

By: Turner, Howard, Giddings

H.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to low-income vehicle repair assistance, retrofit, and  
3 accelerated vehicle retirement programs and local initiative  
4 projects.

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

6 SECTION 1. Section 382.201, Health and Safety Code, is  
7 amended by adding Subdivision (4-a) to read as follows:

8 (4-a) "Purchase" means a transaction in which a person  
9 buys a vehicle.

10 SECTION 2. Section 382.202(g), Health and Safety Code, is  
11 amended to read as follows:

12 (g) The commission shall:

13 (1) use part of the fee collected under Subsection (e)  
14 to fund county [~~low-income vehicle repair assistance, retrofit, and~~  
15 ~~accelerated vehicle retirement~~] programs and projects as provided  
16 by Section 382.220 [~~created under Section 382.209~~]; and

17 (2) to the extent practicable, distribute available  
18 funding created under Subsection (e) to participating counties in  
19 reasonable proportion to the amount of fees collected under  
20 Subsection (e) in those counties or in the regions in which those  
21 counties are located.

22 SECTION 3. Sections 382.209(b) and (e), Health and Safety  
23 Code, are amended to read as follows:

24 (b) The commission shall provide funding for local

1 low-income vehicle repair assistance, retrofit, and accelerated  
2 vehicle retirement programs as provided by Section 382.220 [~~with~~  
3 ~~available funds collected under Section 382.202, 382.302, or other~~  
4 ~~designated and available funds~~]. The programs shall be  
5 administered in accordance with Chapter 783, Government Code.  
6 Program costs may include call center management, application  
7 oversight, invoice analysis, education, outreach, and advertising.  
8 Not more than 10 percent of the money provided to a local low-income  
9 vehicle repair assistance, retrofit, and accelerated vehicle  
10 retirement program [~~under this section~~] may be used for the  
11 administration of the program [~~programs~~], including program costs.

12 (e) A vehicle is not eligible to participate in a low-income  
13 vehicle repair assistance, retrofit, and accelerated vehicle  
14 retirement program established under this section unless:

15 (1) the vehicle is capable of being operated;

16 (2) the [~~registration of the~~] vehicle:

17 (A) is registered in a county implementing the  
18 program [~~is current~~]; or [~~and~~]

19 (B) [~~reflects that the vehicle~~] has been  
20 registered in a [~~the~~] county implementing the program for at least  
21 12 of the 15 months preceding the application for participation in  
22 the program;

23 (3) the commissioners court of the county  
24 administering the program determines that the vehicle meets the  
25 eligibility criteria adopted by the commission, the Texas  
26 Department of Motor Vehicles, and the Public Safety Commission;

27 (4) if the vehicle is to be repaired, the repair is

1 done by a repair facility recognized by the Department of Public  
2 Safety, which may be an independent or private entity licensed by  
3 the state; and

4 (5) if the vehicle is to be retired under this  
5 subsection and Section 382.213, the replacement vehicle is a  
6 qualifying motor vehicle.

7 SECTION 4. Sections 382.210(a), (b), and (f), Health and  
8 Safety Code, are amended to read as follows:

9 (a) The commission by rule shall adopt guidelines to assist  
10 a participating county in implementing a low-income vehicle repair  
11 assistance, retrofit, and accelerated vehicle retirement program  
12 authorized under Section 382.209. The guidelines at a minimum  
13 shall recommend:

14 (1) a ~~[minimum and]~~ maximum amount for repair  
15 assistance of at least \$800;

16 (2) an ~~[a minimum and maximum]~~ amount to be put toward  
17 the purchase price of a replacement vehicle qualified for the  
18 accelerated retirement program, based on vehicle type and model  
19 year, of at least ~~[with the maximum amount not to exceed]~~:

20 (A) \$4,000 ~~[\$3,000]~~ for a replacement car of the  
21 current model year or the previous four ~~[three]~~ model years, except  
22 as provided by Paragraph (C);

