

1-1 By: Burnam, Chisum (Senate Sponsor - Deuell) H.B. No. 3272
1-2 (In the Senate - Received from the House April 28, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Natural
1-4 Resources; May 13, 2011, reported favorably by the following vote:
1-5 Yeas 8, Nays 1; May 13, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the low-income vehicle repair assistance, retrofit, and
1-9 accelerated vehicle retirement program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 382.003, Health and Safety Code, is
1-12 amended by adding Subdivisions (4-a) and (9-b) and amending
1-13 Subdivision (7-b) to read as follows:

1-14 (4-a) "Electric vehicle" means a motor vehicle that
1-15 draws propulsion energy only from a rechargeable energy storage
1-16 system.

1-17 (7-b) "Hybrid [~~motor~~] vehicle" means a motor vehicle
1-18 that draws propulsion energy from both gasoline or conventional
1-19 diesel fuel and a rechargeable energy storage system.

1-20 (9-b) "Natural gas vehicle" means a motor vehicle that
1-21 uses only compressed natural gas or liquefied natural gas as fuel.

1-22 SECTION 2. Section 382.209(e), Health and Safety Code, is
1-23 amended to read as follows:

1-24 (e) A vehicle is not eligible to participate in a low-income
1-25 vehicle repair assistance, retrofit, and accelerated vehicle
1-26 retirement program established under this section unless:

1-27 (1) the vehicle is capable of being operated;

1-28 (2) the registration of the vehicle:

1-29 (A) is current; and

1-30 (B) reflects that the vehicle has been registered
1-31 in the county implementing the program for at least [the] 12 of the
1-32 15 months preceding the application for participation in the
1-33 program;

1-34 (3) the commissioners court of the county
1-35 administering the program determines that the vehicle meets the
1-36 eligibility criteria adopted by the commission, the Texas
1-37 Department of Motor Vehicles, and the Public Safety Commission;

1-38 (4) if the vehicle is to be repaired, the repair is
1-39 done by a repair facility recognized by the Department of Public
1-40 Safety, which may be an independent or private entity licensed by
1-41 the state; and

1-42 (5) if the vehicle is to be retired under this
1-43 subsection and Section 382.213, the replacement vehicle is a
1-44 qualifying motor vehicle.

1-45 SECTION 3. Sections 382.210(a) and (b), Health and Safety
1-46 Code, are amended to read as follows:

1-47 (a) The commission by rule shall adopt guidelines to assist
1-48 a participating county in implementing a low-income vehicle repair
1-49 assistance, retrofit, and accelerated vehicle retirement program
1-50 authorized under Section 382.209. The guidelines at a minimum
1-51 shall recommend:

1-52 (1) a minimum and maximum amount for repair
1-53 assistance;

1-54 (2) a minimum and maximum amount toward the purchase
1-55 price of a replacement vehicle qualified for the accelerated
1-56 retirement program, based on vehicle type and model year, with the
1-57 maximum amount not to exceed:

1-58 (A) \$3,000 for a replacement car of the current
1-59 model year or the previous three model years, except as provided by
1-60 Paragraph (C);

1-61 (B) \$3,000 for a replacement truck of the current
1-62 model year or the previous two model years, except as provided by
1-63 Paragraph (C); and

1-64 (C) \$3,500 for a replacement [~~hybrid~~] vehicle of

2-1 the current model year or the previous three model years that:
2-2 (i) is a hybrid vehicle, electric vehicle,
2-3 or natural gas vehicle; or
2-4 (ii) has been certified to meet federal
2-5 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section
2-6 86.1811-04, as published in the February 10, 2000, Federal Register
2-7 [year];

2-8 (3) criteria for determining eligibility, taking into
2-9 account:

2-10 (A) the vehicle owner's income, which may not
2-11 exceed 300 percent of the federal poverty level;

2-12 (B) the fair market value of the vehicle; and

2-13 (C) any other relevant considerations;

2-14 (4) safeguards for preventing fraud in the repair,
2-15 purchase, or sale of a vehicle in the program; and

2-16 (5) procedures for determining the degree and amount
2-17 of repair assistance a vehicle is allowed, based on:

2-18 (A) the amount of money the vehicle owner has
2-19 spent on repairs;

2-20 (B) the vehicle owner's income; and

2-21 (C) any other relevant factors.

2-22 (b) A replacement vehicle described by Subsection (a)(2)
2-23 must:

2-24 (1) except as provided by Subsection (c), be a vehicle
2-25 in a class or category of vehicles that has been certified to meet
2-26 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.
2-27 Section 86.1811-04, as published in the February 10, 2000, Federal
2-28 Register;

2-29 (2) have a gross vehicle weight rating of less than
2-30 10,000 pounds; ~~and~~

2-31 (3) have an odometer reading of not more than 70,000
2-32 miles; and

2-33 (4) be a vehicle the total cost of which does not
2-34 exceed:

2-35 (A) for a vehicle described by Subsection
2-36 (a)(2)(A) or (B), \$35,000; or

2-37 (B) for a vehicle described by Subsection
2-38 (a)(2)(C), \$45,000 [~~\$25,000~~].

2-39 SECTION 4. Section 382.213, Health and Safety Code, is
2-40 amended by adding Subsection (a-1) and amending Subsection (h) to
2-41 read as follows:

2-42 (a-1) The commission shall establish a partnership with
2-43 representatives of the steel industry, automobile dismantlers, and
2-44 the scrap metal recycling industry to ensure that:

2-45 (1) vehicles retired under Section 382.209 are
2-46 scrapped or recycled; and

2-47 (2) proof of scrapping or recycling is provided to the
2-48 commission.

2-49 (h) The [~~For purposes of this section, the~~] commission shall
2-50 adopt rules:

2-51 (1) defining "emissions control equipment" and
2-52 "engine" for the purposes of this section; and

2-53 (2) providing a procedure for certifying that
2-54 emissions control equipment and vehicle engines have been scrapped
2-55 or recycled. [""]

2-56 SECTION 5. This Act takes effect September 1, 2011.

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