

BILL ANALYSIS

C.S.H.B. 2639
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Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Remote sensing technology encompasses equipment placed on the side of a roadway that instantly measures on-road tailpipe emissions, using characteristic wavelengths that measure gases from a vehicle that contribute to ozone pollution, as motor vehicles pass through ultraviolet and infrared beams of light cast across a roadway. This technology provides convenient, unobtrusive, and reliable emissions inspections in less than a second without impeding the progress of a vehicle.

C.S.H.B. 2639 seeks to help the state comply with federal emissions standards and provide a more convenient way for motorists to obtain an emissions inspection by allowing state planning agencies to adopt clean screen remote sensing as a part of a mobile source control strategy along with the existing emission inspection program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 1 and 2 and to the Public Safety Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2639 amends the Health and Safety Code to authorize a county, a regional council of governments, a regional planning commission, a metropolitan planning organization, or another organization designated by the Texas Commission on Environmental Quality (TCEQ) to develop air quality plans to submit a written request to TCEQ to establish a clean screen program component in a county under the jurisdiction of the entity that submitted the request that is designated after September 1, 2011, as a nonattainment area within the meaning of the Clean Air Act and its subsequent amendments or a county adjacent to such a county. The bill authorizes TCEQ, the Public Safety Commission, and the Texas Department of Motor Vehicles (TxDMV) to jointly develop and implement a clean screen program component in a county that is the subject of the request and requires those entities to agree to implement a program component developed under the bill's provisions not later than 24 months after the date TCEQ receives the request. The bill specifies that if the agencies do not agree to implement the program component before that deadline, the request expires.

C.S.H.B. 2639 limits the applicability of a clean screen program component developed under the bill's provisions to only passenger vehicles and light trucks not subject to inspection under Transportation Code provisions relating to commercial motor vehicle inspections. The bill sets out procedures that are required to be included in a clean screen program component developed and implemented under the bill. The bill requires the Public Safety Commission, if TCEQ, the Public Safety Commission, and TxDMV agree to include in the clean screen program a component to waive motor vehicle safety inspections, to adopt, by rule, procedures to allow the registered owner of a vehicle that is identified under the program component as being in compliance with applicable emissions standards to pay a fee instead of obtaining a vehicle safety

inspection certificate or paying a fee under certain provisions of the Transportation Code relating to the compulsory inspection of vehicles.

C.S.H.B. 2639 requires TCEQ to assess a clean screen inspection fee payable by and at the option of the registered owner of a vehicle that clean screen remote sensing equipment identifies as being in compliance with applicable on-road emissions standards. The bill requires the fee to be in an amount reasonably necessary to recover the costs of developing, administering, implementing, evaluating, and enforcing the clean screen program component and not less than the sum of the fees that would be required for an emissions-related inspection conducted at an inspection station. The bill requires TCEQ, if the Public Safety Commission adopts procedures to allow the registered owner of a vehicle that is identified as being in compliance with emissions standards under a clean screen program component, to assess a clean screen convenience fee payable by and at the option of the registered owner and in an amount not less than the sum of the fees that would be required for a vehicle safety inspection conducted at an inspection station.

C.S.H.B. 2639 requires TCEQ, by rule, to authorize a private operator or contractor to retain an appropriate portion of fees assessed under the bill to recover the operator's cost of performing the inspection and provide the operator a reasonable margin of profit if the clean screen program component relies on clean screen remote sensing equipment operated by such a private entity. The bill authorizes TCEQ to stipulate in a contract for conducting clean screen remote sensing equipment inspections that the person contracted with is required to reimburse TCEQ for the cost of computer programming activities or hardware acquisitions required to accommodate use of the clean screen program component. The bill requires any portion of a fee collected by TCEQ under the bill to be used for the same purpose the fee would have been used for if collected under provisions in law relating to vehicle inspection and certification fees.

C.S.H.B. 2639 makes a county that voluntarily participates in a clean screen program component established under the bill eligible for incentives established under provisions of law relating to incentives for voluntary participation in a vehicle emissions inspection and maintenance program.

C.S.H.B. 2639 authorizes the Public Safety Commission and TxDMV to modify the motor vehicle emissions inspection and maintenance program inspection process to accommodate elements of the clean screen program component if TCEQ implements a clean screen program component under the bill.

C.S.H.B. 2639 defines "clean screen remote sensing equipment" and "clean screen program component" and provides for the meaning of "inspection station" by reference to the Transportation Code.

C.S.H.B. 2639 amends the Transportation Code to make certain provisions in law relating to the compulsory inspection of vehicles inapplicable to a certificate issued for an inspection conducted under the clean screen program component under the bill. The bill authorizes the Public Safety Commission and the Department of Public Safety (DPS), if TCEQ establishes such a component, to develop a system to: issue an inspection certificate under the clean screen program component without requiring that an inspection station issue the inspection certificate; and allow the operator of the clean screen remote sensing equipment to issue an inspection certificate if the component relies on privately operated or contractor-operated clean screen remote sensing equipment.

C.S.H.B. 2639 makes conforming and nonsubstantive changes.

C.S.H.B. 2639 repeals Section 548.306(j), Transportation Code, relating to the prohibition on charging a fee for emissions screening by remote sensing.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2639 differs from the original by omitting provisions authorizing the Texas Commission on Environmental Quality (TCEQ), the Public Safety Commission, and the Texas Department of Motor Vehicles (TxDMV) to jointly develop and implement a clean screen program component on their own initiative. The substitute differs from the original by specifying that the authorization to submit a written request to the commission to establish a clean screen program component in a county under the jurisdiction of the entity applies to a county designated as a nonattainment area after September 1, 2011, whereas the original contains no such reference to the date on which the county is so designated.

C.S.H.B. 2639 contains a requirement not included in the original requiring TCEQ, the Public Safety Commission, and TxDMV to agree to implement the component by a specified deadline. The substitute differs from the original by specifying that the request expires if the agencies do not so agree before the deadline.

C.S.H.B. 2639 differs from the original by requiring the Public Safety Commission, if the relevant agencies agree to include in the program a component to waive motor vehicle safety inspections, to adopt, by rule, certain procedures relating to such a component, whereas the original authorizes such a component to include such procedures.

C.S.H.B. 2639 contains a provision not included in the original authorizing the Public Safety Commission and the Department of Public Safety to develop a system to allow the operator of the clean screen remote sensing equipment to issue an inspection certificate if the component relies on privately operated or contractor-operated clean screen remote sensing equipment.

C.S.H.B. 2639 differs from the original in nonsubstantive ways.