23 (B) \$4,000 ~~[\$3,000]~~ for a replacement truck of  
24 the current model year or the previous three ~~[two]~~ model years,  
25 except as provided by Paragraph (C); and

26 (C) \$4,500 ~~[\$3,500]~~ for a replacement vehicle of  
27 the current model year or the previous four ~~[three]~~ model years

1 that:

2 (i) is a hybrid vehicle, electric vehicle,  
3 or natural gas vehicle; or

4 (ii) has been certified to meet federal  
5 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section  
6 86.1811-04, as published in the February 10, 2000, Federal  
7 Register, or to meet federal Tier 3, Bin 85 or a cleaner Bin  
8 certification under 40 C.F.R. Section 86.1811-17;

9 (3) criteria for determining eligibility, taking into  
10 account:

11 (A) the vehicle owner's income, which may not  
12 exceed 300 percent of the federal poverty level;

13 (B) the fair market value of the vehicle; and

14 (C) any other relevant considerations;

15 (4) safeguards for preventing fraud in the repair,  
16 purchase, or sale of a vehicle in the program; and

17 (5) procedures for determining the degree and amount  
18 of repair assistance a vehicle is allowed, based on:

19 (A) the amount of money the vehicle owner has  
20 spent on repairs;

21 (B) the vehicle owner's income; and

22 (C) any other relevant factors.

23 (b) A replacement vehicle described by Subsection (a)(2)  
24 must:

25 (1) except as provided by Subsection (c), be a vehicle  
26 in a class or category of vehicles that has been certified to meet  
27 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.

1 Section 86.1811-04, as published in the February 10, 2000, Federal  
2 Register, or to meet federal Tier 3, Bin 160 or a cleaner Bin  
3 certification under 40 C.F.R. Section 86.1811-17;

4 (2) have a gross vehicle weight rating of less than  
5 10,000 pounds;

6 (3) have an odometer reading of not more than 85,000  
7 [~~70,000~~] miles; and

8 (4) be a vehicle the total purchase price [~~cost~~] of  
9 which does not exceed:

10 (A) for a vehicle described by Subsection  
11 (a)(2)(A) or (B), \$35,000; or

12 (B) for a vehicle described by Subsection  
13 (a)(2)(C), \$45,000.

14 (f) For the purposes of Subsection (b), a reference to the  
15 total purchase price of a motor vehicle [~~In this section, "total~~  
16 ~~cost"~~] means the total amount of money paid or to be paid for the  
17 purchase of a motor vehicle as set forth as "sales price" in the  
18 form entitled "Application for Texas Certificate of Title"  
19 promulgated by the Texas Department of Motor Vehicles. In a  
20 transaction that does not involve the use of that form, the term  
21 means an amount of money that is equivalent, or substantially  
22 equivalent, to the amount that would appear as "sales price" on the  
23 Application for Texas Certificate of Title if that form were  
24 involved.

25 SECTION 5. Section 382.220, Health and Safety Code, is  
26 amended to read as follows:

27 Sec. 382.220. COUNTY USE OF MONEY FROM VEHICLE EMISSIONS

1 INSPECTION FEES; [FUNDING FOR] LOCAL INITIATIVE PROJECTS. (a) The  
2 commission:

3 (1) shall provide funding to participating counties  
4 for local low-income vehicle repair assistance, retrofit, and  
5 accelerated vehicle retirement programs under Section 382.209  
6 using:

7 (A) available funds derived from fees collected  
8 through vehicle emissions inspection and maintenance programs  
9 under Sections 382.202 and 382.302; and

10 (B) other designated and available funds; and

11 (2) may provide funding to participating counties for  
12 local initiative projects under Subsection (b) using available  
13 funds derived from fees collected through vehicle emissions  
14 inspection and maintenance programs under Sections 382.202 and  
15 382.302.

16 (a-1) A participating county that implements a local  
17 initiative project under Subsection (b) must use at least 50  
18 percent of the money made available to the county under Section  
19 382.202(g) or 382.302 for the county's low-income vehicle repair  
20 assistance, retrofit, and accelerated vehicle retirement program.

