

**MINUTES  
PUBLIC SAFETY COMMISSION  
DECEMBER 18, 2014  
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on December 18, 2014. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

**CALL TO ORDER** (0:00:03)

The meeting was called to order by Chairman Leon at 9:01 a.m. Proper notice had been posted.

**APPROVAL OF MINUTES** (0:00:44)

**A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the minutes from the October 15 and October 16, 2014, meetings. Motion passed unanimously.**

**PUBLIC COMMENT** (0:01:10)

-Michael Nowels thanked the Commission and the Regulatory Services Division for working with them on the stickerless program and proposed rule changes.

-Emily Christy and Tom Clowe provided the Commission with an update from the DPS Foundation:

-DPS Foundation Members:

Tom Clowe – President  
Ada Brown – Vice President  
Allan Polunsky – Secretary  
Carin Barth – Treasurer  
Ernest Angelo  
Kyle Bass  
Dan Branch  
Wells Madden  
Linda McCaul  
Colleen McHugh  
Harriet Miers  
Jerry Patterson  
John Sharp

Bill Starkey  
Darrell Taylor  
Ralph Wayne  
Bartell Zachry  
Lamar Beckworth – pending formal election  
Alonzo Cantu – pending formal election  
Jim Savage – pending formal election  
-Advisory Committee:  
John Fainter  
Tony Garza  
Serena Hickson  
Admiral Bobby Inman  
Bob Crist  
Paul McNair  
Shannon Ratliff  
Carol Vance  
Todd Staples – pending his board's approval  
-Foundation's Vision – advocating and supporting DPS  
-Short Term Goals – education and advocacy  
-Working on a video to educate others about DPS and the Foundation.  
-Foundation to provide financial assistance and support for DPS families  
-Foundation's next meeting will be held in Weslaco on February 2, 2015

## **DIRECTORS REPORT** (0:12:08)

### **A. Presentations**

#### **Service Awards**

Alan Troup – 30 years  
Joe Mitchel – 40 years  
Otis Locklar – 45 years

#### **Unit Citation**

Intelligence & Counter Terrorism (ICT) Texas Joint Crime Information Center  
Education, Training & Research (ETR) Emergency Vehicle Operations Center (EVOC)  
Staff

#### **Director's Citation**

Pilot Agent Brent Crossley  
Tactical Flight Officer Vance Griffin

Tactical Flight Officer Saben Emery  
Corporal Kevin Verner  
Trooper Jaime Galindo  
Trooper Just Kaiser

### **Lifesaving Award**

Tactical Marine Unit Staff Sergeant Steven Tippet  
Tactical Marine Unit Staff Sergeant Trent Price

(0:37:59) Break 9:40 a.m. – 9:55 a.m.

### **B. Operation Strong Safety Update** (0:38:34)

Director McCraw provided an update on Operation Strong Safety:

- highest amount of apprehensions occurred in the Rio Grande Valley (RGV) – 75%
- Red Zone – goal is to detect and interdict all smuggling events within the zone (Brownsville to El Paso)
- Illegal Apprehensions (IA) 6,606 during the week of 6/28/14 and 1,789 during the week of 11/30/14
- RGV IA apprehensions peaked in June 2014 at 35,091 in comparison to November 2014 at 10,043
- Three Year Trend (Texas statewide):

2011	112,000
2012	166,000
2013	242,000
2014 YTD	305,000
- Deployment of 4,000 new cameras anticipated

### **NEW BUSINESS** (0:52:05)

#### **A. Report and discussion on Criminal Aliens**

AD Skylor Hearn provided a brief on criminal alien arrests:

- 2002 DHS created Secure Communities (ability to track foreign nationals across the country)
- 2008 funding provided for Secure Communities (first program began in Harris County)
- 2011 used the DHS Identifier (status of person at time of arrest)
- Total criminal alien hits 180,000 (responsible for 332,000 criminal charges in Texas which is the average of 3 arrests person), of which 53% were illegal aliens (June 1, 2011 – October 31, 2014)
- amounts do not reflect first time arrests

B. Report and discussion on the Special Operations Group (1:08:43)

AD Randy Prince and DAD JD Robertson provided a brief on Special Operations Group:

- Special Operations Group created in October 2011 with six program functions:
  - 1.Special Weapons And Tactics Team (SWAT) – 20 FTEs
  - 2.Bomb Squad (EOD) – 2 FTEs – FBI accreditation inspection on 8/22/14
  - 3.Ranger Reconnaissance – specialized operational team to address border violence
  - 4.Regional Special Response Teams (SRT) – regionally based, 6 teams consisting of 60 personnel
  - 5.Crisis Negotiation Units (CNU) – regionally based, 6 teams consisting of 72 personnel
  - 6.Border Security Operations Center – focal point for the six Joint Operations Intelligence Centers (JOICs)
- Drawbridge 2014 results:
  - Detections 55,154
  - Apprehensions 28,385
  - Drugs Seized 38.28 tons

C. Report and discussion on Drive Test Tablet Demonstration (1:28:01)

AD Joe Peters and Shahadah Haywood (Project Manager) demonstrated the Drive Test Tablet:

