

By: Chisum

H.B. No. 2639

Substitute the following for H.B. No. 2639:

By: Aliseda

C.S.H.B. No. 2639

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle inspections that employ remote sensing equipment.

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

SECTION 1. Subchapter G, Chapter 382, Health and Safety Code, is amended by adding Section 382.2041 to read as follows:

Sec. 382.2041. CLEAN SCREEN PROGRAM COMPONENT. (a) In this section:

(1) "Clean screen remote sensing equipment" means on-road remote automatic emissions detection and analysis equipment used to determine whether a vehicle complies with applicable on-road emissions standards under Subchapter F, Chapter 548, Transportation Code.

(2) "Clean screen program component" means a component of the vehicle emissions inspection and maintenance program under Subchapter F, Chapter 548, Transportation Code, that allows a motor vehicle to meet applicable emissions-related inspection requirements if the vehicle is inspected by clean screen remote sensing equipment and is determined to be in compliance with applicable emissions standards.

(3) "Inspection station" has the meaning assigned by Section 548.001, Transportation Code.

(b) A county, a regional council of governments, as defined by Section 384.001, a regional planning commission organized under

1 Chapter 391, Local Government Code, a metropolitan planning
2 organization, as defined by Section 472.031, Transportation Code,
3 or another organization designated by the commission to develop air
4 quality plans may submit a written request to the commission to
5 establish a clean screen program component in a county that is under
6 the jurisdiction of the entity that submitted the request and is:

7 (1) designated after September 1, 2011, as a
8 nonattainment area within the meaning of Section 107(d) of the
9 Clean Air Act (42 U.S.C. Section 7407) and its subsequent
10 amendments; or

11 (2) a county adjacent to a county described by
12 Subdivision (1).

13 (c) The commission, the Public Safety Commission, and the
14 Texas Department of Motor Vehicles jointly may develop and
15 implement a clean screen program component in a county that is the
16 subject of the request. The commission, the Public Safety
17 Commission, and the Texas Department of Motor Vehicles must agree
18 to implement a program component developed under this subsection
19 not later than 24 months after the date the commission receives the
20 request. If the agencies do not agree to implement the program
21 component before that deadline, the request expires.

22 (d) A clean screen program component established under this
23 section must apply only to passenger vehicles and light trucks not
24 subject to inspection under Subchapter D, Chapter 548,
25 Transportation Code.

26 (e) The clean screen program component described by this
27 section must include procedures to:

1 (1) identify a vehicle that is in compliance with
2 applicable on-road emissions standards established by the
3 commission;

4 (2) allow the registered owner of a vehicle described
5 by Subdivision (1) to pay the fee described by Subsection (g)
6 instead of:

7 (A) obtaining an emissions-related inspection
8 certificate at an inspection station; and

9 (B) paying a fee required by Subchapter H,
10 Chapter 548, Transportation Code, for an emissions-related
11 inspection; and

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

15 (A) during the registration process under
16 Section 502.002, Transportation Code; or

17 (B) by mailing notice to motor vehicle owners.

18 (f) If the commission, the Public Safety Commission, and the
19 Texas Department of Motor Vehicles agree to include in the clean
20 screen program a component to waive motor vehicle safety
21 inspections, the Public Safety Commission by rule shall adopt
22 procedures to allow the registered owner of a vehicle identified
23 under the clean screen program component as being in compliance
24 with applicable emissions standards to pay the fee described by
25 Subsection (h) instead of:

26 (1) obtaining a vehicle safety inspection certificate
27 under Subchapters B and C, Chapter 548, Transportation Code, at an

1 inspection station; and

2 (2) paying a fee required by Subchapter H, Chapter
3 548, Transportation Code, for a vehicle safety inspection.

4 (g) The commission shall assess a clean screen inspection
5 fee payable by and at the option of the registered owner of a
6 vehicle that clean screen remote sensing equipment identifies as
7 being in compliance with applicable on-road emissions standards.

8 The fee must be in an amount:

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

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

15 (h) If the Public Safety Commission adopts procedures under
16 Subsection (f), the commission shall assess a clean screen
17 convenience fee payable by and at the option of the registered owner
18 of a vehicle that clean screen remote sensing equipment identifies
19 as being in compliance with applicable emissions standards. The fee
20 must be in an amount not less than the sum of the fees that would be
21 required for a vehicle safety inspection conducted at an inspection
22 station.

23 (i) If the clean screen program component relies on
24 privately operated or contractor-operated clean screen remote
25 sensing equipment, the commission by rule shall authorize the
26 private operator or contractor to retain an appropriate portion of
27 fees assessed under Subsection (g) to recover the operator's cost

1 of performing the inspection and provide the operator a reasonable
2 margin of profit.

3 (j) The commission may stipulate in a contract for
4 conducting clean screen remote sensing equipment inspections that
5 the person contracted with must reimburse the commission for the
6 cost of computer programming activities or hardware acquisitions
7 required to accommodate use of the clean screen program component.

