

BILL ANALYSIS

H.B. 2565
By: Madden
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2001, the 77th Texas Legislature established an advisory committee to assist the Texas Department of Public Safety (DPS) in the certification of motor vehicle inspection stations and inspectors. Four years after its creation, this advisory committee was disbanded by the DPS based on their legal staff's interpretation of Sect 2110.008 of the Government Code. The Transportation Code language that established the advisory committee was not exempt in Sect. 2110.008 of the Government Code and therefore the committee was abolished. With the imminent debut of the Texas Automated Vehicle Inspection System (TAVIS) and increasing number of non-attainment areas throughout the state, the need for dialogue between private sector participants and the DPS is evident.

HB 2565 resolves the differing language between the Transportation and Government Code and reestablishes the motor vehicle inspection advisory board.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 2565 amends the Transportation Code to reconstitute a nine vs. the original six-member advisory committee to now assist both the Texas Commission on Environmental Quality (TCEQ) and the Texas Department of Public Safety in evaluating and formulating rules that pertain to the operation of the state's vehicle emission and safety inspection programs. The bill reconfigures the composition of the committee with the areas of functionality and/or expertise.

The respective presiding officers of the TCEQ and DPS each appoint one member to the advisory committee, who alternately serve as the presiding advisory committee officer. The remaining seven members are appointed by the TCEQ as follows:

1. Two representing inspection station owners/operators from non-attainment counties;
2. Two from counties which only do vehicle safety inspections;
3. One person to represent manufacturers of motor vehicle emissions inspection devices;
4. One person to represent independent vehicle equipment repair technicians; and
5. One person to represent the public interest.

The bill provides that Chapter 2110 of the Government Code does not apply to the advisory committee. It is mandated that the committee hold at least two meetings a year, only a rule or amendment to a rule proposed after the first meeting of the advisory committee falls under its purview.

EFFECTIVE DATE

September 1, 2007.