texas Transportation Code, §548.251. The only valid inspection certificate for designated vehicles shall be a unique emissions inspection certificate issued by the department, unless otherwise provided in this chapter.

(h) The department shall perform challenge tests to provide for the reinspection of a motor vehicle at the option of the owner of the vehicle as a quality control measure of the emissions testing program. A motorist whose vehicle has failed an emissions test may request a free challenge test through the department within 15 calendar days.

(i) Federal and state governmental or quasi-governmental agency vehicles that are primarily operated in affected counties that fall outside the normal registration or inspection process shall be required to comply with all vehicle emissions I/M requirements contained in the Texas I/M State Implementation Plan (SIP).

(j) Any motorist in an affected county whose designated vehicle has been issued an emissions related recall notice shall furnish proof of compliance with the recall notice prior to having their vehicle emissions tested at the next testing cycle. As proof of compliance, the motorist may present a written statement from the dealership or leasing agency indicating the emissions repairs have been completed.

(k) Inspection certificates previously issued in a newly affected county shall be valid and remain in effect until the expiration date thereof.

(l) An emissions only test inspection certificate expires at the same time the annual vehicle safety inspection certificate it relates to expires.

(m) The department may perform quarterly equipment and/or gas audits on all vehicle emissions analyzers used to perform vehicle emissions tests. If a vehicle emissions analyzer fails the calibration process during the gas audit, the department may cause the appropriate vehicle inspection station to cease vehicle emissions testing with the failing emissions analyzer until all necessary corrections are made and the vehicle emissions analyzer passes the calibration process.

(n) Pursuant to the Texas I/M SIP, the department may administer and monitor a follow up loaded mode I/M test on at least 0.1% of the vehicles subject to vehicle emissions testing in a given year to evaluate the mass emissions test data as required in Code of Federal Regulations, Title 40, §51.353(c)(3).

(o) Vehicle owners receiving a notice from the department requiring an emission test shall receive an out-of-cycle test, if the vehicle already has a valid safety and emission inspection certificate. This test will be conducted in accordance with the terms of the department's notice. The results of this verification emissions inspection shall be reported (online) to the Texas information management system vehicle identification database (VID). Vehicles identified to be tested by the notice will receive the prescribed test regardless of the county of registration and whether the vehicle has a valid safety inspection certificate or a valid safety and emissions inspection certificate. If the vehicle has a valid safety inspection certificate or a valid safety and emissions inspection certificate, the owner may choose one of two options:

(1) a complete safety and emissions test and receipt of a new inspection certificate; or

(2) an emissions test and receipt of the emissions test only inspection certificate affixed to the lower left-hand corner of the windshield of the vehicle, immediately above the registration sticker. The emissions test only inspection certificate will expire at the same time as the safety inspection certificate displayed on the vehicle at the time the unique emissions test-only certificate is issued.

(p) Pursuant to Texas Education Code, §51.207, public institutions of higher education located in affected counties may require vehicles to be emissions tested as a condition to receive a permit to park or drive on the grounds of the institution, including vehicles registered out of state.

(1) Vehicles presented under this subsection shall receive an emissions inspection and be issued a unique emissions test-only inspection certificate which will be affixed to the lower left hand corner of the windshield of the vehicle. Since this inspection certificate is not dated:

(A) For vehicles registered in this state from counties without an emissions testing program, the emissions test only inspection certificate will expire at the same time as the safety inspection certificate displayed on the vehicle at the time the emissions test only certificate is issued.

(B) For vehicles registered in another state, the emissions test only inspection certificate will expire on the twelfth month after the month indicated on the date of the vehicle inspection report (VIR) generated by the emissions inspection. Under no circumstances is the vehicle inspection station authorized to remove an out-of-state inspection and/or registration certificate, including safety, emissions, or a combination of any of the aforementioned.

(2) The vehicle inspector shall notify the operator of a vehicle presented for an emissions inspection under this subsection of the requirement to retain the VIR as proof of emissions testing under Texas Education Code, §51.207.