- 2 Tablets are on loan from THP for duration of the 90-day test pilot
- tablet would replace current paper-based process for scoring driver skills
- incorporates electronic forms on lightweight, portable tablet PC
- automates the scoring of pre-trip inspections, basic control skills tests and road tests
- possesses GPS tracking capabilities
- business rules and calculations are programmed into e-forms reducing data entry and scoring errors
- reduces time and labor costs associated with re-keying data and costs of physically distributing paper forms across the organization
- testing data can be sent wirelessly over a network or docked and batch uploaded to central server
- capable of conducting 192 road tests per day with tablet
- DLD will report back to Commission upon completion of pilot

D. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:44:34)

1.Amendments to 37 TAC Section 15.25, concerning Address



**A motion was made by Commissioner Flores, seconded by Commissioner Johnson, approving Rule 15.25 for publication to receive public comment. Motion passed unanimously.**

2. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items (1:46:49)

**A motion was made by Commissioner Watson, seconded by Commissioner Flores, approving Rule 23.41 for publication to receive public comment. Motion passed unanimously.**

E. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

**ONGOING BUSINESS (1:47:47)**

**A. Report, discussion, and possible action regarding live video and video archive availability of Public Safety Commission meetings (1:47:57)**

DAD Bryan Lane provided an update:

-Proposed Plan: LCD in the foyer; cameras with speaker tracking; camera direction and video streaming

-Costs:

\*\$74,000 equipment costs (4 year life); \$14,800 annual maintenance costs (estimated at 20%)

\*\$28,500 implementation of video streaming; \$1,400 per meeting for video streaming

\*Year One cost \$110,900

\*Years 2 – 4 costs \$23,200 year

\*Total costs over 4 years \$180,500

(6 meetings per year – cost is \$7,500 per meeting)

-Twenty-one agencies responded to survey: 2 no audio or video capture; 5 audio only; 5 audio and video no live streaming; and 9 audio and video and live streaming (4 use YouTube for archiving and 5 use third party providers)

-Alternative Solution:

\*single camera video capture

\*archive video with third party provider to link our Homepage

\*collect viewing metrics to determine demand

\*report viewing metrics for future discussion

**A motion was made by Commissioner Mach, seconded by Commissioner Flores, to table the matter. No action will be taken. Chairman Leon asked to revisit after the legislative session.**

B. Update, report, discussion, and possible action regarding recruitment (2:00:10)

AD Frank Woodall provided the following update:

- 100% pass rate on the state licensing exam
- 109 recruits will graduate tomorrow (12/19/14)
- A-2015 Recruit Class will begin January 11, 2015 (3,084 total applicants; less than 1,000 met the minimum qualifications; 95 to enter Recruit class)
- B-2015 Class is currently accepting applications (1,632 applications have been received to date)

C. Public hearing pursuant to Texas Government Code, Section 2001.029, to receive comments from all interested persons regarding the adoption of amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations (2:05:50)

A public hearing was held to receive comments regarding the adoption of amendments, repeal, and new sections concerning Breath Alcohol Testing Regulations:

- AD Skylor Hearn advised this was to clean up old language.
  - Public comment was received by Mark Thiessen (DWI Committee Chair, Texas Criminal Defense Lawyers Association)
  - Concerns noted over 19.124 removing alveolar air (deep lung air) and 19.2B1 removal of air blank system (system blank analysis) language
  - Recommendation to follow the intoxilizer's manufacturer's recommendation to wait 20 Minutes instead of 15 for breath test – item is not to be voted on during this meeting
- Commissioner Mach requested clarification of the manufacturer's recommendation.**

D. Report, discussion, and possible adoption of the following previously published rules:

1. Amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations

**A motion was made by Commissioner Watson, seconded by Commissioner Flores, to approve amendments to Section 19.1 and Section 19.2, repeal of Sections 19.3 – 19.8, and new Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations. Chairman Leon, Commissioner Watson and Commissioner Flores voted for the motion. Commissioner Mach and Commissioner Johnson voted against the motion. Motion passed by majority.**

2. Simultaneous repeals of 37 TAC Sections 3.141 – 3.145 and Sections 3.147 – 3.150, concerning Protection of State Buildings and Grounds and proposed new 37 TAC

Sections 8.1 – 8.6 and Section 8.8 – 8.11, concerning Protection of State Buildings and Grounds (2:43:41)

No comments.

**A motion was made by Commissioner Flores, seconded by Commissioner Mach, approving simultaneous repeals and proposed new sections concerning Protection of State Buildings and Grounds. Motion passed unanimously.**

3.Amendments to 37 TAC Section 15.6, concerning Motorcycle License (2:45:19)

No comments.

4.Amendments to 37 TAC Section 15.23, concerning Names (2:46:06)

One comment received.

5.Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests (2:47:13)

No comments.

6.Amendments to 37 TAC Sections 15.161, 15.162, 15.164 – 15.166, concerning Driver Responsibility Program (2:47:44)

No comments.

**A motion was made by Commissioner Mach, seconded by Commissioner Johnson, to adopt amendments of Ongoing Business, Item D, 3 thru 6. Motion passed unanimously.**

7.Repeal of 37 TAC 21.1 and proposed amendments to 37 TAC Section 21.2 and Section 21.3, concerning Equipment and Vehicle Safety Standards (2:49:30)

Department disagreed with one comment received.

