

By: Barrientos

S.B. No. 1159

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 EMISSION PROGRAMS IN

EARLY ACTION COMPACT COUNTIES

Sec. 382.301. EARLY ACTION COMPACT. In this subchapter, "early action compact" means an emission reduction agreement that:

(1) is between the United States Environmental Protection Agency (U.S. EPA), the commission, and county officials, to include officials of the largest municipality within the county, of counties that are in attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ozone but approach or monitor incidents which exceed the 8-hour NAAQS for ozone;

(2) is entered into by December 31, 2002;

(3) results in the submission of an early action plan that the commission deems adequate; and

(4) results in submission to the U.S. Environmental Protection Agency of a SIP revision by December 31, 2004, that provides for attainment of the 8-hour NAAQS for ozone on or before December 31, 2007.

Sec. 382.302. EARLY ACTION COMPACT COUNTY VEHICLE

1 INSPECTION AND MAINTENANCE PROGRAMS. (a) An early action compact  
2 county that has included emissions reductions in its early action  
3 plan from a motor vehicle inspection and maintenance program, and  
4 whose plan [~~that~~] has been deemed adequate by the commission, may  
5 formally request that the commission adopt requirements for that  
6 program. The formal request shall be in the form of resolutions  
7 adopted by the county and the most populous municipality within the  
8 county according to the most recent federal decennial census.

9 (b) Following approval of the request, the commission by  
10 resolution may request the Public Safety Commission to establish a  
11 motor vehicle emissions inspection and maintenance program under  
12 Subchapter F, Chapter 548, Transportation Code for vehicles as  
13 required by rules adopted under this section.

14 (c) Vehicle inspection and maintenance requirements for an  
15 early action compact county may include testing exhaust emissions,  
16 examining emission control devices and systems, or an alternative  
17 testing methodology that meets or exceeds United States  
18 Environmental Protection Agency requirements. The requirements  
19 may apply to all or a subset of vehicles described in Section  
20 382.203(a) of this code.

21 (d) The commission may assess fees for vehicle inspections  
22 performed in accordance with the terms of the early action compact.  
23 The fees shall be set in amounts reasonably necessary to recover the  
24 costs of developing, administering, evaluating, and enforcing the  
25 early action compact vehicle emissions inspection and maintenance  
26 program. An appropriate portion of the fee as determined by  
27 commission rule may be retained by the station owner, contractor,

1 or operator to recover the cost of performing the inspections and  
2 provide for a reasonable margin of profit.

3 (e) The incentives for voluntary participation established  
4 under Section 382.216 of this code shall be available in early  
5 action compact counties.

6 (f) The early action compact counties may participate in the  
7 program established under Section 382.209 of this code.

8 SECTION 2. Section 548.301, Transportation Code, is amended  
9 to read as follows:

10 (b) The commission by rule may establish a motor vehicle  
11 emissions inspection and maintenance program for vehicles  
12 specified by the environmental [~~conservation~~] commission in a  
13 county for which the environmental [~~conservation~~] commission has  
14 adopted a resolution requesting the commission to establish such a  
15 program and for which the county and the municipality with the  
16 largest population in the county by resolution have formally  
17 requested a proactive air quality plan consisting of such a  
18 program.

19 (c) The commission by rule may establish, and the department  
20 shall implement, a motor vehicle emissions inspection and  
21 maintenance program for vehicles subject to and consistent with an  
22 early action compact entered into by federal, state, and local  
23 officials.

24 (d) [(e)] A program established under Subsection (b) and  
25 (c) may include reregistration-based enforcement.

26 (e) [(d)] A vehicle emissions inspection under this section  
27 may be performed by the same facility that performs a safety

1 inspection if the facility is authorized and certified by the  
2 department to perform the vehicle emissions inspection and  
3 certified by the department to perform the safety inspection.

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