

By: Burnam, Chisum

H.B. No. 3272

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the low-income vehicle repair assistance, retrofit, and  
3 accelerated vehicle retirement program.

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

5 SECTION 1. Section 382.003, Health and Safety Code, is  
6 amended by adding Subdivisions (4-a) and (9-b) and amending  
7 Subdivision (7-b) to read as follows:

8 (4-a) "Electric vehicle" means a motor vehicle that  
9 draws propulsion energy only from a rechargeable energy storage  
10 system.

11 (7-b) "Hybrid [~~motor~~] vehicle" means a motor vehicle  
12 that draws propulsion energy from both gasoline or conventional  
13 diesel fuel and a rechargeable energy storage system.

14 (9-b) "Natural gas vehicle" means a motor vehicle that  
15 uses only compressed natural gas or liquefied natural gas as fuel.

16 SECTION 2. Section 382.209(e), Health and Safety Code, is  
17 amended to read as follows:

18 (e) A vehicle is not eligible to participate in a low-income  
19 vehicle repair assistance, retrofit, and accelerated vehicle  
20 retirement program established under this section unless:

21 (1) the vehicle is capable of being operated;

22 (2) the registration of the vehicle:

23 (A) is current; and

24 (B) reflects that the vehicle has been registered

1 in the county implementing the program for at least [~~the~~] 12 of the  
2 15 months preceding the application for participation in the  
3 program;

4 (3) the commissioners court of the county  
5 administering the program determines that the vehicle meets the  
6 eligibility criteria adopted by the commission, the Texas  
7 Department of Motor Vehicles, and the Public Safety Commission;

8 (4) if the vehicle is to be repaired, the repair is  
9 done by a repair facility recognized by the Department of Public  
10 Safety, which may be an independent or private entity licensed by  
11 the state; and

12 (5) if the vehicle is to be retired under this  
13 subsection and Section 382.213, the replacement vehicle is a  
14 qualifying motor vehicle.

15 SECTION 3. Sections 382.210(a) and (b), Health and Safety  
16 Code, are amended to read as follows:

17 (a) The commission by rule shall adopt guidelines to assist  
18 a participating county in implementing a low-income vehicle repair  
19 assistance, retrofit, and accelerated vehicle retirement program  
20 authorized under Section 382.209. The guidelines at a minimum  
21 shall recommend:

22 (1) a minimum and maximum amount for repair  
23 assistance;

24 (2) a minimum and maximum amount toward the purchase  
25 price of a replacement vehicle qualified for the accelerated  
26 retirement program, based on vehicle type and model year, with the  
27 maximum amount not to exceed:

1 (A) \$3,000 for a replacement car of the current  
2 model year or the previous three model years, except as provided by  
3 Paragraph (C);

4 (B) \$3,000 for a replacement truck of the current  
5 model year or the previous two model years, except as provided by  
6 Paragraph (C); and

7 (C) \$3,500 for a replacement [~~hybrid~~] vehicle of  
8 the current model year or the previous three model years that:

9 (i) is a hybrid vehicle, electric vehicle,  
10 or natural gas vehicle; or

11 (ii) has been certified to meet federal  
12 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section  
13 86.1811-04, as published in the February 10, 2000, Federal Register  
14 [~~year~~];

15 (3) criteria for determining eligibility, taking into  
16 account:

17 (A) the vehicle owner's income, which may not  
18 exceed 300 percent of the federal poverty level;

19 (B) the fair market value of the vehicle; and

20 (C) any other relevant considerations;

21 (4) safeguards for preventing fraud in the repair,  
22 purchase, or sale of a vehicle in the program; and

23 (5) procedures for determining the degree and amount  
24 of repair assistance a vehicle is allowed, based on:

25 (A) the amount of money the vehicle owner has  
26 spent on repairs;

27 (B) the vehicle owner's income; and

1 (C) any other relevant factors.

2 (b) A replacement vehicle described by Subsection (a)(2)  
3 must:

4 (1) except as provided by Subsection (c), be a vehicle  
5 in a class or category of vehicles that has been certified to meet  
6 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.  
7 Section 86.1811-04, as published in the February 10, 2000, Federal  
8 Register;

9 (2) have a gross vehicle weight rating of less than  
10 10,000 pounds; ~~and~~

11 (3) have an odometer reading of not more than 70,000  
12 miles; and

13 (4) be a vehicle the total cost of which does not  
14 exceed:

15 (A) for a vehicle described by Subsection  
16 (a)(2)(A) or (B), \$35,000; or

17 (B) for a vehicle described by Subsection  
18 (a)(2)(C), \$45,000 [~~\$25,000~~].

19 SECTION 4. Section 382.213, Health and Safety Code, is  
20 amended by adding Subsection (a-1) and amending Subsection (h) to  
21 read as follows:

22 (a-1) The commission shall establish a partnership with  
23 representatives of the steel industry, automobile dismantlers, and  
24 the scrap metal recycling industry to ensure that:

25 (1) vehicles retired under Section 382.209 are  
26 scrapped or recycled; and

27 (2) proof of scrapping or recycling is provided to the

1 commission.

2 (h) The [~~For purposes of this section, the~~] commission shall  
3 adopt rules:

4 (1) defining "emissions control equipment" and  
5 "engine" for the purposes of this section; and

6 (2) providing a procedure for certifying that  
7 emissions control equipment and vehicle engines have been scrapped  
8 or recycled.["]

9 SECTION 5. This Act takes effect September 1, 2011.