

By: Chisum

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) The commission, the Public Safety Commission, and the Texas Department of Motor Vehicles on their own initiative may

1 jointly develop and implement a clean screen program component in a  
2 county designated as a nonattainment area within the meaning of  
3 Section 107(d) of the Clean Air Act (42 U.S.C. Section 7407) and its  
4 subsequent amendments, in any affected county, or in any county  
5 adjacent to an affected county.

6 (c) A county, a regional council of governments, as defined  
7 by Section 384.001(5), a regional planning commission organized  
8 under Chapter 391, Local Government Code, a metropolitan planning  
9 organization, as defined by Section 472.031, Transportation Code,  
10 or another organization designated by the commission to develop air  
11 quality plans may submit a written request to the commission to  
12 establish a clean screen program component in a county described by  
13 Subsection (b) that is under the jurisdiction of the county,  
14 council, commission, or organization that submitted the request.  
15 The commission, the Public Safety Commission, and the Texas  
16 Department of Motor Vehicles jointly may develop and implement a  
17 clean screen program component in a county that is the subject of  
18 the request and shall implement a program component developed under  
19 this subsection not later than 24 months after the date the  
20 commission receives the request.

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

25 (e) The clean screen program component described by this  
26 section:

27 (1) must include procedures to:

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

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

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

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

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

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

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

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

23                   (A) obtaining a vehicle safety inspection  
24 certificate under Subchapters B and C, Chapter 548, Transportation  
25 Code, at an inspection station; and

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

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

5 The fee must be in an amount:

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

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

12       (g) If the commission adopts procedures under Subsection  
13 (e)(2), the commission shall assess a clean screen convenience fee  
14 payable by and at the option of the registered owner of a vehicle  
15 that clean screen remote sensing equipment identifies as being in  
16 compliance with applicable emissions standards. The fee must be in  
17 an amount not less than the sum of the fees that would be required  
18 for a vehicle safety inspection conducted at an inspection station.

19       (h) If the clean screen program component relies on  
20 privately operated or contractor-operated clean screen remote  
21 sensing equipment, the commission by rule shall authorize the  
22 private operator or contractor to retain an appropriate portion of  
23 fees assessed under Subsection (f) to recover the operator's cost  
24 of performing the inspection and provide the operator a reasonable  
25 margin of profit.

26       (i) The commission may stipulate in a contract for  
27 conducting clean screen remote sensing equipment inspections that

1 the person contracted with must reimburse the commission for the  
2 cost of computer programming activities or hardware acquisitions  
3 required to accomodate use of the clean screen program component.

4 (j) Any portion of a fee collected by the commission under  
5 Subsection (f) or (g) must be used for the same purpose the fee  
6 would have been used for if collected under Subchapter H, Chapter  
7 548, Transportation Code.

8 (k) A county that voluntarily participates in a clean screen  
9 program component established under this section is eligible for  
10 incentives established under Section 382.216.

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

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

1 participating county may apply to all or to a defined subset of  
2 vehicles described by Section 382.203. If the commission  
3 implements a clean screen program component under Section 382.2041,  
4 the Public Safety Commission and the Texas Department of Motor  
5 Vehicles may modify the motor vehicle emissions inspection and  
6 maintenance program inspection process to accommodate elements of  
7 the clean screen program component.

8 SECTION 3. Section 548.052, Transportation Code, is amended  
9 to read as follows:

10 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This  
11 chapter does not apply to:

12 (1) a trailer, semitrailer, pole trailer, or mobile  
13 home moving under or bearing a current factory-delivery license  
14 plate or current in-transit license plate;

15 (2) a vehicle moving under or bearing a paper dealer  
16 in-transit tag, machinery license, disaster license, parade  
17 license, prorated tab, one-trip permit, antique license, temporary  
18 24-hour permit, or permit license;

19 (3) a trailer, semitrailer, pole trailer, or mobile  
20 home having an actual gross weight or registered gross weight of  
21 4,500 pounds or less;

22 (4) farm machinery, road-building equipment, a farm  
23 trailer, or a vehicle required to display a slow-moving-vehicle  
24 emblem under Section 547.703;

25 (5) a former military vehicle, as defined by Section  
26 504.502 [~~502.275~~];

27 (6) a vehicle qualified for a tax exemption under

1 Section 152.092, Tax Code; [~~or~~]

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

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

8 SECTION 4. Section 548.251, Transportation Code, is amended  
9 to read as follows:

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

15 (1) a commercial motor vehicle inspected under Section  
16 548.201; or

17 (2) a vehicle inspected under Subchapter F.

18 (b) Any provision in Subchapter E, F, or G that requires an  
19 inspection certificate to be issued only by an inspection station  
20 does not apply to a certificate issued for an inspection conducted  
21 under the clean screen program component described by Section  
22 382.2041, Health and Safety Code. If the conservation commission  
23 establishes a clean screen program component under Section  
24 382.2041, Health and Safety Code, the commission and the department  
25 may develop a system to issue an inspection certificate under the  
26 clean screen program component without requiring that an inspection  
27 station issue the inspection certificate.

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

3 (d) A vehicle emissions inspection under this section may be  
4 performed by:

5 (1) the same facility that performs a safety  
6 inspection if the facility is authorized and certified by the  
7 department to perform the vehicle emissions inspection and  
8 certified by the department to perform the safety inspection; or

9 (2) clean screen remote sensing equipment as defined  
10 by Section 382.2041, Health and Safety Code, if the conservation  
11 commission establishes a clean screen program component under that  
12 section.

13 SECTION 6. Section 548.306(j), Transportation Code, is  
14 repealed.

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