

BILL ANALYSIS

Senate Research Center
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S.B. 1515
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Motorists whose vehicles are registered in nonattainment areas of Texas are required to go to a traditional testing facility to obtain a vehicle emissions test. As the United States Environmental Protection Agency considers whether it will change the design value it uses for measuring ozone pollution, a lower measurement number could introduce a new array of Texas counties into the designation of nonattainment. This would expand the number of vehicles that would be subject to emissions testing.

"Remote sensing technology" is equipment placed on the side of a roadway that instantly measures on-road tailpipe emissions as motor vehicles pass through ultraviolet and infrared beams of light cast across a roadway. The technology provides convenient, unobtrusive, and reliable emissions inspections in less than a second without impeding the progress of a vehicle. Remote sensing technology measures a car's exhaust as it is driven on streets and highways. It uses characteristic wavelengths that measure gases from a vehicle that contribute to ozone pollution—carbon dioxide (CO₂), carbon monoxide (CO), hydrocarbons (HC), nitrogen oxide (NO_x), and smoke.

S.B. 1515 allows for state planning agencies to adopt "clean screen" remote sensing as a part of a mobile source control strategy as a complement to the existing emission inspection program. The adoption of a remote sensing vehicle emissions testing program provides greater motorist convenience and introduces new technology for the way the state must comply with federal emissions standards. S.B. 1515 does not mandate a clean screen program. It allows state and local planning agencies to decide for themselves whether they want a clean screen program as part of the state implementation plan, and it allows motorists to choose whether to accept the on-road emissions test or to go to a traditional testing facility.

As proposed, S.B. 1515 amends current law relating to motor vehicle inspections that employ remote sensing equipment.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 382.2041, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 382, Health and Safety Code, by adding Section 382.2041, as follows:

Sec. 382.2041. CLEAN SCREEN PROGRAM COMPONENT. (a) Defines, in this section, "clean screen remote sensing equipment," "clean screen program component," and "inspection station."

(b) Authorizes the Texas Natural Resource Conservation Commission (TNRCC), the Public Safety Commission (PSC), and the Texas Department of Motor Vehicles (TxDMV), on their own initiative, to jointly develop and implement a clean screen program component in a county designated as a nonattainment area within the meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section 7407) and its subsequent amendments, in any affected county, or in any county adjacent to an affected county.

(c) Authorizes a county, a regional council of governments, as defined by Section 384.001(5) (defining "regional council of governments"), a regional planning commission organized under Chapter 391 (Regional Planning Commissions), Local Government Code, a metropolitan planning organization, as defined by Section 472.031 (Definitions), Transportation Code, or another organization designated by TNRCC to develop air quality plans to submit a written request to TNRCC to establish a clean screen program component in a county described by Subsection (b) that is under the jurisdiction of the county, council, commission, or organization that submitted the request. Authorizes TNRCC, PSC, and TxDMV to jointly develop and implement a clean screen program component in a county that is the subject of the request and requires them to implement a program component developed under this subsection not later than 24 months after the date TNRCC receives the request.

(d) Requires that a clean screen program component established under this section apply only to passenger vehicles and light trucks not subject to inspection under Subchapter D (Inspection of Commercial Motor Vehicles), Chapter 548 (Compulsory Inspection of Vehicles), Transportation Code.

(e) Provides that the clean screen program component described by this section:

(1) is required to include procedures to:

(A) identify a vehicle that is in compliance with applicable on-road emissions standards established by TNRCC;

(B) allow the registered owner of a vehicle described by Paragraph (A) to pay the fee described by Subsection (f) instead of:

(i) obtaining an emissions-related inspection certificate at an inspection station; and

(ii) paying a fee required by Subchapter H (Inspection and Certification Fees), Chapter 548, Transportation Code, for an emissions-related inspection; and

(C) provide written notice of the clean screen program component inspection and fee process to the registered owner of a vehicle:

(i) during the registration process under Section 502.002 (Registration Required; General Rule), Transportation Code; or

(ii) by mailing notice to motor vehicle owners; and

(2) is authorized to include procedures to allow the registered owner of a vehicle that is identified under the clean screen program component as being in compliance with applicable emissions standards to pay the fee described by Subsection (g) instead of:

(A) obtaining a vehicle safety inspection certificate under Subchapters B (Vehicles and Equipment Subject to Inspection and Reinspection) and C (Periods of Inspection; Prerequisites to Issuance of Inspection Certificate), Chapter 548, Transportation Code, at an inspection station; and

(B) paying a fee required by Subchapter H, Chapter 548, Transportation Code, for a vehicle safety inspection.