21 (a-2) Money that is made available to participating  
22 counties under Section 382.202(g) or 382.302 may be appropriated  
23 only for programs administered in accordance with Chapter 783,  
24 Government Code, to improve air quality.

25 (a-3) A participating county may agree to contract with any  
26 appropriate entity, including a metropolitan planning organization  
27 or a council of governments, to implement a program under Section

1 382.202 ~~or~~ 382.209 ~~or~~ a project under Subsection (b) ~~[this~~  
2 ~~section]~~.

3 (b) A participating county may implement a local initiative  
4 project, which ~~[program under this section]~~ must be implemented in  
5 consultation with the commission and may include a program to:

6 (1) expand and enhance the AirCheck Texas Repair and  
7 Replacement Assistance Program;

8 (2) develop and implement programs or systems that  
9 remotely determine vehicle emissions and notify the vehicle's  
10 operator;

11 (3) develop and implement projects to implement the  
12 commission's smoking vehicle program;

13 (4) develop and implement projects in consultation  
14 with the director of the Department of Public Safety for  
15 coordinating with local law enforcement officials to reduce the use  
16 of counterfeit registration insignia and vehicle inspection  
17 reports by providing local law enforcement officials with funds to  
18 identify vehicles with counterfeit registration insignia and  
19 vehicle inspection reports and to carry out appropriate actions;

20 (5) develop and implement programs to enhance  
21 transportation system improvements; ~~or~~

22 (6) develop and implement new air control strategies  
23 designed to assist local areas in complying with state and federal  
24 air quality rules and regulations; or

25 (7) improve air quality through the replacement and  
26 retirement of fleet vehicles as authorized by Subsection (d).

27 (c) Except as provided by Subsection (d), money ~~[Money]~~ that

1 is made available for the implementation of a program under  
2 Subsection (b) may not be expended for local government fleet or  
3 vehicle acquisition or replacement, call center management,  
4 application oversight, invoice analysis, education, outreach, or  
5 advertising purposes.

6 (d) A participating county may use money that has been  
7 allocated by the commission to the county for a program under  
8 Subsection (b) and that has not been spent by the last day of the  
9 fiscal year in which the money was allocated for the replacement and  
10 retirement of local government fleet vehicles. Money available for  
11 use under this subsection must be spent not later than the second  
12 anniversary of the last day of the fiscal year in which the  
13 commission allocated the funds [~~Fees collected under Sections~~  
14 ~~382.202 and 382.302 may be used in an amount not to exceed \$7~~  
15 ~~million per fiscal year for projects described by Subsection (b),~~  
16 ~~of which \$2 million may be used only for projects described by~~  
17 ~~Subsection (b)(4). The remaining \$5 million may be used for any~~  
18 ~~project described by Subsection (b). The fees shall be made~~  
19 ~~available only to counties participating in the low-income vehicle~~  
20 ~~repair assistance, retrofit, and accelerated vehicle retirement~~  
21 ~~programs created under Section 382.209 and only on a matching~~  
22 ~~basis, whereby the commission provides money to a county in the same~~  
23 ~~amount that the county dedicates to a project authorized by~~  
24 ~~Subsection (b). The commission may reduce the match requirement~~  
25 ~~for a county that proposes to develop and implement independent~~  
26 ~~test facility fraud detection programs, including the use of remote~~  
27 ~~sensing technology for coordinating with law enforcement officials~~



1 ~~to detect, prevent, and prosecute the use of counterfeit~~  
2 ~~registration insignia and vehicle inspection reports].~~

3 SECTION 6. Section 382.302(e), Health and Safety Code, is  
4 amended to read as follows:

5 (e) A participating county may participate in the program  
6 established under Section 382.209 and may implement a local  
7 initiative project under Section 382.220.

8 SECTION 7. This Act takes effect September 1, 2017.