

By: Burnam, Chisum

H.B. No. 3272

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(1) the vehicle is capable of being operated;

(2) the registration of the vehicle:

(A) is current; and

(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 60,000  
12 miles; and

13 (4) be a vehicle the total cost of which does not  
14 exceed \$35,000 [~~\$25,000~~].

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

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

21 (1) vehicles retired under Section 382.209 are  
22 scrapped or recycled; and

23 (2) proof of scrapping or recycling is provided to the  
24 commission.

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

27 (1) defining "emissions control equipment" and

1 "engine" for the purposes of this section; and

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

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