

By: Patterson

H.B. No. 2664

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of the low-income vehicle repair assistance,
3 retrofit, and accelerated vehicle retirement program and the use of
4 remaining funds.

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

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

8 (q) A county may agree to contract with any appropriate
9 entity, including a metropolitan planning organization or a council
10 of governments, to implement a program under this section.

11 SECTION 2. Section 382.216, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 382.216. INCENTIVES FOR VOLUNTARY PARTICIPATION IN
14 VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. The
15 commission, the Texas Department of Transportation, and the Public
16 Safety Commission may, subject to federal limitations:

17 (1) encourage counties likely to exceed federal clean
18 air standards to implement voluntary[+]

19 [~~(A)~~] motor vehicle emissions inspection and
20 maintenance programs [~~, and~~

21 [~~(B) low-income vehicle repair assistance,~~
22 ~~retrofit, and accelerated vehicle retirement programs~~];

23 (2) establish incentives for counties to voluntarily
24 implement motor vehicle emissions inspection and maintenance

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

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

9 SECTION 3. Section [382.220](#), Health and Safety Code, is
10 amended to read as follows:

11 Sec. 382.220. USE OF FUNDING FOR LOCAL INITIATIVE PROGRAMS
12 [~~PROJECTS~~]. (a) Money from fees collected under Section [382.202](#) or
13 [382.302](#) may be [~~that is~~] made available to [~~participating~~] counties
14 [~~under Section [382.202](#)(g) or [382.302](#) may be appropriated only] for
15 programs administered in accordance with Chapter [783](#), Government
16 Code, to improve air quality.~~

17 (a-1) A [~~participating~~] county may agree to contract with
18 any appropriate entity, including a metropolitan planning
19 organization or a council of governments, to implement a program
20 under Section [382.202](#) [~~, [382.209](#),~~] or this section.

21 (b) A program authorized by [~~under~~] this section must be
22 implemented in consultation with the commission.

23 (c) A county that receives money under this section may use
24 the money to fund [~~and may include~~] a program to:

25 (1) [~~expand and enhance the AirCheck Texas Repair and~~
26 ~~Replacement Assistance Program,~~

27 [~~(2) develop and implement programs or systems that~~]

1 remotely determine vehicle emissions and notify the vehicle's
2 operator;

3 (2) [~~(3) develop and implement projects to~~] implement
4 the commission's smoking vehicle program;

5 (3) [~~(4) develop and implement projects~~] in
6 consultation with the director of the Department of Public Safety,
7 coordinate [~~for coordinating~~] with local law enforcement officials
8 to reduce the use of counterfeit registration insignia and vehicle
9 inspection reports by providing local law enforcement officials
10 with funds to identify vehicles with counterfeit registration
11 insignia and vehicle inspection reports and to carry out
12 appropriate actions;

13 (4) [~~(5) develop and implement programs to~~] enhance
14 transportation system improvements, including improvements meant
15 to reduce congestion on existing roads, but not including toll
16 projects; or

17 (5) [~~(6) develop and~~] implement new air control
18 strategies designed to assist local areas in complying with state
19 and federal air quality rules and regulations.

20 (d) [~~(c)~~] Money that is made available for the
21 implementation of a program under Subsection (c) [~~(b)~~] may not be
22 expended for local government fleet or vehicle acquisition or
23 replacement, call center management, application oversight,
24 invoice analysis, education, outreach, or advertising purposes.

25 (e) [~~(d)~~] Fees collected under Sections [382.202](#) and [382.302](#)
26 may be used in an amount not to exceed \$7 million per fiscal year for
27 programs [~~projects~~] described by Subsection (c) [~~(b)~~], of which \$2

1 million may be used only for projects described by Subsection
2 (c)(3) [~~(b)(4)~~]. The remaining \$5 million may be used for any
3 program [~~project~~] described by Subsection (c) [~~(b)~~].

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

16 (g) The commission shall distribute available money
17 collected under Section 382.202(e) that was designated for the
18 former low-income vehicle repair assistance, retrofit, and
19 accelerated vehicle retirement program to counties that
20 participated in that program. The commission shall distribute the
21 money in reasonable proportion to the amount of fees collected
22 under Section 382.202(e) in those counties or in the regions in
23 which those counties are located. A county that receives money
24 under this subsection may use the money only to fund a program
25 authorized by this section. This subsection expires September 1,
26 2023.

27 SECTION 4. The following provisions of the Health and

1 Safety Code are repealed:

2 (1) Section 382.003(10-a);

3 (2) Sections 382.201(4), (5), and (6);

4 (3) Sections 382.202(g) and 382.205(f);

5 (4) Sections 382.209, 382.210, 382.211, 382.212,
6 382.213, 382.214, and 382.219; and

7 (5) Section 382.302(e).

8 SECTION 5. This Act takes effect September 1, 2019.