By:  Miles S.B. No. 2102

(In the Senate - Filed March 9, 2023; March 21, 2023, read first time and referred to Committee on Transportation; April 11, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; April 11, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Nichols           X

West                        X

Alvarado          X

Eckhardt          X

Hancock           X

King              X

Miles             X

Parker            X

Perry             X

COMMITTEE SUBSTITUTE FOR S.B. No. 2102 By:  Miles

A BILL TO BE ENTITLED

AN ACT

relating to the initial registration and inspection period for certain rental vehicles; authorizing fees.

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

SECTION 1.  Section 382.0622(a), Health and Safety Code, is amended to read as follows:

(a)  Clean Air Act fees consist of:

(1)  fees collected by the commission under Sections 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided by law;

(2)  $2 from the portion of each fee collected for inspections of vehicles other than mopeds and remitted to the state under Sections 548.501 and 548.503, Transportation Code;

(3)  $6 from the portion of each fee collected for an inspection of a vehicle and remitted to the state under Section 548.5035, Transportation Code; and

(4) [~~(3)~~]  fees collected that are required under Section 185 of the federal Clean Air Act (42 U.S.C. Section 7511d).

SECTION 2.  Section 382.202, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (d-2) to read as follows:

(d)  Except as provided by Subsection (d-2), on [~~On~~] adoption of a resolution by the commission and after proper notice, the Department of Public Safety of the State of Texas shall implement a system that requires, as a condition of obtaining a passing vehicle inspection report issued under Subchapter C, Chapter 548, Transportation Code, in a county that is included in a vehicle emissions inspection and maintenance program under Subchapter F of that chapter, that the vehicle, unless the vehicle is not covered by the system, be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the state's air quality state implementation plan. The Department of Public Safety shall implement such a system when it is required by any provision of federal or state law, including any provision of the state's air quality state implementation plan.

(d-2)  If the state's air quality state implementation plan provides for a three-year emissions inspection period for a vehicle described by Section 548.1025(a), Transportation Code:

(1)  the system implemented by the Department of Public Safety of the State of Texas under Subsection (d) shall provide for a three-year emissions inspection period for a vehicle described by Section 548.1025(a), Transportation Code; and

(2)  the commission shall establish and assess fees for the emissions inspection of a vehicle described by Section 548.1025(a), Transportation Code, in amounts calculated to provide the same revenue that would be provided if the vehicle was inspected annually or biennially.

SECTION 3.  Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.0026 to read as follows:

Sec. 502.0026.  EXTENDED REGISTRATION OF CERTAIN RENTAL VEHICLES. (a) Notwithstanding Section 502.044, the initial registration period is three years for a passenger car or light truck:

(1)  that is sold in this state or purchased by a commercial fleet buyer described by Section 501.0234(b)(4) for use in this state;

(2)  that has not been previously registered in this or another state;

(3)  that on the date of sale is of the current or preceding model year; and

(4)  for which a rental certificate has been furnished as described by Section 152.061(b), Tax Code.

(b)  Payment for all applicable fees, including any optional fee imposed under Subchapter H and other registration fees and the fee required by Section 548.5035, for the entire registration period is due at the time of registration.

SECTION 4.  Subchapter C, Chapter 548, Transportation Code, is amended by adding Section 548.1025 to read as follows:

Sec. 548.1025.  THREE-YEAR INITIAL INSPECTION PERIOD FOR CERTAIN RENTAL VEHICLES. (a)  Notwithstanding any other law, the initial inspection period is three years for a passenger car or light truck:

(1)  that is sold in this state or purchased by a commercial fleet buyer described by Section 501.0234(b)(4) for use in this state;

(2)  that has not been previously registered in this or another state;

(3)  that on the date of sale is of the current or preceding model year; and

(4)  for which a rental certificate has been furnished as described by Section 152.061(b), Tax Code.

(b)  This section does not affect a requirement that a motor vehicle emissions inspection be conducted in a county covered by an inspection and maintenance program approved by the United States Environmental Protection Agency under Section 548.301 and the Clean Air Act (42 U.S.C. Section 7401 et seq.).

SECTION 5.  Section 548.501(a), Transportation Code, is amended to read as follows:

(a)  Except as provided by Sections 548.503, 548.5035, and 548.504, the fee for inspection of a motor vehicle other than a moped is $12.50. The fee for inspection of a moped is $5.75.

SECTION 6.  Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.5035 to read as follows:

Sec. 548.5035.  INITIAL THREE-YEAR INSPECTION OF CERTAIN RENTAL VEHICLES. (a)  The fee for inspection of a passenger car or light truck under Section 548.1025 shall be set by the department by rule on or before September 1 of each year.

(b)  A fee set by the department under this section must:

(1)  be based on the costs of providing inspections and administering the program; and

(2)  be calculated to ensure that the state receives at least the same amount of revenue from the fee over a three-year period that the state would have received if the vehicle was subject to Section 548.102.

(c)  The department by rule shall establish the amount of the fee for an inspection under this section that shall be remitted to the state under Section 548.509.

SECTION 7.  (a)  As soon as practicable in the Texas Commission on Environmental Quality's ordinary course of business, the commission shall submit for the approval of the United States Environmental Protection Agency a revision of the state's air quality state implementation plan to provide for a three-year emissions inspection period for a vehicle described by Section 548.1025(a), Transportation Code, as added by this Act.

(b)  On the approval of a revision to the state's air quality state implementation plan described by Subsection (a) of this section, rules and processes necessary to implement and administer the revised plan shall be adopted by:

(1)  the Texas Commission on Environmental Quality; and

(2)  the Public Safety Commission.

SECTION 8.  This Act takes effect September 1, 2023.

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