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**Source Note:** The provisions of this §23.51 adopted to be effective March 13, 2013, 38 TexReg 1701

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### **SUBCHAPTER E** VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM

### **RULE §23.52** Emissions Testing Waiver

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- (a) The department may issue an emissions testing waiver to any vehicle that passes all requirements of the standard safety inspection portion of the annual vehicle safety inspection and meets the established criteria for a particular waiver. An emissions testing waiver defers the need for full compliance with vehicle emissions standards of the vehicle emissions inspection and maintenance (I/M) program for a specified period of time after a vehicle fails an emissions test. The motorist may apply once each testing cycle for the waiver.
- (b) Qualified emissions related repairs are those repairs to emissions control components, including diagnosis, parts and labor, which count toward a low mileage waiver or individual vehicle waiver. To be considered qualified emissions related repairs, the repairs:
- (1) Must be directly applicable to the cause for the emissions test failure.
  - (2) Must be performed after the initial emissions test or have been performed within 60 days prior to the initial emissions test.
  - (3) Must not be tampering related repairs.
  - (4) Must not be covered by any available warranty coverage unless the warranty remedy has been denied in writing by the manufacturer or authorized dealer.
  - (5) Must be performed by a recognized emissions repair technician of Texas at a recognized emissions repair facility of Texas to include the labor cost and/or diagnostic costs. If repairs are not performed by a recognized emissions repair technician of Texas at a recognized emissions repair facility of Texas, only the purchase price of parts applicable to the emissions test failure qualify as a repair expenditure for the low mileage waiver or individual vehicle waiver.
- (c) Low mileage waiver.
- (1) A vehicle may be eligible for a low mileage waiver provided it:
    - (A) has failed both its initial emissions inspection and retest;
    - (B) has incurred qualified emissions-related repairs, as defined in paragraph (2) of this subsection, costing \$100 or more;
    - (C) has been driven less than 5,000 miles in the previous inspection cycle; and
    - (D) is reasonably expected to be driven fewer than 5,000 miles before the next inspection is required.
  - (2) The requirements listed in subparagraphs (A) - (C) of this paragraph must be met to receive a low mileage waiver:
    - (A) The vehicle must pass a visual inspection performed by a department representative to ensure the emissions repairs claimed have actually been performed.
    - (B) The diagnosis, parts, and labor receipts for the qualified emissions related repairs must be presented to the department and support that the emissions repairs claimed have actually been performed.
    - (C) The valid retest vehicle inspection report (VIR) and valid vehicle repair form (VRF) for the applicant vehicle must be presented to the department. If labor and/or diagnostic charges are being claimed towards the low mileage waiver amount, the VRF shall be completed by a recognized emissions repair technician of Texas.
- (d) Individual vehicle waiver.
- (1) If a vehicle has failed an emissions test required by the vehicle emissions I/M program, an applicant may petition the designated representative of the department for an individual vehicle waiver in order for the vehicle

to receive a state inspection certificate. The applicant must demonstrate that all reasonable measures, such as diagnostics, repairs, or installation of replacement parts, have been implemented, but have failed to bring the vehicle into compliance with the program. The department will review the measures taken by the applicant to ensure they have been performed, further measures would be economically unfeasible during this inspection cycle and a waiver will result in a minimal impact on air quality. A vehicle may be eligible for an individual vehicle waiver provided:

(A) It failed both the initial emissions inspection and retest.

(B) The motorist has incurred qualified emissions related repairs, equal to or in excess of the maximum reasonable repair expenditure amounts, as defined in this section for the county in which the vehicle is registered.

(2) The applicable maximum reasonable repair expenditure amounts are:

(A) in affected counties, except El Paso county--\$600; and

(B) in El Paso county--\$450.

(3) The individual vehicle waiver shall be valid through the end of the twelfth month from the date of issuance. Motorists must apply for the individual vehicle waiver each testing cycle.

