

## **BILL ANALYSIS**

H.B. 1403  
By: Rodriguez, Eddie  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Several Texas counties not in compliance with federal ambient air quality standards and consequently designated by the Environmental Protection Agency as being in nonattainment or near-attainment status participate in a program requiring an emissions inspection for a vehicle at the time of the vehicle's annual safety inspection to verify that the vehicle does not emit harmful levels of air contaminants. Most of these counties have implemented an associated program, administered by the state's environmental agency and funded by a surcharge added to the cost of every vehicle inspection in each participating county, that helps improve air quality by assisting qualifying low-income residents to repair or replace automobiles that fail the emissions portion of the vehicle inspection but otherwise comply with all other legal requirements.

However, the provisions of state law relating to eligibility for the associated program are inconsistent. One provision requires that a vehicle has passed a safety inspection within the last 15 months, while another section of the same code requires the vehicle registration sticker to have been valid for the last 12 consecutive months prior to applying for the program. Furthermore, the applicable state agency or tax office has only the latest registration information available, and there is no way to check the history of a vehicle's registration. A vehicle registration completed online or with an authorized third party such as a grocery store customer service center will not be reflected as a renewal until several days after the registration, even if the transaction took place before the registration expired. As a result, an applicant may be denied access to the low-income program on grounds that the applicant's vehicle was not registered for 12 consecutive months prior to the application. Approximately 25 to 30 percent of applications to the program are denied for this reason. The goal of H.B. 1403 is to improve air quality by resolving this inconsistency in state law by requiring the vehicle to have been registered in the county implementing the program for at least 12 of the 15 months preceding the application for participation in the program, which would allow more vehicles to qualify for the low-income program that otherwise are unlikely to be repaired or replaced.

### **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**

H.B. 1403 amends the Health and Safety Code to revise the requirements for a vehicle to be an exception to the provision making a vehicle ineligible to participate in a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program. The bill makes a vehicle eligible to participate in the program if the registration of the vehicle reflects that the vehicle has been registered in the county implementing the program for at least 12 of the 15 months preceding the application for participation in the program, rather than for the 12 months preceding the application, and the vehicle meets certain other requirements.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.