



COLLIN COUNTY

OFFICE OF THE SHERIFF
4300 Community Avenue
McKinney, TX 75071

MEMORANDUM

DATE: April 3, 2009

TO: Sheriff Terry G. Box
Chief Rick Allen

FROM: Major Chuck Ruckel *CR*

RE: Emissions Certifications Database

The attached Memorandum of Agreement between the Collin County Sheriff's Office and the North Central Texas Council of Governments will allow our Deputies to access a database of emissions certificates issued in the nine county non-attainment areas in North Texas on a 24 hour a day, 7 day a week basis. There is no cost to Collin County for this service. Several other agencies in this area are utilizing this database with success.

Access is by a password protected website. Once approved, I will be providing access to all Deputies and Investigators with a need to do so.

CR/th



North Central Texas Council Of Governments

Date: April 2, 2009

Tony Bradley
Lieutenant
Collin County Sheriff's Office
4300 Community Ave.
McKinney, TX 75071

Re: North Central Texas Council of Governments Emissions Database (NED)

Dear Lt. Bradley:

The NCTCOG Emissions Database (NED) was developed to provide local law enforcement with a twenty-four hour, seven day per week source to help verify emissions certificates issued in the nine county non-attainment areas in North Central Texas as part of the state's vehicle inspection program.

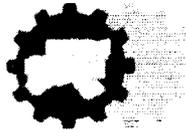
Please review the enclosed Memorandum of Agreement and Texas Transportation Codes concerning access to the emissions database. If the Collin County Sheriff's Office is interested in gaining access to the emissions database, please sign and return the attached Memorandum of Agreement to Richard McComb, NCTCOG, P.O. Box 5888, Arlington, Texas 76005-5888.

Once the signed agreement is received, we will return a fully executed copy to Collin County Sheriff's Office for your records. If you have any questions, please contact me at 817-608-2340, or rmccomb@nctcog.org.

Sincerely,

Richard McComb
Transportation Department
Air Quality Operations Analyst III

RM:mp
Enclosures



North Central Texas Council Of Governments

**MEMORANDUM OF AGREEMENT
BETWEEN THE
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
AND THE
COLLIN COUNTY SHERIFF'S OFFICE
FOR ACCESS TO THE
EMISSIONS DATABASE**

This document serves as a Memorandum of Agreement (MOA) between the North Central Texas Council of Governments and the Collin County Sheriff's Office.

PURPOSE

The North Central Texas Council of Governments (NCTCOG) developed the NCTCOG Emissions Database (NED) in conjunction with the High Emitting Vehicle Program (HEVP) to provide assistance to local law enforcement agencies. The HEVP was approved by the Regional Transportation Council on April 11, 2002, and is also a commitment by our region in the State Implementation Plan (SIP) to help achieve National Ambient Air Quality Standards.

NED is an Internet-based, password-protected database, which is accessible 24 hours per day, seven days per week, except when temporarily unavailable for maintenance. The database contains records of automotive vehicle emissions state inspections starting May 1, 2002, conducted in Collin, Dallas, Denton, and Tarrant Counties, and starting May 1, 2003 in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties. Inspection records are updated on a weekly basis with data received from the Texas Commission on Environmental Quality (TCEQ).

The purpose of this agreement is to establish a formal ongoing cooperative and mutually beneficial relationship between the two agencies insofar as it relates to reducing the number of high emitting vehicles on the road and subsequent emissions.

GENERAL PROVISIONS

Nothing in this MOA is intended to negate or otherwise render ineffective any provisions of law and regulation, which govern each agency's respective activities. If at any time either agency is unable to perform its functions under this MOA consistent with such agency's statutory and regulatory mandates, the affected agency shall immediately provide written notice to the other agency to establish a date for mutual resolution of the conflict.

CONFIDENTIALITY

Collin County Sheriff's Office and the North Central Texas Council of Governments will not release or use any information obtained from this program for any unauthorized reason. The only authorized use for this information is to provide local law enforcement agencies with emissions data to assist them in the enforcement of current emissions laws, rules, and regulations. The material on the website is compiled from data provided by the TCEQ Texas Information Management System database and is not for public use or dissemination.

April 2, 2009

AGREEMENT

The North Central Texas Council of Governments agrees to:

- Offer free access to NED to local law enforcement agencies.
- Maintain the Emissions Database Website to enhance access to Texas Emissions Data information. The website is continually under development and therefore subject to change without notice. While NCTCOG strives to provide timely and accurate information, there are no guarantees. NCTCOG makes no warranty, express or implied, including warranties of fitness for a particular purpose. Use of the information is the sole responsibility of the user.
- NCTCOG does not control or guarantee the accuracy, relevance, timeliness or completeness of any outside information.

Collin County Sheriff's Office agrees to:

- Increase emphasis on enforcement activities involving fictitious, counterfeit, and expired state emissions inspection certificates, per Transportation Code, Chapter 548.603.
- Increase emphasis on enforcement activities involving smoking vehicles, per Transportation Code, Chapter 547.605.