(4) The conditions listed in subparagraphs (A) - (C) of this paragraph must be met to receive an individual vehicle waiver:

(A) The vehicle must pass a visual inspection performed by a department representative to ensure the emissions repairs being claimed have actually been performed.

(B) The diagnosis, parts, and labor receipts for the qualified emissions related repairs must be presented to the department and support that the emissions repairs being claimed have been performed.

(C) The valid retest vehicle inspection report (VIR) and valid vehicle repair form (VRF) for the applicant vehicle must be presented to the department. If labor and/or diagnostic charges are being claimed towards the individual vehicle waiver, the VRF shall be completed by a recognized emissions repair technician of Texas.

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**Source Note:** The provisions of this §23.52 adopted to be effective March 13, 2013, 38 TexReg 1701



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#### **RULE §23.53** Time Extensions

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(a) The department may issue a time extension to any vehicle that passes all requirements of the standard safety inspection portion of the annual vehicle safety inspection and meets the established criteria for a particular time extension. A time extension defers the need for full compliance with vehicle emissions standards of the vehicle emissions inspection and maintenance (I/M) program for a specified period of time after a vehicle fails an emissions test. The motorist may apply once each testing cycle for the parts availability time extension. The motorist may apply every other testing cycle for the low income time extension.

(b) Low income time extension.

(1) The applicant must provide proof in writing, in a form approved by the department, that:

(A) The vehicle failed the initial emissions inspection test; proof shall be in the form of the original failed vehicle inspection report (VIR).

(B) The vehicle has not been granted a low income time extension in the previous testing cycle.

(C) The applicant is the owner of the vehicle that is the subject of the low income time extension.

(D) The applicant receives financial assistance from the Texas Health and Human Services Commission or the Texas Department of Aging and Disability Services due to indigence or the applicant's adjusted gross income (if the applicant is married, the applicant's adjusted gross income is equal to the applicant's adjusted gross income plus the applicant's spouse's adjusted gross income) is at or below the current federal poverty level as published by the United States Department of Health and Human Services, Office of the Secretary, in the Federal Register; proof shall be in the form of a federal income tax return or other documentation approved by the department that the applicant certifies as true and correct.

(2) After a vehicle receives an initial low income time extension, the vehicle must pass an emissions test prior to receiving another low income time extension.

(c) Parts availability time extension.

(1) The applicant must demonstrate to the department that:

(A) Reasonable attempts were made to locate necessary emissions control parts by retail or wholesale parts suppliers.

(B) Emissions related repairs cannot be completed before the expiration of the safety inspection certificate, or before the 30 day period following an out of cycle inspection because the repairs require an uncommon part.

(2) The applicant shall provide to the department:

(A) an original VIR indicating the vehicle failed the emissions test; and

(B) an invoice, receipt, or original itemized document indicating the uncommon part(s) ordered by: name; description; catalog number; order number; source of part(s), including name, address, and phone number of parts distributor; and expected delivery and installation date(s). The original itemized document must be prepared by a recognized emissions repair technician of Texas before a parts availability time extension can be issued.

(3) A parts availability time extension is not allowed for tampering related repairs.

(4) If the vehicle does not pass an emissions retest prior to the expiration of the parts availability time extension, the applicant must provide to the department adequate documentation that one of the conditions listed in subparagraph (A) or (B) of this paragraph exists:

(A) the motorist qualifies for a low mileage waiver, low income time extension or individual vehicle waiver;  
or

(B) the motor vehicle will no longer be operated in the affected county.

(5) A vehicle that receives a parts availability time extension in one testing cycle must have the vehicle repaired and retested prior to the expiration of such extension, or must qualify for another type of waiver or time extension to be eligible for a parts availability time extension in the subsequent testing cycle.

(6) The length of a parts availability time extension shall depend upon expected delivery and installation date(s) of the uncommon part(s) as determined by the department representative on a case by case basis. Parts availability time extensions will be issued for either 30, 60, or 90 days.

