

By: Howard, Giddings, Harper-Brown,  
Creighton, Burnam, et al.

H.B. No. 3812

Substitute the following for H.B. No. 3812:

By: Reynolds

C.S.H.B. No. 3812

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the optional imposition of a county air  
quality fee at the time of an emissions-related inspection.

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

SECTION 1. Subchapter G, Chapter 382, Health and Safety  
Code, is amended by adding Section 382.221 to read as follows:

Sec. 382.221. COUNTY AIR QUALITY FEE. (a) An affected  
county that has incidents approaching, or monitors incidents that  
exceed, the eight-hour national ambient air quality standard for  
ozone may by order adopt a county air quality fee:

(1) to be imposed at the time an emissions-related  
inspection is performed in the county; and

(2) to be used by the county only for:

(A) a low-income vehicle repair assistance,  
retrofit, and accelerated vehicle retirement program under Section  
382.209; or

(B) local initiative projects under Section  
382.220(b).

(b) A county that adopts a fee under this section shall  
notify the Department of Public Safety, in a manner determined by  
the department, of the fee and the fee amount not later than the  
60th day before the date the county imposes the fee.

(c) The amount of the fee may not exceed the amount of a fee  
assessed in the county for an emissions-related inspection.

SECTION 2. Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.5056 to read as follows:

Sec. 548.5056. COUNTY AIR QUALITY FEE; TRUST FUND. (a)  
After receiving notice that a county has adopted a county air  
quality fee under Section 382.221, Health and Safety Code, the  
department shall:

(1) notify inspection stations located in the county  
of the fee; and

(2) require the inspection stations to:

(A) charge the fee; and

(B) remit the fee to the department.

(b) The county air quality trust fund is created as a trust  
fund outside the treasury with the comptroller. The trust fund  
shall be administered by the department as a trustee for the purpose  
of holding revenue the department receives from inspection stations  
under this section until the department disburses the revenue to  
counties as provided by this section.

(c) The department may not credit to an account or fund in  
the state treasury revenue the department receives from an  
inspection station under this section.

(d) The department annually shall remit to a county that  
imposes a fee under this section revenue the department receives  
from the inspection stations in the county under this section.

(e) A fee imposed under this section is not a Clean Air Act  
fee.

(f) The department may deduct for administrative costs an  
amount of not more than two percent of the fees collected under this

1 section.

2       SECTION 3.   Section 548.508, Transportation Code, is amended  
3 to read as follows:

4       Sec. 548.508.   DISPOSITION OF FEES.   Except as provided by  
5 Sections 382.0622 and 382.202, Health and Safety Code, and Sections  
6 [~~Section~~] 548.5055[~~7~~] and 548.5056, each fee collected by the  
7 department under this subchapter shall be deposited to the credit  
8 of the Texas mobility fund.

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