**A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving repeal and proposed amendments concerning Equipment and Vehicle Safety Standards. Motion passed unanimously.**

8.Repeals, amendments, and new language reorganizing 37 TAC Chapter 23, concerning Vehicle Inspection (2:50:53)

**A motion was made by Commissioner Flores, seconded by Commissioner Mach, approving repeals, amendments and new language concerning Vehicle Inspection, with the exception of Section 23.62G. Motion passed unanimously.**

9.Simultaneous repeals of 37 TAC Sections 3.71 – 3.73 and Section 3.76, concerning Requirements for Displaying Vehicle Inspection Certificate and 37 TAC Section 3.91, concerning NATO Agreement Vehicle Inspection Exemptions and proposed new 37 TAC Section 23.81 and Section 23.82, concerning Miscellaneous Vehicle Inspection Provisions (2:55:45)

**A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving simultaneous repeals concerning Requirements for Displaying Vehicle Inspection Certificate and NATO Agreement Vehicle Inspection Exemptions and proposed concerning Miscellaneous Vehicle Inspection Provisions, with the exception of Section 23.81. Motion passed unanimously.**

E. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure, approval of personnel placements and salaries pursuant to Government Code Chapter 411, Secs. 411.005, 411.006 and 411.0071 (2:57:57)

None.

F. Report, discussion, and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (2:58:07)

None.

G. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

## **REPORTS** (2:58:12)

A. Commission member reports and discussion - none

B. Finance Report - none

C. Chief Auditors Office - none

D. Division status reports on activities and action - none

## **CONSENT ITEMS** (2:58:31)

A. Advice and consent regarding Director's determination that certain probationary employees found unsuitable for work during October and November 2014

B. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Durward A. Arnwine, Richard G. Arnwine, Nita L. Bowen, James V. Debrow, Mario Flores, Gordon M. Forester, Rodney W. Ginn, Charles Gonzalez, Timothy M. Grillet, Kameron Pierce, William M. Rueter, Andrew J. Sitgreaves, and Barry G. Washington; Special Texas Rangers: David M. Maxwell, Bryant D. Wells, and Stuart M. Willer Jr.

C. Donations:

1. Additional donation items, as needed

**A motion was made by Commissioner Mach seconded by Commissioner Johnson approving Consent Items A and B. Motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (2:59:07)

None.

**DATE FOR FUTURE MEETING** (2:59:42)

Discharge hearings will be scheduled on February 11, 2015, and the regular Public Safety Commission meeting is scheduled for February 12, 2015.

**ADJOURN INTO EXECUTIVE SESSION** (2:59:48)

The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 12:15 p.m.

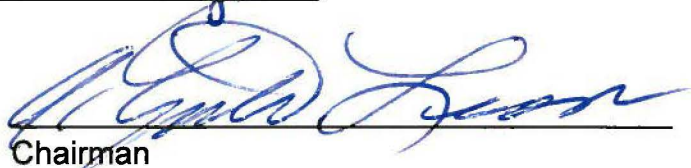
(3:00:15) The Public Safety Commission reconvened this open session at 3:20 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson.

**ADJOURN** (3:00:27)

**A motion was made by Commissioner Mach seconded by Commissioner Johnson to adjourn the meeting. Motion passed unanimously.**

The meeting was adjourned at 3:21 p.m.

Read and approved this 12<sup>th</sup> day of February, 2015.

  
Chairman



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Breath Alcohol Testing Regulations  
Title 37 T.A.C. Part I, Chapter 19  
Subchapter A  
Sections 19.1 – 19.7

The Texas Department of Public Safety (the department) adopts the proposed amendments to §19.1 and §19.2 and proposed new §§19.3 – 19.7, concerning Breath Alcohol Testing Regulations. These sections are adopted with changes to the proposed text as published in the August 29, 2014 issue of the *Texas Register* (39 TexReg 6780) and will be republished. Non-substantive changes have been made to ensure consistent use of terms throughout the subchapter and to track the language of the authorizing statute.

The adopted amendments and new sections are necessary to reorganize, update, and clarify rules governing the Breath Alcohol Testing Regulations.

The department accepted comment on the proposed rules through September 20, 2014. Written comments were submitted by Patricia J. Cummings representing Texas Criminal Defense Lawyers Association (TCDLA). Substantive comments received and the department's responses thereto are summarized below:

COMMENT: TCDLA opposed eliminating the requirement for "essentially alveolar or deep lung air in composition" and the proposed elimination of the definition of "system blank analysis".

RESPONSE: The proposed changes will not affect the manner in which evidential breath alcohol testing is conducted in Texas. The terms were removed as part of a general clean-up of the Regulations. The department will therefore make no changes to the text as proposed in response to these comments.

A public hearing was requested by TDCLA and a public hearing was conducted before the Public Safety Commission on December 18, 2014. A recording of comments and deliberation will be available on the department's website at <http://www.dps.texas.gov/>. The hearing recording will be placed under the Public Safety Calendar Events which may be directly viewed at <http://www.dps.texas.gov/calendar/index.htm>.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, §724.016, which authorizes the department to establish rules approving satisfactory analytical methods; and §724.003, which authorizes the department to adopt rules to administer Chapter 724.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Breath Alcohol Testing Regulations  
Title 37 T.A.C. Part I, Chapter 19  
Subchapter A  
Sections 19.3 – 19.8

The Texas Department of Public Safety (the department) adopts the proposed repeal of Sections 19.3 – 19.8, concerning Breath Alcohol Testing Regulations. These sections are adopted without changes to the proposed text as published in the August 29, 2014 issue of the *Texas Register* (39 TexReg 6785) and will not be republished.