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**Source Note:** The provisions of this §23.53 adopted to be effective March 13, 2013, 38 TexReg 1701

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### **RULE §23.54** **Recognized Emissions Repair Technicians and Facilities**

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- (a) The department may recognize automotive repair technicians who meet the qualifications detailed in this subsection:
- (1) have a minimum of three years full time automotive repair service experience;
  - (2) possess current certification in the areas listed in subparagraphs (A) - (D) of this paragraph based on the tests offered by the National Institute of Automotive Service Excellence (ASE):
    - (A) Engine Repair (ASE Test A1);
    - (B) Electrical/Electronic Systems (ASE Test A6);
    - (C) Engine Performance (ASE Test A8); and
    - (D) Advanced Engine Performance Specialist (ASE Test L1); and
  - (3) must be employed by a recognized emissions repair facility of Texas.
- (b) A recognized emissions repair technician of Texas must perform the duties detailed in this subsection:
- (1) complete and certify the vehicle repair form(s) (VRF); and
  - (2) notify the department in writing within 14 days of changes in the technician's ASE testing status.
- (c) Failure to comply with this chapter or failure to meet the qualifications set out in this section may result in the withdrawal of the department's recognition of the technician.
- (d) To be recognized by the department as a recognized emissions repair facility of Texas, the facility must:
- (1) employ at least one full-time recognized emissions repair technician of Texas; and
  - (2) possess the following operational testing equipment, whether single or multi-functional:
    - (A) ammeter;
    - (B) compression tester;
    - (C) cooling system tester;
    - (D) dwell meter;
    - (E) engine analyzer;
    - (F) five gas exhaust analyzer (which can perform diagnostic repair) for at least hydrocarbon (HC), carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>), and oxides of nitrogen (NO<sub>x</sub>), except for those in Travis, Williamson, and El Paso counties which require a four gas exhaust analyzer (which can perform diagnostic repair for at least hydrocarbon (HC), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>));
    - (G) fuel pressure/pressure drop tester;
    - (H) ohmmeter;
    - (I) repair reference information;
    - (J) scan tool or onboard diagnostic (OBDII) capable testing equipment;
    - (K) tachometer;
    - (L) timing light;
    - (M) vacuum/pressure gauge;
    - (N) vacuum pump; and
    - (O) volt meter.
- (e) A recognized emissions repair facility of Texas shall:
- (1) notify the department in writing within 14 days of changes in the Automotive Service Excellence (ASE)

testing status, employment status of a technician at a facility, or the facility's equipment functionality status; and  
(2) upon application for recognition by the department, agree in writing to maintain compliance with the qualifications enumerated in subsection (a) of this section, to maintain recognition by the department.  
(f) Failure to comply with this chapter or to meet the qualifications set in this section may result in the withdrawal of the department's recognition of the facility.

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**Source Note:** The provisions of this §23.54 adopted to be effective March 13, 2013, 38 TexReg 1701

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**RULE §23.55** **Certified Emissions Inspection Station and Inspector Requirements**

