

By: Krusee

H.B. No. 2963

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of motor vehicle emissions in counties participating in early action compacts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 382, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. VEHICLE EMISSIONS PROGRAMS IN CERTAIN COUNTIES

Sec. 382.301. DEFINITIONS. In this subchapter:

(1) "Early action compact" means an agreement entered into before January 1, 2003, by the United States Environmental Protection Agency, the governing body of a county that is in attainment of the one-hour national ambient air quality standard for ozone but that has incidents approaching, or monitors incidents that exceed, the eight-hour national ambient air quality standard for ozone, and the governing body of the most populous municipality in that county that results in the submission of:

(A) an early action plan to the commission that the commission finds to be adequate; and

(B) a state implementation plan revision to the United States Environmental Protection Agency on or before December 31, 2004, that provides for attainment of the eight-hour national ambient air quality standard for ozone on or before December 31, 2007.

(2) "Participating county" means a county that is a

1 party to an early action compact.

2 Sec. 382.302. INSPECTION AND MAINTENANCE PROGRAM. (a) A
3 participating county whose early action plan contains provisions
4 for a motor vehicle emissions inspection and maintenance program
5 may formally request the commission to adopt motor vehicle
6 emissions inspection and maintenance program requirements for the
7 county. The request must be made by a resolution adopted by the
8 governing body of the participating county and the governing body
9 of the most populous municipality in the county.

10 (b) After approving a request made under Subsection (a), the
11 commission by resolution may request the Public Safety Commission
12 to establish motor vehicle emissions inspection and maintenance
13 program requirements for the participating county under Subchapter
14 F, Chapter 548, Transportation Code. The motor vehicle emissions
15 inspection and maintenance program requirements for the
16 participating county may include exhaust emissions testing,
17 emissions control devices and systems inspections, or other testing
18 methods that meet or exceed United States Environmental Protection
19 Agency requirements. The motor vehicle emissions inspection and
20 maintenance program requirements adopted for the participating
21 county may apply to all or to a defined subset of vehicles described
22 by Section 382.203.

23 (c) The commission may assess a fee for a vehicle inspection
24 performed in accordance with a program established under this
25 section. The fee must be in an amount reasonably necessary to
26 recover the costs of developing, administering, evaluating, and
27 enforcing the participating county's motor vehicle emissions

1 inspection and maintenance program. An appropriate part of the fee
2 as determined by commission rule may be retained by the station
3 owner, contractor, or operator to recover the cost of performing
4 the inspection and provide for a reasonable margin of profit.

5 (d) The incentives for voluntary participation established
6 under Section 382.216 shall be made available to a participating
7 county.

8 (e) A participating county may participate in the program
9 established under Section 382.209.

10 SECTION 2. Section 548.301, Transportation Code, is amended
11 by amending Subsection (c) and adding Subsection (b-1) to read as
12 follows:

13 (b-1) The commission by rule may establish and the
14 department shall implement a motor vehicle emissions inspection and
15 maintenance program for vehicles subject to an early action compact
16 as defined by Section 382.301, Health and Safety Code, that is
17 consistent with the early action compact.

18 (c) A program established under Subsection (b) or (b-1) may
19 include reregistration-based enforcement.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2003.