The repeal of these sections is filed simultaneously with proposed new Section 19.3 - 19.7, for the purpose of reorganizing, updating, and clarifying the rules governing the Breath Alcohol Testing Regulations.

The department accepted comment on the proposed rules through September 20, 2014. Written comments were submitted by Patricia J. Cummings representing Texas Criminal Defense Lawyers Association (TCDLA). Substantive comments received and the department's responses thereto are summarized below:

COMMENT: TCDLA opposed eliminating the requirement for "essentially alveolar or deep lung air in composition" and the proposed elimination of the definition of "system blank analysis".

RESPONSE: The proposed changes will not affect the manner in which evidential breath alcohol testing is conducted in Texas. The terms were removed as part of a general clean-up of the Regulations. The department will therefore make no changes to the text as proposed in response to these comments.

A public hearing was requested by TDCLA and a public hearing was conducted before the Public Safety Commission on December 18, 2014. A recording of comments and deliberation will be available on the department's website at <http://www.dps.texas.gov/>. The hearing recording will be placed under the Public Safety Calendar Events which may be directly viewed at <http://www.dps.texas.gov/calendar/index.htm>.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, Section 724.016, which authorizes the department to establish rules approving satisfactory analytical methods; and Section 724.003, which authorizes the department to adopt rules to administer Chapter 724.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read "Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter J  
Sections 3.141 – 3.145, 3.147 – 3.150

The Texas Department of Public Safety (the department) adopts the repeal of Sections 3.141 – 3.145 and 3.147 – 3.150 concerning Protection of State Buildings and Grounds. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8532) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this subchapter and determined the reasons for initially adopting this subchapter continue to exist. The repeal of this subchapter was filed simultaneously with proposed new Sections 8.1 - 8.6 and 8.8 - 8.11. These sections are being repealed and proposed as new to more clearly identify the purpose of the sections. In addition, the sections have been amended in form, style, wording, and organization to improve clarity and readability.

No comments were received regarding these proposed repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 411.062(d) which authorizes the department to adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex; and Section 2001.039 which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Capitol Complex  
Title 37 T.A.C. Part I, Chapter 8  
Subchapter A  
Sections 8.7 – 8.6, 8.8 – 8.11

The Texas Department of Public Safety (the department) adopts new Sections 8.1 – 8.6 and 8.8 – 8.11, concerning Protection of State Buildings and Grounds. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8533) and will not be republished.

These sections were reviewed pursuant to Government Code, Section 2001.039. During this review, the department determined the reasons for initially adopting these sections continue to exist. These sections are being proposed as new to more clearly identify the purpose of the sections. In addition, the sections have been amended in form, style, wording, and organization to improve clarity and readability.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 411.062(d) which authorizes the department to adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex; and Section 2001.039 which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'A. Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter A  
Section 15.6

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 15.6, concerning Motorcycle License. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8536) and will not be republished.

The proposed amendments provide clarification regarding requirements for Class M (motorcycle) licenses, including licenses restricted to motor-driven cycles and mopeds. Requirements for a Class M license restricted to three-wheeled motorcycles are added to assist with implementation of the 83rd Texas Legislature's amendments to Chapter 521 of the Transportation Code through Senate Bill 763 and House Bill 3838. In addition, obsolete language is revised or removed.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules to administer Chapter 521 of the Transportation Code and Section 521.148.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter B  
Section 15.23

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 15.23, concerning Names. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8537) and will not be republished.

These amendments are intended to clarify options available to applicants when documenting a name to be used on the driver license and identification cards. The proposed amendments clarify that a court order from a court of record is necessary to document a name change not related to marriage, divorce, annulment, or death of a spouse. In addition, the proposed amendments make changes to modernize the language.

The department accepted comments on the proposed rules through December 1, 2014. Written comments were submitted by Karen Phillips representing the Texas Automobile Dealers Association (TADA). No changes were made to proposed Section 15.23 based on the comments received by the department. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding Section 15.23, Karen Phillips commented on the way the suffix of a name appeared on the face of the driver license. Karen Phillips expressed the Texas Automobile Dealers Association's desire to have the suffix of the name be placed after the surname on the face of the license in order to more easily facilitate the interpretation of the legal name, which must be transcribed onto the Form 130-U (application for title) completed by the dealership.

RESPONSE: The department instituted the current layout of the name on the face of the driver license when the Driver License System (DLS) was first created. The Texas Department of Motor Vehicles has been in contact with the Texas Department of Public Safety regarding this issue, and is also aware of the comment stated by the Texas Automobile Dealers Association regarding names. The Texas Department of Motor Vehicles has advocated the use of sound judgment by the Texas Automobile Dealers Association members in determining a driver's legal name order, i.e., first, middle, surname and suffix, regardless of the order that they appear on the face of the driver license.

Additionally, the naming conventions utilized on Texas driver licenses and identification cards are standardized for law enforcement, state and federal agencies and other states using the American Administrators of Motor Vehicle Association (AAMVA) standards and guidelines.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Sections 521.121, 521.141, and 521.142.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter C  
Section 15.55

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 15.55, concerning Waiver of Knowledge and/or Skills Tests. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8538) and will not be republished.

