

Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

June 5, 2024

1. Call to Order

The regular meeting of the Vehicle Inspection Advisory Committee (VIAC) was called to order at 1:06 p.m. on June 5, 2024, via WebEx Teleconference.

2. Roll Call

Anthony Moffa	Chairman	Co-Chair, TCEQ appointee
JoJo Heselmeyer	Chairman	Co-Chair,
Julie Claussen	VIAC Member	
David Lewis	VIAC Member	
Lawrence Cortez	RSD Supervisor	Texas Department of Public Safety
Pablo Luna	RSD Manager	Texas Department of Public Safety
Steve Moninger	RSD Sr. Policy Analyst	Texas Department of Public Safety
Lisa Cargill	RSD Manager	Texas Department of Public Safety
Ruben Garibay	Comp & Enforce Spec	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Vanessa Mayo	RSD Assistant Chief	Texas Department of Public Safety
Chris Sims	RSD Service Director	Texas Department of Public Safety
Robert Hawkins	RSD Manager	Texas Department of Public Safety
Renee Davis	RSD Personnel Ad Spec	Texas Department of Public Safety
Deborah Failey	RSD Personnel Ad Spec	Texas Department of Public Safety
Carlos Romero	RSD Admin Ops Spec	Texas Department of Public Safety
Leslie Stevens	RSD Sr Personnel Ad Spec	Texas Department of Public Safety
David Serrins	Agency Liaison	Texas Commission on Environmental Quality
Edgar Gilmore	Agency Liaison	Texas Commission on Environmental Quality
Nicolas Landuyt	Agency Liaison	Texas Commission on Environmental Quality
Kristin Jacobsen	Agency Liaison	Texas Commission on Environmental Quality

3. Minutes from March 13, 2024

The minutes of the previous meeting were unanimously approved as distributed.

4. Remarks from DPS and TCEQ

a. DPS

Service Director Chris Sims welcomed JoJo Heselmeyer to the advisory committee, as a co-chairman, and he also introduced RSD Assistant Chief Vanessa Mayo, who came to RSD from the Finance division within DPS.

Captain Mark Berry mentioned that RSD is working with on going cases of clean scanning. He added that they have found some bank records on a case of over \$1,000,000 in four months. An arrest was made on an individual that had \$137,000 in cash in his apartment and in his vehicle. There should be 5-7 more arrest coming once the cases are complete.

Anthony Moffa asked a question on clean scanning, locking inspectors out of the analyzers and letting stations or inspectors clean scan more than once before arrest are made.

Captain Mark Barry answered that per the District Attorney, DPS needs to let the stations or inspectors to do several clean scans for evidence to have a history of clean scanning.

Chris Sims added that overall DPS wants to eliminate clean scanning.

JoJo Heselmeyer, co-chairman, asked about a station owner not knowing one of the inspectors is clean scanning. Steve Moninger answered that RSD evaluates the plausibility of their claims of ignorance and uses it in the settlement conference in deciding how to proceed. Captain Mark Barry added that DPS would take into consideration all of the variables and extend some leniency if warranted. Mark Berry also added that there has been stronger enforcement by DPS causing a drastic reduction in the number of clean scans.

b. TCEQ

David Serrins stated that TCEQ continues to work closely with DPS to develop and refine tools and systems intended to identify suspected emissions inspection fraud.

David Serrins mentioned the 2024 I/M Fee Analysis study is finished and has been posted to the TCEQ website at: <https://www.tceq.texas.gov/downloads/air-quality/mobile-source/2024-im-fee-analysis.pdf> .

David Serrins added that the TCEQ staff continue work on the rulemaking and State Implementation Plan (SIP) revision process to implement the changes required by House Bill (HB) 3297 and Senate Bill (SB) 2102. HB 3297 eliminates non-commercial safety inspections effective January 1, 2025, and SB 2102 extends the initial registration and inspection period for rental vehicles by one year (three years instead of two). The rulemaking also proposes changes to the emissions inspection fee. The proposal agenda meeting for this rulemaking and SIP revision will be on June 12, 2024. The pending rule proposal can be viewed in the rulemaking area of the TCEQ website at:

<https://www.tceq.texas.gov/rules/pendprop.html> . The comment period will open on June 14 and close on July 29, 2024. Please feel free to reach out to me with questions about this rulemaking or how to comment. Adoption is expected November 20, 2024.

David Serrins also added that the TCEQ staff also continue work on analyzer software updates to implement changes required by both of those bills (HB 3297 and SB 2102) as well as HB 3014 and HB 2195. HB 3014 exempts fully electric vehicles from safety inspection requirements relating to the emissions and exhaust systems and related components. HB 2195 adds a check

for a wrong, fictitious, altered, or obscured license plate to the vehicle safety inspection sequence. These software updates are expected to be completed by the end of calendar year 2024.

5. Old Business

None.

6. Discussion and Possible Recommendation Items

Steve Moninger discussed the rule making changes related to eliminating safety inspections for personal vehicles, and that the committee members are aware of the rules. JoJo Heselmeyer had several questions and comments about the rules and the information was discussed.

Steve Moninger asked for a vote from the committee to approve the rule changes pending comments by JoJo to be presented to the DPS Public Safety Commission in August. The committee approved the rule making changes. Steve suggested to the committee to form a sub-committee for reviewing the rule changes before presenting to the DPS Public Safety Commission.

7. Public Comments

Steve Moninger mentioned there was no public comments for the IP Address rule.

8. Future Agenda Items

No future agenda items were presented at this time. Please provide any future agenda items to Anthony Moffa, JoJo Heselmeyer, Leslie Stevens, or a committee member.

9. Date of Next Meeting

The next meeting was scheduled for Wednesday, September 4, 2024, at 1:00 p.m.

10. Adjourn

Anthony Moffa adjourned the meeting at 2:22 p.m.