AMENDMENT OR CANCELLATION

This MOA may be amended at any time in writing and by mutual consent of the parties. The MOA may be cancelled by either party upon thirty (30) days written notice, except where the cancellation is for cause (i.e., a material and significant breach of any of the provisions of the MOA); it may be cancelled upon delivery of written notice to the other party.

AGREED BETWEEN:

Michael Morris, Transportation Director
North Central Texas Council of Governments

Date

Terry Box, Sheriff
Collin County Sheriff's Office

Date

Attachments

TRANSPORTATION CODE
CHAPTER 547. VEHICLE EQUIPMENT
SUBCHAPTER K. PROVISIONS RELATING TO OTHER VEHICLE EQUIPMENT

§ 547.605. EMISSION SYSTEMS REQUIRED. (a) The engine and power mechanism of a motor vehicle shall be equipped and adjusted to prevent the escape of excessive smoke or fumes.

(b) A motor vehicle or motor vehicle engine, of a model year after 1967, shall be equipped to prevent the discharge of crankcase emissions into the ambient atmosphere.

(c) The owner or operator of a motor vehicle or motor vehicle engine, of a model year after 1967, that is equipped with an exhaust emission system:

(1) shall maintain the system in good working condition;

(2) shall use the system when the motor vehicle or motor vehicle engine is operated; and

(3) may not remove the system or a part of the system or intentionally make the system inoperable in this state, unless the owner or operator removes the system or part to install another system or part intended to be equally effective in reducing atmospheric emissions.

(d) Except when travel conditions require the downshifting or use of lower gears to maintain reasonable momentum, a person commits an offense if the person operates, or as an owner knowingly permits another person to operate, a vehicle that emits:

(1) visible smoke for 10 seconds or longer; or

(2) visible smoke that remains suspended in the air for 10 seconds or longer before fully dissipating.

(e) An offense under this section is a misdemeanor punishable by a fine of not less than \$1 and not more than \$350 for each violation. If a person has previously been convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$1,000 for each violation.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1075, § 6, eff. Sept. 1, 2001.

TRANSPORTATION CODE

CHAPTER 548. COMPULSORY INSPECTION OF VEHICLES

SUBCHAPTER I. VIOLATIONS AND OFFENSES

Sec. 548.603. FICTITIOUS OR COUNTERFEIT INSPECTION CERTIFICATE OR INSURANCE DOCUMENT. (a) A person commits an offense if the person:

(1) displays or causes or permits to be displayed an inspection certificate or insurance document knowing that the certificate or document is counterfeit, tampered with, altered, fictitious, issued for another vehicle, issued for a vehicle failing to meet all emissions inspection requirements, or issued in violation of:

(A) this chapter, rules adopted under this chapter, or other law of this state; or

(B) a law of another state, the United States, the United Mexican States, a state of the United Mexican States, Canada, or a province of Canada;

(2) transfers an inspection certificate from a windshield or location to another windshield or location;

(3) with intent to circumvent the emissions inspection requirements seeks an inspection of a vehicle at a station not certified to perform an emissions inspection if the person knows that the vehicle is required to be inspected under Section 548.301;

(4) knowingly does not comply with an emissions inspection requirement for a vehicle: or

(5) displays on a vehicle an inspection certificate that was obtained knowing that the vehicle does not meet all emissions inspection requirements for the vehicle.

(b) A person commits an offense if the person:

(1) makes or possesses, with the intent to sell, circulate, or pass, a counterfeit inspection certificate or insurance document; or

(2) possesses any part of a stamp, dye, plate, negative, machine, or other device that is used or designated for use in making a counterfeit inspection certificate or insurance document.

(c) The owner of a vehicle commits an offense if the owner knowingly allows the vehicle to be registered or operated while the vehicle displays an inspection certificate in violation of Subsection (a).

(d) An offense under Subsection (a) or (c) is a Class B misdemeanor. An offense under Subsection (b) is a third degree felony unless the person acts with the intent to defraud or harm another person, in which event the offense is a second degree felony.

(e) In this section:

(1) "Counterfeit" means an imitation of a document that is printed, engraved, copied, photographed, forged, or manufactured by a person not authorized to take that action under:

(A) this chapter, rules adopted under this chapter, or other law of this state; or

(B) a law of another state, the United States, the United Mexican States, a state of the United Mexican States, Canada, or a province of Canada.

(2) "Inspection certificate" means a document that is printed, manufactured, or made by the department or an authorized agent of the department for issuance after a vehicle passes an inspection performed under this chapter.

(3) "Insurance document" means a standard proof of motor vehicle insurance coverage that is:

(A) in a form prescribed by the Texas Department of Insurance or by a similarly authorized board, agency, or authority of another state; and

(B) issued by an insurer or insurer's agent who is authorized to write motor vehicle insurance coverage.

(4) "Person" includes an inspection station or inspector.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 851, Sec. 2

(f) Notwithstanding Subsection (c), an offense under Subsection (a)(1) that involves a fictitious inspection certificate is a Class B misdemeanor.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 1069, Sec. 16

(f) A motor vehicle on which a vehicle emissions inspection certificate is displayed in violation of Subsection (a) and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of this state or a political subdivision of this state in which the vehicle is operated or parked.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(j), (k), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 851, Sec. 2, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 16, eff. June 19, 1997.