

1-1 By: Barrientos S.B. No. 1159  
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 29, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 29, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1159 By: Barrientos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of motor vehicle emissions in counties  
1-11 participating in early action compacts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 382, Health and Safety Code, is amended  
1-14 by adding Subchapter H to read as follows:

1-15 SUBCHAPTER H. VEHICLE EMISSIONS PROGRAMS IN CERTAIN COUNTIES

1-16 Sec. 382.301. DEFINITIONS. In this subchapter:

1-17 (1) "Early action compact" means an agreement entered  
1-18 into before January 1, 2003, by the United States Environmental  
1-19 Protection Agency, the commission, the governing body of a county  
1-20 that is in attainment of the one-hour national ambient air quality  
1-21 standard for ozone but that has incidents approaching, or monitors  
1-22 incidents that exceed, the eight-hour national ambient air quality  
1-23 standard for ozone, and the governing body of the most populous  
1-24 municipality in that county that results in the submission of:

1-25 (A) an early action plan to the commission that  
1-26 the commission finds to be adequate; and

1-27 (B) a state implementation plan revision to the  
1-28 United States Environmental Protection Agency on or before December  
1-29 31, 2004, that provides for attainment of the eight-hour national  
1-30 ambient air quality standard for ozone on or before December 31,  
1-31 2007.

1-32 (2) "Participating county" means a county that is a  
1-33 party to an early action compact.

1-34 Sec. 382.302. INSPECTION AND MAINTENANCE PROGRAM. (a) A  
1-35 participating county whose early action plan contains provisions  
1-36 for a motor vehicle emissions inspection and maintenance program  
1-37 and has been found adequate by the commission may formally request  
1-38 the commission to adopt motor vehicle emissions inspection and  
1-39 maintenance program requirements for the county. The request must  
1-40 be made by a resolution adopted by the governing body of the  
1-41 participating county and the governing body of the most populous  
1-42 municipality in the county.

1-43 (b) After approving a request made under Subsection (a), the  
1-44 commission by resolution may request the Public Safety Commission  
1-45 to establish motor vehicle emissions inspection and maintenance  
1-46 program requirements for the participating county under Subchapter  
1-47 F, Chapter 548, Transportation Code, in accordance with this  
1-48 section and rules adopted under this section. The motor vehicle  
1-49 emissions inspection and maintenance program requirements for the  
1-50 participating county may include exhaust emissions testing,  
1-51 emissions control devices and systems inspections, or other testing  
1-52 methods that meet or exceed United States Environmental Protection  
1-53 Agency requirements, and a remote sensing component as provided by  
1-54 Section 382.204. The motor vehicle emissions inspection and  
1-55 maintenance program requirements adopted for the participating  
1-56 county may apply to all or to a defined subset of vehicles described  
1-57 by Section 382.203.

1-58 (c) The commission may assess a fee for a vehicle inspection  
1-59 performed in accordance with a program established under this  
1-60 section. The fee must be in an amount reasonably necessary to  
1-61 recover the costs of developing, administering, evaluating, and  
1-62 enforcing the participating county's motor vehicle emissions  
1-63 inspection and maintenance program. An appropriate part of the fee

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

2-4 (d) The incentives for voluntary participation established  
2-5 under Section 382.216 shall be made available to a participating  
2-6 county.

2-7 (e) A participating county may participate in the program  
2-8 established under Section 382.209.

2-9 SECTION 2. Subsection (a), Section 382.0622, Health and  
2-10 Safety Code, is amended to read as follows:

2-11 (a) Clean Air Act fees consist of:

2-12 (1) fees collected by the commission under Sections  
2-13 382.062, 382.0621, ~~and~~ 382.202, and 382.302 and as otherwise  
2-14 provided by law; and

2-15 (2) \$2 of each advance payment collected by the  
2-16 Department of Public Safety for inspection certificates for  
2-17 vehicles other than mopeds under Section 548.501, Transportation  
2-18 Code.

2-19 SECTION 3. Subchapter A, Chapter 548, Transportation Code,  
2-20 is amended by adding Section 548.007 to read as follows:

2-21 Sec. 548.007. CONTRACTS AND INSTRUMENTS TO IMPLEMENT  
2-22 CERTAIN INSPECTION AND MAINTENANCE PROGRAMS. The department may  
2-23 execute any contract or instrument that is necessary or convenient  
2-24 to exercise its powers or perform its duties in implementing a motor  
2-25 vehicle emissions inspection and maintenance program under Section  
2-26 382.302, Health and Safety Code.

2-27 SECTION 4. Section 548.301, Transportation Code, is amended  
2-28 by amending Subsection (c) and adding Subsection (b-1) to read as  
2-29 follows:

2-30 (b-1) The commission by rule may establish a motor vehicle  
2-31 emissions inspection and maintenance program for vehicles subject  
2-32 to an early action compact as defined by Section 382.301, Health and  
2-33 Safety Code, that is consistent with the early action compact.

2-34 (c) A program established under Subsection (b) or (b-1) may  
2-35 include reregistration-based enforcement.

2-36 SECTION 5. Subchapter F, Chapter 548, Transportation Code,  
2-37 is amended by adding Section 548.307 to read as follows:

2-38 Sec. 548.307. ALTERNATIVE TESTING METHODOLOGY FOR CERTAIN  
2-39 COUNTIES. The commission by rule may establish procedures for  
2-40 testing and enforcing vehicle emissions standards by use of  
2-41 alternative testing methodology that meets or exceeds United States  
2-42 Environmental Protection Agency requirements in a county  
2-43 participating in an early action compact under Subchapter H,  
2-44 Chapter 382, Health and Safety Code.

2-45 SECTION 6. This Act takes effect immediately if it receives  
2-46 a vote of two-thirds of all the members elected to each house, as  
2-47 provided by Section 39, Article III, Texas Constitution. If this  
2-48 Act does not receive the vote necessary for immediate effect, this  
2-49 Act takes effect September 1, 2003.

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