These amendments are intended to assist with implementation of the 81st Texas Legislature's amendments to Chapter 521 of the Transportation Code through Senate Bill 1967 and House Bill 339. These amendments are intended to clarify conditions under which exam requirements will and will not be waived for licensed nonresidents. In addition, the language has been revised for easier understanding and clarity.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code, Section 521.164, which authorizes the department to adopt rules for the waiver of certain examination requirements for licensed nonresidents, and Section 521.161.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter J  
Sections 15.161, 15.162, 15.164 – 15.166

The Texas Department of Public Safety (the department) adopts the proposed amendments to Sections 15.161, 15.162, and 15.164 – 15.166, concerning Driver Responsibility Program. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8540) and will not be republished.

These amendments are intended to assist with implementation of the 81st Texas Legislature's amendments to Chapter 708 of the Transportation Code through House Bill 2730 and the 82nd Texas Legislature's amendments to Chapter 708 of the Transportation Code through House Bill 588.

The proposal amends Section 15.161 to provide clarification for the process the department follows to deduct points from an individual's record.

The proposal amends Section 15.162 to include an advance payment option for a single up-front payment of surcharges and to clarify the manner in which payments are posted to surcharge accounts.

The proposal amends Section 15.164 to add a Low Balance Amnesty Program which will waive active surcharge balances that meet the balance requirements set by the department. In addition, the existing amnesty program is renamed the Reduction Amnesty Program and a clarification is added to specify actions the department will take if the reduced amount is not received by the end of the amnesty period.

The proposal amends Section 15.165 to update the language so that it is consistent with language for Section 15.166, Indigency Program to create equity between the two programs. In addition, the proposal removes the requirement that applications for the incentive program be notarized.

The proposal amends Section 15.166 to provide for a waiver of surcharges for indigent individuals and remove the requirement that applications for the indigency program be notarized. In addition, text has been revised for clarity.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Transportation Code, Section 708.002 which authorizes the department to adopt rules to implement the Driver Responsibility Program, Texas Transportation Code, Section 708.056 which authorizes the department to establish a procedure for the deduction of points, Texas Transportation Code, Section 708.153 which authorizes the department to develop rules to provide for the payment of a surcharge in installments, and Texas

Transportation Code, Section 708.157 which authorizes the department to adopt rules to implement an amnesty program.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Equipment and Vehicle Safety Standards  
Title 37 T.A.C. Part I, Chapter 21  
Section 21.1

The Texas Department of Public Safety (the department) adopts the repeal of Section 21.1, concerning Standards for Vehicle Safety. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8543) and will not be republished.

The repeal of Section 21.1 is necessary to update the rules governing vehicle equipment safety standards and to generally improve the clarity of the related rules.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 547.101, which authorizes the department to adopt safety standards for vehicle equipment.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'A. Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Equipment and Vehicle Safety Standards  
Title 37 T.A.C. Part I, Chapter 21  
Section 21.2 and Section 21.3

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 21.2 and Section 21.3, concerning Equipment and Vehicle Safety Standards. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8544) and will not be republished.

The proposed amendments are intended to update the rules governing vehicle equipment safety standards and to generally improve the clarity of the related rules.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 547.101, which authorizes the department to adopt safety standards for vehicle equipment.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter A  
Sections 23.1 - 23.3, 23.5, and 23.6

The Texas Department of Public Safety (the department) adopts the proposed amendments to Sections 23.1 – 23.3, 23.5, and 23.6, concerning Vehicle Inspection Station and Vehicle Inspector Certification. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8546) and will not be republished.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

The department accepted comment on the proposed rules through December 1, 2014. Identical written comments were submitted by Mr. Bill Bandy, with Lube Center Management, Ltd; Mr. Josh Edwards, with Forney Kwik Kar; Mr. Brent A. Stone, with Kwik Kar of Coffeyville; Mr. Kelly Privett, with Kwik Kar on Inwood (Dallas); Mr. Bill Flynt, Kwik Kar Auto Service Center, Richardson, Texas; and Mr. Michael Nowels, Executive Director of the Texas State Inspection Association.

The substantive comments, as well as the department's responses thereto, are summarized below:

**COMMENT:** Proposed amendments to Sections 23.1(h)(4), 23.3(h)(4), and 23.6(e) appear to eliminate the program by which inspection station operators provide approved training of inspectors in lieu of department provided training. This program should be continued.

**RESPONSE:** Based on a lack of statutory authority and funding, the program authorizing third party vendors (including inspection station operators) to provide training of inspectors was discontinued December 31, 2013, and the majority of the rules addressing this program were repealed effective March 13, 2013. Some references remained in the rules in order to allow for the transition to department provided training but those references are now obsolete and are being repealed. The department disagrees with the comment and will not be modifying the proposal.

