

By: Giddings

H.B. No. 1961

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing the optional imposition of a county air  
3 quality fee at the time other emissions-related inspection fees are  
4 collected.

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

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

8 Sec. 382.221. COUNTY AIR QUALITY FEE. (a) In this section:

9 (1) "Department" means the Texas Department of Motor  
10 Vehicles.

11 (2) "State-funded air quality program" means:

12 (A) the low-income vehicle repair assistance,  
13 retrofit, and accelerated vehicle retirement program under Section  
14 382.209; and

15 (B) a local initiative project program under  
16 Section 382.220.

17 (b) An affected county that has incidents approaching, or  
18 monitors incidents that exceed, the national ambient air quality  
19 standards for ozone may by order adopt a county air quality fee to  
20 be used by the county only for a county-funded version of a  
21 state-funded air quality program. The county-funded program must be  
22 overseen by the commission.

23 (c) A county may not discontinue a state-funded air quality  
24 program in the county in anticipation of imposing a fee under this

1 section if the discontinuance would cause a violation of 42 U.S.C.  
2 Section 7511d.

3 (d) A fee imposed under this section is not a Clean Air Act  
4 fee.

5 (e) A county that adopts a fee under this section shall  
6 notify the department, in a manner determined by the department, of  
7 the fee and the fee amount not later than the 60th day before the  
8 date the county imposes the fee.

9 (f) The amount of a fee imposed under this section may not  
10 exceed the amount of a fee assessed in the county for an  
11 emissions-related inspection.

12 (g) The county assessor-collector of a county imposing a fee  
13 under this section shall collect the additional fee for a vehicle at  
14 the time of registration, when other fees imposed under this  
15 chapter and Chapter 548, Transportation Code, are collected under  
16 Section 548.509, Transportation Code.

17 (h) The department shall collect the additional fee on a  
18 vehicle that is owned by a resident of a county imposing a fee under  
19 this section and that must be registered directly with the  
20 department. The department shall send all fees collected for a  
21 county under this subsection to the county treasurer. The  
22 department may deduct for administrative costs an amount of not  
23 more than one percent of the amount of fees collected under this  
24 section.

25 (i) The department shall adopt rules necessary to implement  
26 this section.

27 SECTION 2. This Act takes effect September 1, 2015.