

BILL ANALYSIS

C.S.H.B. 5033
By: Bell, Keith
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that under current state law vehicle owners in 17 counties, including Kaufman County, are still required to undergo annual emissions inspections for noncommercial vehicles and that this requirement is due to mandates under the federal Clean Air Act. The bill author has also informed the committee that, in contrast, the vast majority of Texas counties are no longer required to enforce these emissions inspections and that, as a result, a limited number of counties are subject to stricter regulations based solely on federal designations, thereby creating a disparity in treatment for vehicle owners across Texas. C.S.H.B. 5033 seeks to eliminate this inconsistency and restore equity by providing the state with flexibility to discontinue, revise, or replace its vehicle emissions inspection and maintenance program if certain changes to federal law occur. The bill ensures that, in the event of a repeal or narrowing of federal mandates, applicable state agencies are not required to enforce statutory provisions relating to vehicle emissions inspections.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 5033 amends the Health and Safety Code to establish, in Texas Clean Air Act provisions, that the Texas Commission on Environmental Quality (TCEQ) and the Department of Public Safety (DPS) are not required to implement or enforce any other provision of that act relating to vehicle emissions or a requirement under Transportation Code provisions related to vehicle emissions inspections. This establishment takes effect on the 30th day after the date:

- the U.S. Congress enacts legislation that becomes law that repeals the federal Clean Air Act or amends it in a way that the motor vehicle emissions inspection and maintenance program established under such provisions of the Texas Clean Air Act is no longer required;
- of the issuance of a U.S. 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
- of the adoption of an amendment to the U.S. Constitution giving states the authority to prohibit such programs or to solely regulate such emissions.

If none of these actions occur, the bill's establishment has no effect.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5033 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced prohibited the TCEQ and DPS from implementing or enforcing specified vehicle emissions provisions of the Texas Clean Air Act or a requirement under Transportation Code provisions related to vehicle emissions inspections, the substitute instead establishes that those entities are not required to implement or enforce such provisions of the act or such a requirement.

The substitute includes the following actions, which were not included in the introduced, as actions that trigger the bill's substantive effect:

- the issuance of a U.S. Supreme Court judgment that recognizes the authority of the states to solely regulate vehicle emissions; and
- the adoption of an amendment to the U.S. Constitution giving states the authority to solely regulate such emissions.