Additional comments were received which relate exclusively to the implementation of House Bill 2305 and specifically to the proposed policy of a first year "grace period," i.e., the policy of not implementing the bill's requirement of a passing vehicle inspection within 90 days of the

vehicle registration's expiration until March 1, 2016. The proposed grace period for the initial year of implementation is not addressed in and is unrelated to the department's rule proposals.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter B  
Section 23.11 and Section 23.12

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 23.11 and Section 23.12, concerning General Vehicle Inspection Station Requirements. These sections are adopted with changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8547) and will be republished. These non-substantive changes, found during a department review of the proposal, correct a typographical error and emphasize the need for a signed vehicle inspection report being issued to the owner or operator.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

The department accepted comment on the proposed rules through December 1, 2014. Identical written comments were submitted by Mr. Bill Bandy, with Lube Center Management, Ltd; Mr. Josh Edwards, with Forney Kwik Kar; Mr. Brent A. Stone, with Kwik Kar of Coffeyville; Mr. Kelly Privett, with Kwik Kar on Inwood (Dallas); Mr. Bill Flynt, Kwik Kar Auto Service Center, Richardson, Texas; and Mr. Michael Nowels, Executive Director of the Texas State Inspection Association.

The substantive comments, as well as the department's responses thereto, are summarized below:

**COMMENT:** Proposed amendments to Section 23.11 require existing stations change their inspection areas previously approved by the department. Existing station locations and inspection areas should be grandfathered.

**RESPONSE:** The proposed amendments to Section 23.11 are non-substantive. The existing rules relating to facility requirements have been in place since March 13, 2013. Since the comments received do not pertain to proposed changes to the rule text, the department will make no changes in response to these comments.

Additional comments were received which relate exclusively to the implementation of House Bill 2305 and specifically to the proposed policy of a first year "grace period," i.e., the policy of not implementing the bill's requirement of a passing vehicle inspection within 90 days of the vehicle registration's expiration until March 1, 2016. The proposed grace period for the initial year of implementation is not addressed in and is unrelated to the department's rule proposals.

The department also received comment from Karen Phillips, General Counsel, Texas Automobile Dealers Association (TADA). The substantive comments received from Ms. Phillips, as well as the department's response thereto, are summarized below:

**COMMENT:** The department's proposal requires a vehicle inspection station to have a display area located in the customer waiting area in which official notices, charts and other documents are displayed. The TADA requests clarification regarding which documents must be posted, and proposes alternatives to posting in a specifically designated area. Alternatively, the TADA recommends deletion of this requirement.

**RESPONSE:** The display area requirements referenced in the comment are reflected in current rule language effective since March 13, 2013. These requirements are not being changed and are not affected by the proposal. The suggestions provided may be considered for future rule amendments, but there will be no change to the current proposed rule.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter B  
Section 23.13

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 23.13, concerning Equipment Requirements for All Classes of Vehicle Inspection Stations. This section is adopted with non-substantive correction to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8549) and will be republished. The reference in subsection (c) to the enumeration of subsections (1) through (8) was corrected to refer to (1) through (7).

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

Comments were received from Mr. Chris Klaus, Senior Program Manager, North Central Texas Council of Governments (NCTCOG) regarding the adoption of this proposal. The substantive comments, as well as the department's responses thereto, are summarized below:

COMMENT: On behalf of NCTCOG, Mr. Klaus recommends the department establish requirements for the use of security paper in the vehicle inspection stations' printers, and that the department create a unique paper and be the sole provider of such paper to the stations.

RESPONSE: HB 2305's elimination of the inspection certificate was in part intended to eliminate the state's expenditures associated with the production of a secure document. The recommendation would require the commitment of similar resources and would effectively eliminate one of the bill's primary purposes. It is also unnecessary, as the accuracy of the data reflected on the report can be verified through the department's electronic database. The department will make no change to this proposal in response to NCTCOG's comment.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter C  
Sections 23.21 – 23.27

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 23.21 and Section 23.22 and proposed new Sections 23.23 – 23.27, concerning Vehicle Inspection Station Operation. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8550) and will not be republished.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

The department accepted comment on the proposed rules through December 1, 2014. Comments were received from Karen Phillips, General Counsel, Texas Automobile Dealers Association (TADA). The substantive comments received from Ms. Phillips, as well as the department's response thereto, are summarized below:

COMMENT: Proposed rule 23.22(b)(2) requires the printing of the vehicle inspection report but does not address whether the copy must be signed by the inspector.

RESPONSE: The referenced proposal expressly requires the report be signed by the inspector. The department will make no changes to the proposal in response to this comment.

COMMENT: The proposed rule 23.22(b)(2) does not address the customer's need for a copy, or whether the station may charge for the copy.

RESPONSE: Proposed Section 23.12(p) requires the provision of a copy of the report to the customer. Proposed Section 23.25 provides that no additional fees may be charged without express authorization. There is no express authorization for a station to charge for a copy of the inspection report. The department will make no changes to the proposal in response to this comment.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter C  
Sections 23.23 – 23.30

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.23 – 23.30, concerning Vehicle Inspection Station Operation. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8552) and will not be republished.

The proposed repeals of Sections 23.23 - 23.25 are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. These proposed repeals reflect the elimination of rules specific to the inspection certificate. The repeal of Sections 23.26 - 23.30 is filed simultaneously with proposed new Sections 23.23 - 23.27 to reorganize existing language and improve clarity of the subchapter.

