

By: Deuell

S.C.R. No. 41

CONCURRENT RESOLUTION

WHEREAS, Senate Bill No. 1727 has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections:

(1) In the SECTION of the bill that amends Section 386.104, Health and Safety Code, in added Subsection (f-1) of the section as amended on third reading by Floor Amendment No. 1 by Isaac, strike "the conversion of heavy-duty diesel on-road vehicle engines or stationary engines" and substitute "the conversion of heavy-duty diesel on-road vehicle engines or non-road engines".

(2) Strike the SECTION of the bill that amends Section 386.158, Health and Safety Code, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Sections 386.158(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A person who purchases or leases a new light-duty motor vehicle described by Section 386.153 and ~~[that has been]~~ listed under Section 386.156(a) ~~[386.155]~~ is eligible to apply for an incentive under this subchapter.

(c) To receive money under an incentive program provided by this subchapter, the purchaser or lessee of a new light-duty motor

1 vehicle who is eligible to apply for an incentive under this  
2 subchapter shall apply for the incentive in the manner provided by  
3 law or by rule of the commission [~~comptroller~~].

4 (3) Add the following appropriately numbered SECTIONS to  
5 the bill:

6 SECTION \_\_\_\_\_. Section 386.058(b), Health and Safety Code,  
7 is amended to read as follows:

8 (b) The governor shall appoint to the advisory board:

9 (1) a representative of the trucking industry;

10 (2) a representative of the air conditioning  
11 manufacturing industry;

12 (3) a representative of the electric utility industry;

13 (4) a representative of regional transportation; and

14 (5) a representative of the nonprofit organization  
15 described by Section 387.002 [~~386.252(a)(2)~~].

16 SECTION \_\_\_\_\_. Section 386.160, Health and Safety Code, is  
17 amended to read as follows:

18 Sec. 386.160. COMMISSION [~~COMPTROLLER~~] TO ACCOUNT FOR MOTOR  
19 VEHICLE PURCHASE OR LEASE INCENTIVES. (a) The commission  
20 [~~comptroller~~] by rule shall develop a method to administer and  
21 account for the motor vehicle purchase or lease incentives  
22 authorized by this subchapter and to pay incentive money to the  
23 purchaser or lessee of a new motor vehicle, on application of the  
24 purchaser or lessee as provided by this subchapter.

25 (b) The commission [~~comptroller~~] shall develop and publish  
26 forms and instructions for the purchaser or lessee of a new motor  
27 vehicle to use in applying to the commission [~~comptroller~~] for an

incentive payment under this subchapter. The commission ~~[comptroller]~~ shall make the forms available to new motor vehicle dealers and leasing agents. Dealers and leasing agents shall make the forms available to their prospective purchasers or lessees.

(c) In addition to other forms developed and published under this section, the commission ~~[comptroller]~~ shall develop and publish a verification form by which, with information provided by the dealer or leasing agent, the commission ~~[comptroller]~~ can verify the sale of a vehicle covered by this subchapter. The verification form shall include at least the name of the purchaser, the vehicle identification number of the vehicle involved, the date of the purchase, and the name of the new motor dealer or leasing agent involved in the transaction. At the time of sale or lease of a vehicle eligible for an incentive under this subchapter, the dealer or leasing agent shall complete the verification form supplied to the dealer by the commission ~~[comptroller]~~. The purchaser or lessee shall include the completed verification form as part of the purchaser's application for an incentive. The dealer shall maintain a copy of the completed verification form for at least two years from the date of the transaction.

SECTION \_\_\_\_\_. The heading to Section 386.161, Health and Safety Code, is amended to read as follows:

Sec. 386.161. ~~[REPORT TO COMMISSION,]~~ SUSPENSION OF PURCHASE OR LEASE INCENTIVES.

SECTION \_\_\_\_\_. Sections 386.161(b), (c), and (d), Health and Safety Code, are amended to read as follows:

(b) If the balance available for motor vehicle purchase or

1 lease incentives falls below 15 percent of the total allocated for  
 2 the incentives during that fiscal year, the commission  
 3 ~~[comptroller]~~ by order shall suspend the incentives until the date  
 4 the comptroller can certify that the balance available in the fund  
 5 for incentives is an amount adequate to resume the incentives or the  
 6 beginning of the next fiscal year, whichever is earlier. If the  
 7 commission ~~[comptroller]~~ suspends the incentives, the commission  
 8 ~~[comptroller]~~ shall immediately notify ~~[the commission and]~~ all new  
 9 motor vehicle dealers and leasing agents that the incentives have  
 10 been suspended.

11 (c) The commission ~~[comptroller]~~ shall establish a  
 12 toll-free telephone number available to motor vehicle dealers and  
 13 leasing agents for the dealers and agents to call to verify that  
 14 incentives are available. The commission ~~[comptroller]~~ may provide  
 15 for issuing verification numbers over the telephone line.

16 (d) Reliance by a dealer or leasing agent on information  
 17 provided by the ~~[comptroller or]~~ commission is a complete defense  
 18 to an action involving or based on eligibility of a vehicle for an  
 19 incentive or availability of vehicles eligible for an incentive.

20 (4) In the SECTION of the bill repealing provisions of the  
 21 law, add the following appropriately numbered subdivision and  
 22 renumber the subsequent subdivisions of the SECTION accordingly:

23 (\_\_\_) Section 386.161(a), Health and Safety Code;

24 (5) Renumber the SECTIONS of the bill accordingly.