

By: Smith

H.B. No. 2499

A BILL TO BE ENTITLED

AN ACT

relating to the use of Texas emissions reduction plan funds for a drayage truck purchase incentive program.

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

SECTION 1. Chapter 386, Health and Safety Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. DRAYAGE TRUCK INCENTIVE PROGRAM

Sec. 386.181. DEFINITION. In this subchapter, "drayage truck" means a truck that transports a load in a port, distribution center, or rail yard.

Sec. 386.182. COMPTROLLER AND COMMISSION DUTIES. (a) The comptroller and the commission shall develop a purchase incentive program to encourage owners to replace pre-2007 model year drayage trucks with newer drayage trucks and shall adopt rules necessary to implement the program.

(b) The commission by rule shall establish criteria for the models of drayage trucks that are eligible for inclusion in an incentive program under this subchapter. The rules must provide that a drayage truck owner is not eligible for an incentive payment under this subchapter unless the truck being replaced is from a pre-2007 model year and the replacement truck is from model year 2007 or later.

Sec. 386.183. DRAYAGE TRUCK PURCHASE INCENTIVE. (a) To be eligible for an incentive under this subchapter, a person must:

1 (1) purchase a replacement drayage truck that under
2 the rules adopted by the commission under Section 386.182 is
3 eligible for inclusion in the program for an incentive under this
4 subchapter; and

5 (2) agree to:

6 (A) register the truck in this state;

7 (B) operate the truck in a port, distribution
8 center, or rail yard in a nonattainment area or affected county of
9 this state for not less than 75 percent of the vehicle's annual
10 mileage; and

11 (C) permanently remove a pre-2007 drayage truck
12 owned by the person from operation in a nonattainment area or
13 affected county of this state immediately after the purchase of the
14 new truck.

15 (b) To receive money under an incentive program provided by
16 this subchapter, the purchaser of a drayage truck eligible for
17 inclusion in the program must apply for the incentive in the manner
18 provided by law or by rule of the comptroller.

19 (c) Not more than one incentive may be provided for each
20 drayage truck purchased.

21 (d) An incentive provided under this subchapter may be used
22 to fund not more than 60 percent of the purchase price of the
23 drayage truck.

24 (e) The commission by rule shall establish procedures to
25 verify that a person who receives an incentive has permanently
26 removed a pre-2007 drayage truck owned by the person from operation
27 in a nonattainment area or affected county of this state

1 immediately after the purchase of the new truck.

2 Sec. 386.184. COMPTROLLER TO ACCOUNT FOR PURCHASE
3 INCENTIVES. (a) The comptroller by rule shall develop a method to
4 administer and account for the drayage truck purchase incentives
5 authorized by this subchapter and to pay incentive money to the
6 purchaser of a replacement drayage truck who submits an application
7 and qualifies for the incentive under this subchapter.

8 (b) The comptroller shall develop and publish forms and
9 instructions for the purchaser of a replacement drayage truck to
10 use in applying to the comptroller for an incentive payment under
11 this subchapter. The comptroller shall make the forms available to
12 drayage truck dealers. Dealers shall make the forms available to
13 their prospective purchasers.

14 (c) In addition to other forms developed and published under
15 this section, the comptroller shall develop and publish a
16 verification form by which, with information provided by a drayage
17 truck dealer, the comptroller can verify the sale of a truck covered
18 by this subchapter. The verification form must include at least the
19 name of the purchaser, the vehicle identification number of the
20 truck involved, the date of the purchase, and the name of a drayage
21 truck dealer involved in the transaction.

22 (d) At the time of sale of a replacement drayage truck
23 included in the incentive program under this subchapter, a drayage
24 truck dealer shall complete the verification form supplied to the
25 dealer by the comptroller. The purchaser shall include the
26 completed verification form as part of the purchaser's application
27 for an incentive.

1 (e) A drayage truck dealer shall maintain a copy of the
2 completed verification form for at least two years from the date of
3 the purchase.