No comments were received regarding these proposed repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter D  
Section 23.42

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 23.42, concerning Commercial Vehicle Inspection Items. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8552) and will not be republished.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter E  
Sections 23.51 – 23.53, 23.55 – 23.57

The Texas Department of Public Safety (the department) adopts the proposed amendments to Sections 23.51 – 23.53, 23.55, and 23.56 and proposed new Section 23.57, concerning Vehicle Emissions Inspection and Maintenance Program. These sections are adopted with changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8553) and will be republished. Non-substantive changes were made to eliminate any reference to the previous practice of placing a certificate on the windshield and to remove any reference to the unique emission-only inspection certificate previously issued by the department.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

No comments were received on the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter E  
Section 23.57 and Section 23.58

The Texas Department of Public Safety (the department) adopts the repeal of Section 23.57 and Section 23.58, concerning Vehicle Emissions Inspection and Maintenance Program. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8557) and will not be republished.

The proposed repeal of Section 23.57 is intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. This proposed repeal reflects the elimination of rules specific to the inspection certificate. The repeal of Section 23.58 is filed simultaneously with proposed new Section 23.57 to reorganize existing language and improve clarity of the subchapter.

No comments were received regarding these proposed repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter F  
Section 23.61 and Section 23.62

The Texas Department of Public Safety (the department) adopts the proposed amendments to Section 23.61 and Section 23.62, concerning Violations and Administrative Penalties. These sections are adopted with changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8558) and will be republished.

The proposed amendments are intended to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposed amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

The department accepted comment on the proposed rules through December 1, 2014. Identical written comments were submitted by Mr. Bill Bandy, with Lube Center Management, Ltd; Mr. Josh Edwards, with Forney Kwik Kar; Mr. Brent A. Stone, with Kwik Kar of Coffeyville; Mr. Kelly Privett, with Kwik Kar on Inwood (Dallas); Mr. Bill Flynt, Kwik Kar Auto Service Center, Richardson, Texas; and Mr. Michael Nowels, Executive Director of the Texas State Inspection Association.

The substantive comments, as well as the department's responses thereto, are summarized below:

**COMMENT:** It is proposed that several of the violations listed in Section 23.62 include a requirement that the violation be "willful" or "knowing," in order to avoid penalizing an innocent mistake.

**RESPONSE:** "Willful" or "knowing" is a requirement for the prosecution of criminal cases in which intent is required. Such a requirement would impose a significant evidentiary burden on the prosecution of administrative cases and effectively prevent enforcement action. The issue of the violator's lack of knowledge or intent can be raised by the respondent and is one factor among others that is considered at the administrative hearing. The department disagrees with the comment and will not be modifying the proposal.

Additional comments were received which relate exclusively to the implementation of House Bill 2305 and specifically to the proposed policy of a first year "grace period," i.e., the policy of not implementing the bill's requirement of a passing vehicle inspection within 90 days of the vehicle registration's expiration until March 1, 2016. The proposed grace period for the initial year of implementation is not addressed in and is unrelated to the department's rule proposals.

The department also received a comment from the Department of Motor Vehicle requesting clarification of the proposed amendments to Section 23.62(g) as the language was unclear. In response to the comment, staff reviewed the text and found language originally intended for the proposal had been omitted. To correct this omission, the department is reverting to the language that is currently in the administrative code. The text of Section 23.62 is being republished.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of these rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter G  
Sections 23.71 – 23.77

The Texas Department of Public Safety (the department) adopts proposed new Section 23.71 – 23.77, concerning Vehicle Inspection Advisory Committee. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8561) and will not be republished.

This proposal is necessary for the purpose of reorganizing and consolidating the rules governing the vehicle inspection advisory committee and to simplify and generally improve the clarity of the related rules.

The department accepted comment on the proposed rules through December 1, 2014. Identical written comments were submitted by Mr. Bill Bandy, with Lube Center Management, Ltd; Mr. Josh Edwards, with Forney Kwik Kar; Mr. Brent A. Stone, with Kwik Kar of Coffeyville; Mr. Kelly Privett, with Kwik Kar on Inwood (Dallas); Mr. Bill Flynt, Kwik Kar Auto Service Center, Richardson, Texas; and Mr. Michael Nowels, Executive Director of the Texas State Inspection Association.

The substantive comments, as well as the department's responses thereto, are summarized below:

COMMENT: We suggest that a provision be added that states: "Any and all proposed rule changes considered for adoption under Texas Transportation Code, Chapter 548, and Texas Health and Safety Code, Chapter 382, shall be provided to the Inspection advisory Committee [sic] prior to publication for their comment and input."

RESPONSE: The department regularly consults with the Vehicle Inspection Advisory Committee relating to proposed rules. Moreover, Section 548.006(h) of the Texas Transportation Code provides: "The committee is entitled to review and comment on rules to be considered for adoption by ... the department under this chapter or Chapter 382, Health and Safety Code." The department believes the proposed rule is unnecessary in light of this statutory requirement will not modify the proposals in response to this comment.

COMMENT: "Any rules designed to lessen the input and assistance of the Vehicle Inspection Advisory Committee should not be approved, and the Department should work much harder to include this Committee in planning that involves the Vehicle Inspection Program."

RESPONSE: The proposed amendments do not lessen the input or otherwise reduce the influence of the Committee. The amendments merely update the rules and eliminate obsolete provisions. The department disagrees with this comment and will not modify the proposals.

Additional comments were received which relate exclusively to the implementation of House Bill 2305 and specifically to the proposed policy of a first year “grace period,” i.e., the policy of not implementing the bill’s requirement of a passing vehicle inspection within 90 days of the vehicle registration’s expiration until March 1, 2016. The proposed grace period for the initial year of implementation is not addressed in and is unrelated to the department’s rule proposals.

