

By: Huffines

S.B. No. 1685

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the repeal of the Texas emissions reduction plan and the
3 low-income vehicle repair assistance, retrofit, and accelerated
4 vehicle retirement program.

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

6 SECTION 1. Section 382.202(g), Health and Safety Code, is
7 amended to read as follows:

8 (g) The commission shall, ~~[+]~~
9 ~~[(1) use part of the fee collected under Subsection~~
10 ~~(e) to fund low-income vehicle repair assistance, retrofit, and~~
11 ~~accelerated vehicle retirement programs created under Section~~
12 ~~382.209, and~~

13 ~~[(2)]~~ to the extent practicable, distribute available
14 funding created under Subsection (e) to affected ~~[participating]~~
15 counties in reasonable proportion to the amount of fees collected
16 under Subsection (e) in those counties or in the regions in which
17 those counties are located.

18 SECTION 2. Section 382.212(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) To the extent allowable under federal law, the
21 commission by rule shall authorize:

22 (1) ~~[the assignment of a percentage of emissions~~
23 ~~reduction credit to a private, commercial, or business entity that~~
24 ~~purchases, for accelerated retirement, a qualified vehicle under a~~

1 ~~low-income vehicle repair assistance, retrofit, and accelerated~~
2 ~~vehicle retirement program;~~

3 ~~[(2)]~~ the transferability of an assigned emissions
4 reduction credit;

5 (2) ~~[(3)]~~ the use of emissions reduction credit by the
6 holder of the credit against any state or federal emissions
7 requirements applicable to a facility owned or operated by the
8 holder of the credit; and

9 (3) ~~[(4)]~~ the assignment of a percentage of emissions
10 reduction credit, on the retirement of a fleet vehicle, a vehicle
11 owned or leased by a governmental entity, or a commercial vehicle,
12 to the owner or lessor of the vehicle~~;~~ and

13 ~~[(5) other actions relating to the disposition or use~~
14 ~~of emissions reduction credit that the commission determines will~~
15 ~~benefit the implementation of low-income vehicle repair~~
16 ~~assistance, retrofit, and accelerated vehicle retirement programs~~
17 ~~established under Section 382.209].~~

18 SECTION 3. Sections 382.213(a) and (a-1), Health and Safety
19 Code, are amended to read as follows:

20 (a) Except as provided by Subsection (c) and Subdivision (5)
21 of this subsection, a vehicle retired under an accelerated vehicle
22 retirement program authorized by former Section 382.209 may not be
23 resold or reused in its entirety in this or another state. Subject
24 to the provisions of Subsection (i), the automobile dealer who
25 takes possession of the vehicle must submit to the program
26 administrator proof, in a manner adopted by the commission, that
27 the vehicle has been retired. The vehicle must be:

- 1 (1) destroyed;
- 2 (2) recycled; or
- 3 (3) dismantled and its parts sold as used parts [~~or~~
- 4 ~~used in the program,~~
- 5 [~~(4) placed in a storage facility of a program~~
- 6 ~~established under Section 382.209 and subsequently destroyed,~~
- 7 ~~recycled, or dismantled and its parts sold or used in the program,~~
- 8 ~~or~~
- 9 [~~(5) repaired, brought into compliance, and used as a~~
- 10 ~~replacement vehicle under Section 382.209(d)(2)].~~

11 (a-1) The commission shall establish a partnership with

12 representatives of the steel industry, automobile dismantlers, and

13 the scrap metal recycling industry to ensure that:

- 14 (1) vehicles retired under former Section 382.209 are
- 15 scrapped or recycled; and
- 16 (2) proof of scrapping or recycling is provided to the
- 17 commission.

18 SECTION 4. Section 382.216, Health and Safety Code, is

19 amended to read as follows:

20 Sec. 382.216. INCENTIVES FOR VOLUNTARY PARTICIPATION IN

21 VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. The

22 commission, the Texas Department of Transportation, and the Public

23 Safety Commission may, subject to federal limitations:

- 24 (1) encourage counties likely to exceed federal clean
- 25 air standards to implement voluntary[+]
- 26 [~~(A)~~] motor vehicle emissions inspection and
- 27 maintenance programs; [~~and~~

1 [~~(B) low-income vehicle repair assistance,~~
2 ~~retrofit, and accelerated vehicle retirement programs,~~]

3 (2) establish incentives for counties to voluntarily
4 implement motor vehicle emissions inspection and maintenance
5 programs [~~and low-income vehicle repair assistance, retrofit, and~~
6 ~~accelerated vehicle retirement programs~~]; and

7 (3) designate a county that voluntarily implements a
8 motor vehicle emissions inspection and maintenance program [~~or a~~
9 ~~low-income vehicle repair assistance, retrofit, and accelerated~~
10 ~~vehicle retirement program~~] as a "Clean Air County" and give
11 preference to a county designated as a Clean Air County in any
12 federal or state clean air grant program.

13 SECTION 5. Sections 382.220(a) and (d), Health and Safety
14 Code, are amended to read as follows:

15 (a) Money that is made available to affected
16 [~~participating~~] counties under Section 382.202(g) or 382.302 may be
17 appropriated only for programs administered in accordance with
18 Chapter 783, Government Code, to improve air quality. An affected
19 [~~A participating~~] county may agree to contract with any appropriate
20 entity, including a metropolitan planning organization or a council
21 of governments to implement a program under Section 382.202 [~~7~~
22 ~~382.209,~~] or this section.

23 (d) Fees collected under Sections 382.202 and 382.302 may be
24 used in an amount not to exceed \$7 million per fiscal year for
25 projects described by Subsection (b), of which \$2 million may be
26 used only for projects described by Subsection (b)(4). The
27 remaining \$5 million may be used for any project described by

1 Subsection (b). The fees shall be made available [~~only to counties~~
2 ~~participating in the low-income vehicle repair assistance,~~
3 ~~retrofit, and accelerated vehicle retirement programs created~~
4 ~~under Section 382.209 and~~] only on a matching basis, whereby the
5 commission provides money to a county in the same amount that the
6 county dedicates to a project authorized by Subsection (b). The
7 commission may reduce the match requirement for a county that
8 proposes to develop and implement independent test facility fraud
9 detection programs, including the use of remote sensing technology
10 for coordinating with law enforcement officials to detect, prevent,
11 and prosecute the use of counterfeit registration insignia and
12 vehicle inspection reports.

13 SECTION 6. The following provisions of the Health and
14 Safety Code are repealed:

15 (1) Sections 382.201(4), 382.205(f), 382.209,
16 382.210, 382.211, 382.214, and 382.302(e); and

17 (2) Chapter 386.

18 SECTION 7. This Act takes effect September 1, 2015.