

By: Fraser, et al.
(Rodriguez, Harper-Brown)

S.B. No. 1742

Substitute the following for S.B. No. 1742:

By: Rodriguez

C.S.S.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain motor vehicles, including
establishing a motor vehicle mileage fee pilot program.

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

SECTION 1. Section 224.153, Transportation Code, is amended
by adding Subsection (e) to read as follows:

(e) A motor vehicle displaying the "plug-in electric
vehicle" insignia authorized by Section 502.186 in an easily
readable location on the back of the vehicle may use a high
occupancy vehicle lane regardless of the number of occupants in the
vehicle unless the use would violate federal transit or highway
funding restrictions. This subsection expires January 1, 2013.

SECTION 2. Subchapter D, Chapter 502, Transportation Code,
is amended by adding Section 502.186 to read as follows:

Sec. 502.186. "PLUG-IN ELECTRIC VEHICLE" INSIGNIA FOR
CERTAIN MOTOR VEHICLES. (a) At the time of registration or
reregistration of a motor vehicle, the department shall issue a
specially designed "plug-in electric vehicle" insignia for a motor
vehicle that:

(1) is made by a manufacturer primarily for use on
public highways;

(2) has not been modified from original manufacturer
specifications;

(3) is rated at not more than 8,500 pounds unloaded

1 gross vehicle weight;

2 (4) is acquired for use or lease by a consumer and not
3 for resale;

4 (5) has a speed capability of at least 65 miles per
5 hour;

6 (6) is propelled to a significant extent by an
7 electric motor that draws electricity from a battery that:

8 (A) has a capacity of not less than four kilowatt
9 hours; and

10 (B) is capable of being recharged from an
11 external source of electricity; and

12 (7) is not a recreational vehicle, as defined by
13 Section 522.004(b), that draws power from a battery or a hybrid
14 engine solely for purposes other than propulsion.

15 (b) The department shall issue a "plug-in electric vehicle"
16 insignia under this section to a person who:

17 (1) applies to the department on a form provided by the
18 department; and

19 (2) submits proof that:

20 (A) the motor vehicle being registered is a
21 vehicle described by Subsection (a); and

22 (B) the person is a participant in the motor
23 vehicle mileage fee pilot program.

24 (c) The department may charge an annual fee for the issuance
25 of a "plug-in electric vehicle" insignia under this section. The
26 fee may not exceed \$20 per motor vehicle.

27 (d) This section expires January 1, 2013.

1 SECTION 3. (a) In this section:

2 (1) "Department" means the Texas Department of Motor
3 Vehicles.

4 (2) "Electric motor vehicle" means a motor vehicle
5 that uses electricity as its only source of motor power.

6 (3) "Plug-in hybrid electric motor vehicle" means a
7 motor vehicle that draws propulsion energy from both gasoline or
8 conventional diesel fuel and batteries that can be charged from an
9 external electrical outlet.

10 (b) The department, in consultation with the Texas
11 Department of Transportation, Department of Public Safety, and
12 comptroller of public accounts, by rule shall:

13 (1) establish the administrative framework needed to
14 implement a system for assessing a motor vehicle mileage fee; and

15 (2) implement a pilot program to gather data regarding
16 the feasibility of implementing a motor vehicle mileage fee using
17 the established mileage fee framework.

18 (c) The pilot program must provide for optional
19 participation of persons who own electric motor vehicles or plug-in
20 hybrid electric motor vehicles that are registered in counties
21 located within non-attainment areas. A person who participates in
22 the pilot program shall be issued a "plug-in electric vehicle"
23 insignia as provided by Section 502.186, Transportation Code. A
24 person participating in the pilot program may not be charged a fee
25 for participating in the pilot program.

26 (d) The department must establish the administrative
27 framework needed to implement a system for assessing a motor

1 vehicle mileage fee not later than January 1, 2012. The pilot
2 program must begin not later than January 1, 2012, and must end not
3 later than July 15, 2012.

4 (e) A person who participates in the pilot program must have
5 the mileage of the person's vehicle determined by an odometer
6 reading that will occur in a manner specified by the department.

7 (f) In evaluating the feasibility of implementing a motor
8 vehicle mileage fee, the department shall consider, to the extent
9 possible:

- 10 (1) economic efficiency;
- 11 (2) long-term revenue generation;
- 12 (3) long-term revenue stability;
- 13 (4) charging fairness; and
- 14 (5) privacy concerns.

15 (g) Not later than October 1, 2012, the department shall
16 submit a report to the legislature that includes recommendations
17 regarding the feasibility of assessing a motor vehicle mileage fee
18 in this state or another fee to replace the gas tax.

19 (h) This section expires December 31, 2012.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.