Comments were also received from Mr. Chris Klaus, Senior Program Manager, North Central Texas Council of Governments (NCTCOG) regarding the adoption of this proposal. The substantive comments, as well as the department’s responses thereto, are summarized below:

**COMMENT:** NCTCOG recommends the department incorporate information about the structure and membership of the Vehicle Inspection Advisory Committee and not repeal the existing rules that provide this information.

**RESPONSE:** The requested information is provided in Section 548.006 of the Transportation Code. The rules to be repealed simply restate the statutory provisions. There will be no changes to the proposals.

**COMMENT:** NCTCOG recommends rules requiring the department post meeting notices of the Vehicle Inspection Advisory Committee on the department’s website and provide notice by email to interested parties.

**RESPONSE:** The department is receptive to suggestions regarding the notification and scheduling of the meetings and will work to address these concerns as proposed by the commenter. However, the department does not believe there is a need to modify the proposals at this time.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department’s work; Texas Transportation Code, Section 548.002, which authorizes the Department of Public Safety to adopt rules to administer and enforce Chapter 548; and Section 548.006.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency’s legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter I  
Sections 23.201 – 23.214

The Texas Department of Public Safety (the department) adopts the repeal of Sections 23.201 – 23.214, concerning Vehicle Inspection Advisory Committee. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8563) and will not be republished.

The repeal of Sections 23.201 - 23.214 is filed simultaneously with proposed new Sections 23.71 - 23.77 to reorganize and consolidate the rules governing the vehicle inspection advisory committee and to simplify and generally improve the clarity of the related rules.

No comments were received regarding these proposed repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter E  
Sections 3.71 – 3.73, 3.76

The Texas Department of Public Safety (the department) adopts the repeal of Sections 3.71 – 3.73, and 3.76, concerning Requirements for Displaying Vehicle Inspection Certificate. These sections are adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8531) and will not be republished.

The proposed repeals of Section 3.71 and Section 3.76 are necessary to eliminate language that is duplicative of language already contained in statute. Additionally, the repeals of Section 3.72 and Section 3.73 are filed simultaneously with proposed new Section 23.81 and Section 23.82 to implement the provisions of House Bill 2305, enacted by the 83rd Texas Legislature, and consolidate existing rules pertaining to vehicle inspection.

No comments were received regarding these proposed repeals.

These repeals are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the repeal is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
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A. Cynthia Leon, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection  
Title 37 T.A.C. Part I, Chapter 23  
Subchapter H  
Section 23.82

The Texas Department of Public Safety (the department) adopts proposed new Section 23.82, concerning Acceptance of Out-of-State Vehicle Inspection Certificates. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8562) and will not be republished.

This proposal is filed simultaneously with the repeal of Section 3.72, concerning Acceptance of Out-of-State Vehicle Inspection Certificates. The proposed new section is intended to consolidate the rules relating to vehicle inspection and to implement the requirements of House Bill 2305, enacted by the 83rd Texas Legislature. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. The proposal also reflects such changes as well as minor changes proposed for the purposes of clarification.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the Department of Public Safety to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of this rule is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On December 18, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter F  
Section 3.91

The Texas Department of Public Safety (the department) adopts the repeal of Section 3.91, concerning NATO Agreement Vehicle Inspection Exemptions. This section is adopted without changes to the proposed text as published in the October 31, 2014 issue of the *Texas Register* (39 TexReg 8531) and will not be republished.

Pursuant to Government Code, Section 2001.039, the department reviewed this subchapter and determined the repeal of this section is necessitated by House Bill 2305, enacted by the 83rd Texas Legislature, which renders the language of this rule unnecessary.

No comments were received regarding this proposed repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, Section 548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the repeal is March 1, 2015.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
A. Cynthia Leon, Chair  
Public Safety Commission

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**  
**December 18, 2014**



**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Arnwine, Durward A.	THP	CVE/Abilene	05/31/03	29 years	
Arnwine, Richard G.	THP	CVE/Abilene	10/31/14	29 years	
Bowen, Nita L.	THP	HP/Livingston	08/31/14	29 years	
Debrow, James V.	DLD	Austin	05/31/05	24 years	
Flores, Mario	CID	SIS/El Paso	08/31/14	32 years	
Forester, Gordon M.	CID	Victoria	08/31/14	26 years	
Ginn, Rodney W.	Aircraft	Aransas Pass	12/31/07	29 years	
Gonzalez, Charles	THP	CVE/Houston	03/31/14	20 years	
Grillet, Timothy M.	THP	Humble	09/30/14	24 years	
Pierce, Kameron	THP	CVE/Henrietta	08/31/14	26 years	
Rueter, William M.	CID	Austin	06/30/14	29 years	
Sitgreaves, Andrew J.	THP	CVE/Houston	08/31/14	27 years	
Washington, Barry G.	CID	Lufkin	07/31/05	22 years	

**Special Texas Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Maxwell, David M.	Texas Rangers	Bay City	10/31/10	37 years	
Wells, Bryant D.	Texas Rangers	Austin	09/30/14	32 years	
Willer, Jr., Stuart M.	Texas Rangers	Lubbock	09/30/14	28 years	

Approved by the Public Safety Commission:

 Date: 12/18/14