

## **BILL ANALYSIS**

Senate Research Center  
89R25363 JAM-D

H.B. 5033  
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Natural Resources  
5/19/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current Texas law, vehicle owners in 17 counties are still required to undergo annual emissions inspections for non-commercial vehicles. This requirement is due to mandates under the federal Clean Air Act (42 U.S.C Section 182, 184, and 187). Following action by the 88th Legislature to eliminate annual safety inspection requirements for most non-commercial vehicles, the vast majority of Texas counties no longer enforce these emissions tests.

However, some of Texas' most populous counties are still subject to stricter regulations based solely on federal designations, creating disparity in treatment for vehicle owners across the state. H.B. 5033 aims to eliminate this inconsistency and restore equity by permitting the Texas Commission on Environmental Quality and Department of Public Safety of the State of Texas to end, continue, change, or wait for the legislature to decide vehicle emissions testing requirements across all Texas counties, once permitted by federal law.

The bill accomplishes this by creating a trigger mechanism to automatically repeal emissions inspection programs in the state, if any of the following occur:

- Congress repeals or amends the federal Clean Air Act to eliminate the mandate;
- the U.S. Supreme Court rules that states have the authority to prohibit emissions inspections; and
- a constitutional amendment grants states such authority.

H.B. 5033 affirms Texas' commitment to personal freedom and limited government, and ensures decision-making flexibility to address safety, environmental, and oversight concerns at a time deemed appropriate by future legislative bodies or agency directors.

H.B. 5033 amends current law relating to the authority of this state to implement a motor vehicle emissions inspection and maintenance program.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter G, Chapter 382, Health and Safety Code, by adding Section 382.2025, as follows:

Sec. 382.2025. IMPLEMENTATION OF PROGRAM. Provides that, notwithstanding any other law, the Texas Commission on Environmental Quality and Department of Public Safety of the State of Texas are not required to implement or enforce any other provision of Subchapter G (Vehicle Emissions) or a requirement under Chapter 548 (Inspection of Vehicles), Transportation Code, related to emissions inspections.

SECTION 2. (a) Effective date: except as otherwise provided by this section, September 1, 2025.

(b) Provides that Section 1 of this Act takes effect on the 30th day after the date:

(1) the United States Congress enacts legislation that becomes law that repeals the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) or amends it in a way that the motor vehicle emissions inspection and maintenance program established under Subchapter G, Chapter 382 (Clean Air Act), Health and Safety Code, is no longer required;

(2) of the issuance of a United States Supreme Court judgment that recognizes the authority of the states to prohibit vehicle emissions inspection and maintenance programs or to solely regulate vehicle emissions; or

(3) of the adoption of an amendment to the United States Constitution giving states the authority to prohibit vehicle emissions inspection and maintenance programs or to solely regulate vehicle emissions.

(c) Provides that, if an action described by Subsection (b) of this section does not occur, Section 1 of this Act has no effect.