

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 commission, 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 and has been found adequate by the commission may formally request  
6 the commission to adopt motor vehicle emissions inspection and  
7 maintenance program requirements for the county. The request must  
8 be made by a resolution adopted by the governing body of the  
9 participating county and the governing body of the most populous  
10 municipality in the county.

11 (b) After approving a request made under Subsection (a), the  
12 commission by resolution may request the Public Safety Commission  
13 to establish motor vehicle emissions inspection and maintenance  
14 program requirements for the participating county under Subchapter  
15 F, Chapter 548, Transportation Code, in accordance with this  
16 section and rules adopted under this section. The motor vehicle  
17 emissions inspection and maintenance program requirements for the  
18 participating county may include exhaust emissions testing,  
19 emissions control devices and systems inspections, or other testing  
20 methods that meet or exceed United States Environmental Protection  
21 Agency requirements, and a remote sensing component as provided by  
22 Section 382.204. The motor vehicle emissions inspection and  
23 maintenance program requirements adopted for the participating  
24 county may apply to all or to a defined subset of vehicles described  
25 by Section 382.203.

26 (c) The commission may assess a fee for a vehicle inspection  
27 performed in accordance with a program established under this

1 section. The fee must be in an amount reasonably necessary to  
2 recover the costs of developing, administering, evaluating, and  
3 enforcing the participating county's motor vehicle emissions  
4 inspection and maintenance program. An appropriate part of the fee  
5 as determined by commission rule may be retained by the station  
6 owner, contractor, or operator to recover the cost of performing  
7 the inspection and provide for a reasonable margin of profit.

8 (d) The incentives for voluntary participation established  
9 under Section 382.216 shall be made available to a participating  
10 county.

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

13 SECTION 2. Subsection (a), Section 382.0622, Health and  
14 Safety Code, is amended to read as follows:

15 (a) Clean Air Act fees consist of:

16 (1) fees collected by the commission under Sections  
17 382.062, 382.0621, ~~[and]~~ 382.202, and 382.302 and as otherwise  
18 provided by law; and

19 (2) \$2 of each advance payment collected by the  
20 Department of Public Safety for inspection certificates for  
21 vehicles other than mopeds under Section 548.501, Transportation  
22 Code.

23 SECTION 3. Subchapter A, Chapter 548, Transportation Code,  
24 is amended by adding Section 548.007 to read as follows:

25 Sec. 548.007. CONTRACTS AND INSTRUMENTS TO IMPLEMENT  
26 CERTAIN INSPECTION AND MAINTENANCE PROGRAMS. The department may  
27 execute any contract or instrument that is necessary or convenient

1 to exercise its powers or perform its duties in implementing a motor  
2 vehicle emissions inspection and maintenance program under Section  
3 382.302, Health and Safety Code.

4 SECTION 4. Section 548.301, Transportation Code, is amended  
5 by amending Subsection (c) and adding Subsection (b-1) to read as  
6 follows:

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

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

13 SECTION 5. Subchapter F, Chapter 548, Transportation Code,  
14 is amended by adding Section 548.307 to read as follows:

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

22 SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2003.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1159 passed the Senate on May 8, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1159 passed the House on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor