

BILL ANALYSIS

Senate Research Center

S.B. 1159
By: Barrientos
Natural Resources
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Enrolled

DIGEST AND PURPOSE

In March of 2002, five counties and seven cities in the Austin-San Antonio Metropolitan Statistical Area entered into an agreement to reduce emissions in compliance with the federal one-hour ozone standard. In December of 2002, those same cities and counties entered into an early action compact with the United States Environmental Protection Agency. Early action compact is a legal voluntary reduction agreement to attain the federal eight-hour ozone standard by 2007. S.B. 1159 permits a participating county to request that the Texas Commission on Environmental Quality (TCEQ) adopt motor vehicle inspection and maintenance programs for that county. The bill authorizes TCEQ to work with the Public Safety Commission to develop the program requirements, and permits TCEQ to charge a fee to cover the costs of administering the program while providing a reasonable profit to private entities carrying out the program. This bill also provides local jurisdictions flexibility in designing testing programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.302, Health and Safety Code) and to the Public Safety Commission in SECTION 4 (Section 548.301, Transportation Code) and SECTION 5 (Section 548.307, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 382, Health and Safety Code, by adding Subchapter H, as follows:

SUBCHAPTER H. VEHICLE EMISSIONS PROGRAMS IN CERTAIN COUNTIES

Sec. 382.301. DEFINITIONS. Defines "early action compact" and "participating county."

Sec. 382.302. INSPECTION AND MAINTENANCE PROGRAM. (a) Authorizes a participating county whose early action plan contains provisions for a motor vehicle emissions inspection and maintenance program and has been found adequate by the Texas Commission on Environmental Quality (TCEQ) to adopt motor vehicle emissions inspection and maintenance program requirements for the county. Requires the request to be made by a resolution adopted by the governing body of the participating county and the governing body of the most populous municipality in the county.

(b) Authorizes TCEQ by resolution, after approving a request made under Subsection (a), to request the Public Safety Commission to establish a motor vehicle emissions inspection and maintenance program requirements for the participating county under Subchapter F, Chapter 548 (Motor Vehicle Emissions Inspection and Maintenance), Transportation Code, in accordance with this section and rules adopted under this section. Authorizes the motor vehicle emissions inspection and maintenance program requirements for the participating county to include exhaust emissions testing, emissions control devices and system inspections, or other testing methods that meet or exceed United State Environmental Protection Agency requirements, and a remote sensing component

as provided by Section 382.201. Authorizes the motor vehicle emissions inspection and maintenance program requirements adopted for the participating county to apply to all or to a defined subset of vehicles described by Section 382.203.

(c) Authorizes the Public Safety Commission (commission) to assess a fee for a vehicle inspection performed in accordance with a program established under this section. Requires the fee to be an amount reasonably necessary to recover the costs of developing, administering, evaluating, and enforcing the participating county's motor vehicle emissions inspection and maintenance program. Authorizes an appropriate part of the fee as determined by commission rule to be retained by the station owner, contractor, or operator to recover the cost of performing the inspections and provide for a reasonable margin of profit.

(d) Requires the incentives for voluntary participation established under Section 382.216 of this code to be made available to a participating county.

(e) Authorizes a participating county to participate in the program established under Section 382.209.

SECTION 2. Amends Section 382.0622(a), Health and Safety Code, to make a conforming and a nonsubstantive change.

SECTION 3. Amends Subchapter A, Chapter 548, Transportation Code, by adding Section 548.007, as follows:

548.007. **CONTRACTS AND INSTRUMENTS TO IMPLEMENT CERTAIN INSPECTION AND MAINTENANCE PROGRAMS.** Authorizes the Department of Public Safety to execute any contract or instrument that is necessary or convenient to exercise its powers or perform its duties in implementing a motor vehicle emissions inspection and maintenance program under Section 382.302, Health and Safety Code.

SECTION 4. Amends Section 548.301, Transportation Code, by amending Subsection (c) and adding Subsection (b-1), as follows:

(b-1) Authorizes the commission, by rule, to establish a motor vehicle emissions inspection and maintenance program for vehicles subject to an early action compact as defined by Section 382.301, Health and Safety Code, that is consistent with the early action compact.

(c) Makes a conforming change.

SECTION 5. Amends Subchapter F, Chapter 548, Transportation Code, by adding Section 548.307, as follows:

Sec. 548.307. **ALTERNATIVE TESTING METHODOLOGY FOR CERTAIN COUNTIES.** Authorizes the commission, by rule, to establish procedures for testing and enforcing vehicle emissions standards by use of alternative testing methodology that meets or exceeds United States Environmental Protection Agency requirements in a county participating in an early action compact under Subchapter H, Chapter 382, Health and Safety Code.

SECTION 6. Effective date: upon passage or September 1, 2003.