

BILL ANALYSIS

Senate Research Center

S.B. 1439
By: Wentworth
Natural Resources
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As Filed

DIGEST

Currently, the Texas Natural Resource Conservation Commission and the Department of Public Safety are responsible for developing and implementing the Texas Motorist's Choice Program, as directed by the governor in Executive Order No. GWB 96-1. This program requires certain vehicles to be subject to certain inspection and maintenance program requirements. This bill codifies the executive order of the governor, and subsequent negotiations with the Environmental Protection Agency, regarding the establishment of a revised emissions testing program.

PURPOSE

As proposed, S.B. 1439 codifies Executive Order No. GWB 96-1 of the governor, and subsequent negotiations with the Environmental Protection Agency, regarding the establishment of a revised emissions testing program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 382.0372 and 382.0375(a) and (b), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 382B, Health and Safety Code, by adding Sections 382.0372-382.0377, as follows:

Sec. 382.0372. **VEHICLES SUBJECT TO PROGRAM; EXEMPTIONS.** Provides that the inspection and maintenance program applies to any gasoline-fueled light-duty or heavy-duty truck, between two and 24 years old, that is required to be registered or is primarily operated in certain counties or on a federal facility in certain counties. Provides that the program applies to vehicles exempt from motor vehicle registration requirements or vehicles eligible under Chapter 502, Transportation Code, to display an "exempt" license plate. Authorizes the Texas Natural Resource Conservation Commission (TNRCC) to exempt, by rule, certain vehicles and owners from program requirements, in accordance with standards adopted by TNRCC.

Sec. 382.0373. **REMOTE SENSING PROGRAM.** Requires TNRCC and the Texas Department of Public Safety (DPS) to jointly develop a program for enforcing emissions standards by use of remote or automatic emissions detection and analysis equipment. Authorizes the program to include notification of a violation mailed by TNRCC or DPS to the registered owner of a vehicle if a remote sensing device detects and records that the vehicle emitted, in an area to which an emissions standard applies, pollutants in excess of standards adopted by TNRCC. Authorizes the program to require the registered owner of a vehicle who is issued notice of violation under Subsection (b) to obtain a verification emissions test at a certified or licensed motor vehicle emissions inspection station and to perform any repairs required to allow the vehicle to pass a verification test. Provides that a person commits a Class C misdemeanor offense if the person does not comply with a testing or repair requirement adopted under this section. Authorizes a person who operates a motor vehicle to be fined \$25 after the registered owner of the vehicle has been issued a notice of violation under this section. Authorizes a peace officer to issue a citation for the violation in

the same manner as a citation for a violation of a traffic law.

Sec. 382.0374. CHOICE OF TESTING. Authorizes the owner of a vehicle, in obtaining an emissions test under this subchapter at a licensed or certified emissions testing facility, to choose to have the vehicle tested, subject to availability of the testing procedures, by a two-speed idle test or a loaded/transient mode test.

Sec. 382.0375. INSPECTION EQUIPMENT AND PROCEDURES; FEE. Requires TNRCC, by rule, to adopt certain measures in regulating inspection stations under the emissions inspection and maintenance program. Requires TNRCC, by rule, to establish an emissions inspection fee in an amount sufficient to recover the state's costs of overseeing the emissions inspection and maintenance program.

Sec. 382.0376. COLLECTION OF DATA; REPORT. Requires TNRCC to collect certain inspection and maintenance information derived from the emissions inspection and maintenance program. Requires TNRCC to report the information to the United States Environmental Protection Agency, and to compare the information on inspection results with registration information for enforcement purposes.

Sec. 382.0377. PUBLIC INFORMATION CAMPAIGN. Requires TNRCC and DPS to develop, implement, and oversee a public information campaign that includes information regarding the emissions inspection and maintenance program's remote sensing component and the requirement that a vehicle be tested within 60 days of resale.

SECTION 2. Amends Chapter 502A, Transportation Code, by adding Section 502.009, as follows:

Sec. 502.009. INSPECTION AND MAINTENANCE REQUIRED FOR REGISTRATION. Prohibits the Texas Department of Transportation (department) or a county tax assessor-collector from registering a motor vehicle if the department receives notification from TNRCC that the vehicle is not in compliance with the emissions inspection and maintenance program or the rules of TNRCC adopted under the program. Prohibits the department or a county tax assessor-collector from registering a vehicle to a new owner if certain conditions apply. Authorizes the department to exempt from the requirements of Subsection (b) certain vehicles. Provides that the department or a county employee or official is not liable to any person for denying registration as provided by this section.

SECTION 3. Requires TNRCC to adopt a resolution, as provided by Section 382.037, Health and Safety Code, that requires DPS to implement a system that requires a vehicle to be inspected as a condition of obtaining a safety inspection certificate issued under Chapter 548, Transportation Code, as soon after the effective date of this Act as practicable.

SECTION 4. Requires TNRCC and DPS to enter into an agreement to establish certain components of the motor vehicle emissions inspection and maintenance program.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.