4 Sec. 386.185. REPORT TO COMMISSION; SUSPENSION OF PURCHASE
5 OR LEASE INCENTIVES. (a) The comptroller shall report to the
6 commission annually regarding drayage truck purchase incentives.

7 (b) If the balance available for drayage truck purchase
8 incentives falls below 15 percent of the total allocated for the
9 incentives during that fiscal year, the comptroller by order shall
10 suspend the incentives until the date the comptroller can certify
11 that the balance available in the fund for incentives is an amount
12 adequate to resume the incentives or the beginning of the next
13 fiscal year, whichever is earlier. If the comptroller suspends the
14 incentives, the comptroller immediately shall notify the
15 commission and all drayage truck dealers that the incentives have
16 been suspended.

17 (c) The comptroller shall establish a toll-free telephone
18 number available to drayage truck dealers to use to verify whether
19 incentives are available. The comptroller may provide for issuing
20 verification numbers over the telephone line.

21 (d) Reliance by a drayage truck dealer on information
22 provided by the comptroller or commission is a complete defense to
23 an action involving or based on the eligibility of a drayage truck
24 for inclusion in an incentive program or on the availability of
25 drayage trucks eligible for inclusion in an incentive program.

26 SECTION 2. Section 386.252(a), Health and Safety Code, as
27 amended by Chapters 589 (S.B. 20) and 892 (S.B. 385), Acts of the

1 82nd Legislature, Regular Session, 2011, is reenacted and amended
2 to read as follows:

3 (a) Money in the fund may be used only to implement and
4 administer programs established under the plan and shall be
5 allocated as follows:

6 (1) for the diesel emissions reduction incentive
7 program, 87.5 percent of the money in the fund, of which:

8 (A) not more than four percent may be used for the
9 clean school bus program;

10 (B) not more than 10 percent may be used for
11 on-road diesel purchase or lease incentives;

12 (C) a specified amount may be used for the new
13 technology implementation grant program, from which a defined
14 amount may be set aside for electricity storage projects related to
15 renewable energy;

16 (D) five percent shall be used for the clean
17 fleet program;

18 (E) two percent may be used for the Texas
19 alternative fueling facilities program;

20 (F) not less than 16 percent shall be used for the
21 natural gas vehicle grant program; ~~and~~

22 (G) not more than four percent may be used to
23 provide grants for natural gas fueling stations under Section
24 394.010; and

25 (H) not less than 20 percent shall be used for the
26 drayage truck incentive program;

27 (2) for the new technology research and development

1 program, nine percent of the money in the fund, of which:

2 (A) up to \$200,000 is allocated for a health
3 effects study;

4 (B) \$500,000 is to be deposited in the state
5 treasury to the credit of the clean air account created under
6 Section 382.0622 to supplement funding for air quality planning
7 activities in affected counties;

8 (C) not less than 20 percent is to be allocated
9 each year to support research related to air quality as provided by
10 Section 387.002 [~~387.010~~]; and

11 (D) the balance is allocated each year to the
12 commission to be used to:

13 (i) implement and administer the new
14 technology research and development program for the purpose of
15 identifying, testing, and evaluating new emissions-reducing
16 technologies with potential for commercialization in this state and
17 to facilitate their certification or verification; and

18 (ii) contract with the Energy Systems
19 Laboratory at the Texas Engineering Experiment Station for \$216,000
20 annually for the development and annual computation of creditable
21 statewide emissions reductions obtained through wind and other
22 renewable energy resources for the state implementation plan; and

23 (3) two percent is allocated to the commission and 1.5
24 percent is allocated to the laboratory for administrative costs
25 incurred by the commission and the laboratory.

26 SECTION 3. To the extent of any conflict, this Act prevails
27 over another Act of the 83rd Legislature, Regular Session, 2013,

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1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 4. This Act takes effect September 1, 2013.