

By: Watson

S.B. No. 2003

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the low-income vehicle repair assistance, retrofit, and
3 accelerated vehicle retirement program and local initiative air
4 quality projects.

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

6 SECTION 1. Section 382.209(e), Health and Safety Code, is
7 amended to read as follows:

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

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

12 (2) the registration of the vehicle:

13 (A) is current; and

14 (B) reflects that the vehicle is ~~[has been]~~
15 registered in a a ~~[the]~~ county implementing the program ~~[for at least~~
16 ~~12 of the 15 months preceding the application for participation in~~
17 ~~the program]~~;

18 (3) the commissioners court of the county
19 administering the program determines that the vehicle meets the
20 eligibility criteria adopted by the commission, the Texas
21 Department of Motor Vehicles, and the Public Safety Commission;

22 (4) if the vehicle is to be repaired, the repair is
23 done by a repair facility recognized by the Department of Public
24 Safety, which may be an independent or private entity licensed by

1 the state; and

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

5 SECTION 2. Sections 382.210(a) and (b), Health and Safety
6 Code, are amended to read as follows:

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

12 (1) a minimum and maximum amount for repair
13 assistance;

14 (2) a minimum and maximum amount toward the purchase
15 price of a replacement vehicle qualified for the accelerated
16 retirement program, based on vehicle type and model year, with the
17 maximum amount not to exceed:

18 (A) \$3,500 [~~\$3,000~~] for a replacement car of the
19 current model year or the previous four [~~three~~] model years, except
20 as provided by Paragraph (C);

21 (B) \$3,500 [~~\$3,000~~] for a replacement truck of
22 the current model year or the previous three [~~two~~] model years,
23 except as provided by Paragraph (C); and

24 (C) \$4,000 [~~\$3,500~~] for a replacement vehicle of
25 the current model year or the previous four [~~three~~] model years
26 that:

27 (i) is a hybrid vehicle, electric vehicle,

1 or natural gas vehicle; and [~~or~~]

2 (ii) has been certified to meet federal
3 Tier 3 [~~2~~], Bin 85 [~~3~~] or a cleaner Bin certification under 40
4 C.F.R. Section 86.1811-17 [~~86.1811-04~~], as that section existed on
5 January 1, 2017 [~~published in the February 10, 2000, Federal~~
6 ~~Register~~];

7 (3) criteria for determining eligibility, taking into
8 account:

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

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

12 (C) any other relevant considerations;

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

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

17 (A) the amount of money the vehicle owner has
18 spent on repairs;

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

20 (C) any other relevant factors.

21 (b) A replacement vehicle described by Subsection (a)(2)
22 must:

23 (1) except as provided by Subsection (c), be a vehicle
24 in a class or category of vehicles that has been certified to meet
25 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.
26 Section 86.1811-04, as published in the February 10, 2000, Federal
27 Register;

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

3 (3) have an odometer reading of not more than 85,000
4 [~~70,000~~] miles; and

5 (4) be a vehicle the total cost of which does not
6 exceed:

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

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

11 SECTION 3. Section [382.220](#), Health and Safety Code, is
12 amended by amending Subsections (b), (c), and (d) and adding
13 Subsection (e) to read as follows:

14 (b) A program under this section must be implemented in
15 consultation with the commission and may include a program to:

16 (1) expand and enhance the AirCheck Texas Repair and
17 Replacement Assistance Program;

18 (2) develop and implement programs or systems that
19 remotely determine vehicle emissions and notify the vehicle's
20 operator;

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

23 (4) develop and implement projects in consultation
24 with the director of the Department of Public Safety for
25 coordinating with local law enforcement officials to reduce the use
26 of counterfeit registration insignia and vehicle inspection
27 reports by providing local law enforcement officials with funds to

1 identify vehicles with counterfeit registration insignia and
2 vehicle inspection reports and to carry out appropriate actions;

3 (5) develop and implement programs to enhance
4 transportation system improvements; ~~or~~

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

8 (7) improve air quality as authorized by Subsection
9 (e).

10 (c) Except as provided by Subsection (e), money ~~[Money]~~ that
11 is made available for the implementation of a program under
12 Subsection (b) may not be expended for local government fleet or
13 vehicle acquisition or replacement, call center management,
14 application oversight, invoice analysis, education, outreach, or
15 advertising purposes.

16 (d) Money that is made available to counties ~~[Fees~~
17 ~~collected]~~ under Sections 382.202 and 382.302 may be used ~~[in an~~
18 ~~amount not to exceed \$7 million per fiscal year]~~ for projects
19 described by Subsection (b) and ~~[, of which \$2 million may be used~~
20 ~~only for projects described by Subsection (b)(4). The remaining \$5~~
21 ~~million may be used for any project described by Subsection (b).~~
22 ~~The fees]~~ shall be made available only to counties participating in
23 the low-income vehicle repair assistance, retrofit, and
24 accelerated vehicle retirement programs created under Section
25 382.209 ~~[and only on a matching basis, whereby the commission~~
26 ~~provides money to a county in the same amount that the county~~
27 ~~dedicates to a project authorized by Subsection (b). The~~

1 ~~commission may reduce the match requirement for a county that~~
2 ~~proposes to develop and implement independent test facility fraud~~
3 ~~detection programs, including the use of remote sensing technology~~
4 ~~for coordinating with law enforcement officials to detect, prevent,~~
5 ~~and prosecute the use of counterfeit registration insignia and~~
6 ~~vehicle inspection reports].~~

7 (e) A participating county may use money that has been
8 allocated by the commission to the county for a program under
9 Subsection (b) and that has not been spent by the last day of the
10 fiscal year in which the money was allocated for the replacement and
11 retirement of local government fleet vehicles. Money available for
12 use under this subsection must be spent not later than the second
13 anniversary of the last day of the fiscal year in which the
14 commission allocated the funds.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.