

## **BILL ANALYSIS**

C.S.H.B. 715  
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Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under Texas Administrative Code provisions relating to the Department of Public Safety (DPS), a vehicle emissions inspection station operating under a low volume waiver is limited to performing 1200 emission inspections per year. Such a station operates with an onboard diagnostic (OBD) system that can only inspect vehicles that are model year 1996 and newer. Each month the inspection station is allocated 100 emission tests. After the monthly test allocation of the station is used, no more inspections are allowed until the next month. If the station performs fewer than 100 emission tests, the remaining number will carry over to the next month. The annual waiver limit automatically resets each January, with no carry-over from the previous year.

The rule was adopted in 2002 because the cost of acceleration simulation mode (ASM) emissions inspection systems, which have the ability to test vehicles that are model year 1995 and older, is much higher than the cost of OBD machines. The Texas Commission on Environmental Quality and DPS wanted to provide an incentive for automotive shops to purchase the more expensive ASM machines so that more inspection stations could accommodate older cars and exempted ASM machines from the rule limiting the number of inspections conducted. The rule has been in place for seven years, giving ASM machine owners plenty of opportunity to pay for their machines. The rule hurts OBD machine owners that are forced to turn away paying customers mid-way through each month because the monthly allocation of 100 emissions tests has been used.

C.S.H.B. 715 eliminates the limit on the number of inspections per month that inspection stations using OBD machines may perform.

### **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**

C.S.H.B. 715 amends the Transportation Code to prohibit a Department of Public Safety rule that allows a qualified inspection station to perform a limited emissions inspection of a motor vehicle from limiting the number of inspections per month that the inspection station may perform. The bill defines "limited emissions inspection" to mean an emissions inspection of a motor vehicle conducted only by using the onboard diagnostic system of the vehicle.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 715 differs from the original by prohibiting a Department of Public Safety rule from limiting the number of inspections per month that an inspection station that performs emissions inspections using only the onboard diagnostic system of inspected vehicles may perform, rather than prohibiting a department rule from restricting such a station to fewer than 150 inspections per month, as in the original.