

By: Ellis

S.B. No. 132

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that the manufacturer of a motor vehicle affix a label on the vehicle containing information concerning the vehicle's emissions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

SUBCHAPTER J. VEHICLE EMISSIONS LABELS

Sec. 382.451. DEFINITIONS. In this subchapter:

(1) "Emissions of global warming gases" includes emissions, as determined by the commission, from motor vehicle operation and upstream emissions.

(2) "Global warming gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(3) "Motor vehicle" means a passenger car or light-duty truck with a gross weight of 8,500 pounds or less.

(4) "Upstream emissions" means emissions of global warming gases that occur during the extraction, refining, transport, and local distribution of motor vehicle fuels as determined by the commission.

Sec. 382.452. LABEL DISCLOSING AIR POLLUTION EMISSION INFORMATION REQUIRED. (a) The commission by rule shall prohibit the sale or registration in this state of a new motor vehicle to

1 which the manufacturer has not securely and conspicuously affixed  
2 on a side window to the rear of the driver or, if it cannot be so  
3 placed, to the windshield of the vehicle a label that clearly,  
4 distinctly, and legibly discloses:

5 (1) the emission standards that are applicable to the  
6 vehicle; and

7 (2) the information required by Section 382.453 and  
8 any related air pollution emissions information specified by the  
9 commission.

10 (b) In adopting rules under this section, the commission  
11 shall consider the vehicle emissions labeling requirements adopted  
12 by the State of California.

13 (c) A purchaser may remove a decal required by this section  
14 after the purchaser has taken possession of the motor vehicle.

15 Sec. 382.453. FORMAT OF LABEL. (a) A label required by a  
16 rule adopted under Section 382.452 must include:

17 (1) a smog index that:

18 (A) contains quantitative information that is  
19 presented in a continuous, easy-to-read scale, unless the  
20 commission determines, after conducting at least one public  
21 workshop, that an alternative graphical representation will more  
22 effectively convey the information to consumers, and that compares  
23 the emissions from the motor vehicle with the average projected  
24 emissions from all vehicles of the same model year sold in this  
25 state for which a label is required; and

26 (B) identifies the emissions from the vehicle  
27 model of that same model year that has the lowest smog-forming

1 emissions;

2 (2) a global warming index that:

3 (A) contains quantitative information that is  
4 presented in a continuous, easy-to-read scale, unless the  
5 commission determines, after conducting at least one public  
6 workshop, that an alternative graphical representation will more  
7 effectively convey the information to consumers, and that compares  
8 the emissions of global warming gases from the vehicle with the  
9 average projected emissions of global warming gases from all  
10 vehicles of the same model year sold in this state for which a label  
11 is required; and

12 (B) identifies the emissions of global warming  
13 gases from the vehicle model of that same model year that has the  
14 lowest emissions of global warming gases; and

15 (3) a brief explanation, prepared by the commission,  
16 of the indexes required by this section, including the  
17 identification of motor vehicle usage as a primary cause of global  
18 warming, and of how emissions of gases from motor vehicles may be  
19 reduced.

20 (b) The label must use at least one color of ink, as  
21 determined by the commission, in addition to black.

22 (c) To ensure that the label is useful and informative to  
23 consumers, the commission, to the extent feasible considering its  
24 resources, in designing the label must:

25 (1) seek input from automotive consumers, graphic  
26 design professionals, and persons with expertise in environmental  
27 labeling; and

1           (2) consider other relevant label formats consistent  
2 with Subsections (a) and (b).

3           (d) The indexes included in the label must be updated as  
4 determined necessary by the commission to ensure that the  
5 differences in emissions among motor vehicles are readily apparent  
6 to the consumer.

7           Sec. 382.454. RECOMMENDATIONS REGARDING ADDITIONAL SOURCES  
8 OF AIR POLLUTION FOR WHICH DISCLOSURE OF INFORMATION WOULD BE  
9 EDUCATIONAL. The commission, in consultation with other agencies  
10 as appropriate, may recommend to the legislature additional sources  
11 of air pollution that emit significant amounts of global warming  
12 gases for which the disclosure of information regarding those  
13 emissions would be an effective means of educating the public about  
14 the sources of global warming and its effects.

15           Sec. 382.455. INCORPORATION OF INFORMATION FROM LABEL INTO  
16 EXISTING EDUCATIONAL PROGRAMS. The commission shall, as it  
17 determines appropriate and to the extent feasible considering its  
18 resources, incorporate information from a label required by a rule  
19 adopted under Section 382.452 into commission programs designed to  
20 educate motor vehicle consumers about emissions of global warming  
21 gases and other air pollutants.

22           Sec. 382.456. FUNDING. (a) The commission may accept a  
23 donation or grant of money from any person to implement this  
24 subchapter.

25           (b) The commission shall disclose the source of any money  
26 received under this section at a public hearing or workshop held to  
27 implement this subchapter.

1        (c) The commission shall deposit money received under this  
2 section to the credit of the air control account.

3        (d) Money received under this section may be appropriated  
4 only for a specific purpose consistent with the goals of this  
5 subchapter.

6        SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2009.