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- (a) To be certified by the department as an emissions inspection station for purposes of the emissions inspection and maintenance (I/M) program, the station must:
- (1) be certified by the department as an official vehicle inspection station;
  - (2) comply with this chapter, the DPS Operations Manual and Training Guide for Vehicle Inspection Stations and Certified Inspectors, Texas Transportation Code, Chapter 547 and Chapter 548, and regulations of the department;
  - (3) complete all applicable forms and reports as required by the department;
  - (4) purchase or lease emissions testing equipment currently certified by the Texas Commission on Environmental Quality (TCEQ) to emissions test vehicles and maintain existing emissions testing equipment to meet the certification requirements of the TCEQ;
  - (5) have a dedicated data transmission line for each vehicle emissions analyzer to be used to perform vehicle emissions tests; and
  - (6) enter into and maintain a business arrangement with the Texas Information Management System contractor to obtain a telecommunications link to the Texas Information Management System vehicle identification database (VID) for each vehicle emissions analyzer to be used to inspect vehicles as described in the Texas I/M State Implementation Plan (SIP).
- (b) All public certified emissions inspection stations in affected counties, excluding Travis, Williamson and El Paso counties shall offer both the acceleration simulated mode (ASM-2) test and the onboard diagnostic (OBD) test. Certified emissions inspection stations in these affected counties desiring to offer OBD only emission testing to the public must request a waiver as low volume emissions inspection station from a department regional manager, as provided in §23.56 of this title (relating to Waiver for Low Volume Emissions Inspection Stations). All public certified emissions inspection stations in Travis, Williamson and El Paso counties must offer both the OBD and two speed idle (TSI) test.
- (c) The fee for an emissions test must provide for one free retest for each failed initial emissions inspection, provided that the motorist has the retest performed at the same vehicle inspection station where the vehicle originally failed and the retest is conducted within 15 calendar days of the initial emissions test, not including the date of the initial emissions test.
- (d) To qualify as a certified emissions inspector, an applicant must:
- (1) be certified by the department as an official vehicle inspector;
  - (2) complete the training required for the vehicle emissions inspection program and receive the department's current approved inspector's certification for such training;
  - (3) comply with the DPS Rules and Regulations Manual for Official Vehicle Inspection Stations and Certified Inspectors, this chapter, and other applicable rules, regulations and notices of the department; and
  - (4) complete all applicable forms and reports as required by the department.
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**Source Note:** The provisions of this §23.55 adopted to be effective March 13, 2013, 38 TexReg 1701

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**RULE §23.56** **Waiver for Low Volume Emissions Inspection Stations**

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(a) This waiver allows a public inspection station to perform limited state required vehicle emissions testing on 1996 and newer model year vehicles using department approved onboard diagnostic (OBDII) testing equipment. Government and fleet inspection stations do not require this waiver.

(b) Limitations of low volume waiver.

(1) This low volume waiver does not authorize a vehicle inspection station to conduct an emissions inspection on a vehicle which is model year 1995 or older.

(2) Each month, the vehicle inspection station is allocated 150 emission tests. After the monthly test allocation of the vehicle inspection station has been used, no more inspections will be allowed until the next month. In the event that the station performs less than 150 emission tests, the remaining number will carry over to the next month. The annual waiver limit number will be automatically reset each January with no carry over from the previous year.

(c) Applications for low volume waiver must be submitted in a manner prescribed by the department.

(d) The low volume waiver is not available to vehicle inspection stations in Travis, Williamson, or El Paso counties.

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**Source Note:** The provisions of this §23.56 adopted to be effective March 13, 2013, 38 TexReg 1701

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**RULE §23.57** Prohibitions

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- (a) No person may issue or allow the issuance of a vehicle inspection report (VIR), as authorized by the department, unless all applicable air pollution emissions control related requirements of the annual vehicle safety inspection and the vehicle emissions inspection and maintenance requirements and procedures contained in the Texas inspection and maintenance (I/M) State Implementation Plan (SIP) are completely and properly performed in accordance with the rules and regulations adopted by the department and the Texas Commission on Environmental Quality (TCEQ).
- (b) No person may allow or participate in the preparation, duplication, sale, distribution, or use of false, counterfeit, or stolen inspection certificates, VIRs, vehicle repair form(s) (VRFs), vehicle emissions repair documentation, or other documents which may be used to circumvent the vehicle emissions inspection and maintenance requirements and procedures contained in Texas Transportation Code, Chapter 548, and the Texas I/M SIP.
- (c) No organization, business, person, or other entity may represent itself as an inspector certified by the department, unless such certification has been issued pursuant to the certification requirements and procedures contained in the Texas I/M SIP, this chapter, and the regulations of the department.
- (d) No person may act as or offer to perform services as a recognized emissions repair technician of Texas or a recognized emissions repair facility of Texas without first obtaining and maintaining recognition by the department.

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**Source Note:** The provisions of this §23.58 adopted to be effective March 13, 2013, 38 TexReg 1701