(f) Requires TNRCC 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. Requires that the fee be in an amount:

(1) reasonably necessary to recover the costs of developing, administering, implementing, evaluating, and enforcing the clean screen program component; and

(2) not less than the sum of the fees that would be required for an emissions-related inspection conducted at an inspection station.

(g) Requires TNRCC, if TNRCC adopts procedures under Subsection (e)(2), to assess a clean screen convenience 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 emissions standards. Requires that the fee be 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.

(h) Requires TNRCC, if the clean screen program component relies on privately operated or contractor-operated clean screen remote sensing equipment, by rule to authorize the private operator or contractor to retain an appropriate portion of fees assessed under Subsection (f) to recover the operator's cost of performing the inspection and provide the operator a reasonable margin of profit.

(i) Authorizes TNRCC to stipulate in a contract for conducting clean screen remote sensing equipment inspections that the person contracted with is required to reimburse TNRCC for the cost of computer programming activities or hardware acquisitions required to accommodate use of the clean screen program component.

(j) Requires that any portion of a fee collected by TNRCC under Subsection (f) or (g) be used for the same purpose the fee would have been used for if collected under Subchapter H, Chapter 548, Transportation Code.

(k) Provides that a county that voluntarily participates in a clean screen program component established under this section is eligible for incentives established under Section 382.216 (Incentives for Voluntary Participation in Vehicle Emissions Inspection and Maintenance Program).

SECTION 2. Amends Section 382.302(b), Health and Safety Code, as follows:

(b) Authorizes the motor vehicle emissions inspection and maintenance program requirements for the participating county to include exhaust emissions testing, emissions control devices, systems inspections, a remote sensing program component as provided by Section 382.204 (Remote Sensing Program Component), a clean screen program component as provided by Section 382.2041, or other testing methods that meet or exceed United States Environmental Protection Agency requirements. Authorizes PSC and TxDMV, if TNRCC implements a clean screen program component under Section 382.2041, to modify the motor vehicle emissions inspection and maintenance program

inspection process to accommodate elements of the clean screen program component. Makes nonsubstantive changes.

SECTION 3. Amends Section 548.052, Transportation Code, as follows:

Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. Provides that this chapter does not apply to certain vehicles, including a former military vehicle, as defined by Section 504.502 (Certain Exhibition Vehicles; Offense), rather than as defined by Section 502.275 (Certain Exhibition Vehicles; Offense, repealed by Acts 2003, 78th Leg., ch. 1320, §10(a)); or a vehicle for which the registered owner has satisfied the requirements of Section 382.2041(e)(2), Health and Safety Code, if the Texas Commission on Environmental Quality (TCEQ) adopts procedures under Section 382.2041(e)(2), Health and Safety Code.

SECTION 4. Amends Section 548.251, Transportation Code, as follows:

Sec. 548.251. DEPARTMENT TO PROVIDE INSPECTION CERTIFICATES AND VERIFICATION FORMS. (a) Creates this subsection from existing text. Makes no further changes.

(b) Provides that any provision in Subchapter E (Issuance, Recording, and Proof of Inspection Certificates and Verification Forms), F (Motor Vehicle Emissions Inspection and Maintenance), or G (Certification of Inspection Station or Inspector) that requires an inspection certificate to be issued only by an inspection station does not apply to a certificate issued for an inspection conducted under the clean screen program component described by Section 382.2041, Health and Safety Code. Authorizes TNRCC and the Department of Public Safety of the State of Texas, if TCEQ establishes a clean screen program component under Section 382.2041, Health and Safety Code, 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.

SECTION 5. Amends Section 548.301(d), Transportation Code, as follows:

(d) Authorizes a vehicle emissions inspection under this section to be performed by:

(1) Creates this subdivision from existing text; or

(2) clean screen remote sensing equipment as defined by Section 382.2041, Health and Safety Code, if TCEQ establishes a clean screen program component under that section.

SECTION 6. Repealer: Section 548.306(j) (relating to prohibiting enforcement of the remote sensing component of the vehicle emissions inspection and maintenance program from involving any method of screening in which the registered owner of a vehicle found to have allowable emissions by remote sensing technology is charged a fee), Transportation Code.

SECTION 7. Effective date: September 1, 2011.