8 (k) Any portion of a fee collected by the commission under
9 Subsection (g) or (h) must be used for the same purpose the fee
10 would have been used for if collected under Subchapter H, Chapter
11 548, Transportation Code.

12 (l) A county that voluntarily participates in a clean screen
13 program component established under this section is eligible for
14 incentives established under Section 382.216.

15 SECTION 2. Section 382.302(b), Health and Safety Code, is
16 amended to read as follows:

17 (b) After approving a request made under Subsection (a), the
18 commission by resolution may request the Public Safety Commission
19 to establish motor vehicle emissions inspection and maintenance
20 program requirements for the participating county under Subchapter
21 F, Chapter 548, Transportation Code, in accordance with this
22 section and rules adopted under this section. The motor vehicle
23 emissions inspection and maintenance program requirements for the
24 participating county may include exhaust emissions testing,
25 emissions control devices, ~~and~~ systems inspections, a remote
26 sensing program component as provided by Section 382.204, a clean
27 screen program component as provided by Section 382.2041, or other

1 testing methods that meet or exceed United States Environmental
2 Protection Agency requirements [~~, and a remote sensing component as~~
3 ~~provided by Section 382.204~~]. The motor vehicle emissions
4 inspection and maintenance program requirements adopted for the
5 participating county may apply to all or to a defined subset of
6 vehicles described by Section 382.203. If the commission
7 implements a clean screen program component under Section 382.2041,
8 the Public Safety Commission and the Texas Department of Motor
9 Vehicles may modify the motor vehicle emissions inspection and
10 maintenance program inspection process to accommodate elements of
11 the clean screen program component.

12 SECTION 3. Section 548.052, Transportation Code, is amended
13 to read as follows:

14 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This
15 chapter does not apply to:

16 (1) a trailer, semitrailer, pole trailer, or mobile
17 home moving under or bearing a current factory-delivery license
18 plate or current in-transit license plate;

19 (2) a vehicle moving under or bearing a paper dealer
20 in-transit tag, machinery license, disaster license, parade
21 license, prorated tab, one-trip permit, antique license, temporary
22 24-hour permit, or permit license;

23 (3) a trailer, semitrailer, pole trailer, or mobile
24 home having an actual gross weight or registered gross weight of
25 4,500 pounds or less;

26 (4) farm machinery, road-building equipment, a farm
27 trailer, or a vehicle required to display a slow-moving-vehicle

1 emblem under Section 547.703;

2 (5) a former military vehicle, as defined by Section
3 504.502 [~~502.275~~];

4 (6) a vehicle qualified for a tax exemption under
5 Section 152.092, Tax Code; [~~or~~]

6 (7) a vehicle for which a certificate of title has been
7 issued but that is not required to be registered; or

8 (8) a vehicle for which the registered owner has
9 satisfied the requirements of Section 382.2041(e)(2), Health and
10 Safety Code, if the conservation commission adopts procedures under
11 Section 382.2041(e)(2), Health and Safety Code.

12 SECTION 4. Section 548.251, Transportation Code, is amended
13 to read as follows:

14 Sec. 548.251. DEPARTMENT TO PROVIDE INSPECTION
15 CERTIFICATES AND VERIFICATION FORMS. (a) The department shall
16 provide serially numbered inspection certificates and verification
17 forms to inspection stations. The department may issue a unique
18 inspection certificate for:

19 (1) a commercial motor vehicle inspected under Section
20 548.201; or

21 (2) a vehicle inspected under Subchapter F.

22 (b) Any provision in Subchapter E, F, or G that requires an
23 inspection certificate to be issued only by an inspection station
24 does not apply to a certificate issued for an inspection conducted
25 under the clean screen program component described by Section
26 382.2041, Health and Safety Code.

27 (c) In conjunction with a clean screen program component

1 established under Section 382.2041, Health and Safety Code, the
2 commission and the department may develop a system to:

3 (1) issue an inspection certificate under the clean
4 screen program component without requiring that an inspection
5 station issue the inspection certificate; and

6 (2) allow the operator of the clean screen remote
7 sensing equipment to issue an inspection certificate if the
8 component relies on privately operated or contractor-operated
9 clean screen remote sensing equipment.

10 SECTION 5. Section 548.301(d), Transportation Code, is
11 amended to read as follows:

12 (d) A vehicle emissions inspection under this section may be
13 performed by:

14 (1) the same facility that performs a safety
15 inspection if the facility is authorized and certified by the
16 department to perform the vehicle emissions inspection and
17 certified by the department to perform the safety inspection; or

18 (2) clean screen remote sensing equipment as defined
19 by Section 382.2041, Health and Safety Code, if a clean screen
20 program component is established under that section.

21 SECTION 6. Section 548.306(j), Transportation Code, is
22 repealed.

23 SECTION 7. This Act takes effect September 1, 2011.