

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1439
By: Wentworth
Natural Resources
4-17-97
Committee Report (Substituted)

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, C.S.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 382.0375(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 382.0372-382.0376, as follows:

Sec. 382.0372. **VEHICLES SUBJECT TO PROGRAM; EXEMPTIONS.** Provides that the inspection and maintenance program applies to any gasoline-powered vehicle, at least two and less than 25 years old, that is required to be registered and is primarily operated in certain counties or on a federal facility in certain counties. Provides that the program applies to vehicles with United States governmental plates primarily operated in certain counties, vehicles operated on a federal facility in certain counties, and vehicles eligible under Chapter 502, Transportation Code, to display an "exempt" license plate. Authorizes the Texas Department of Public Safety (department) to waive program requirements for certain vehicles and owners, in accordance with standards adopted by the Texas Natural Resource Conservation Commission (TNRCC). Provides that the program does not apply to a motorcycle or a slow-moving vehicle as defined by Section 547.001.

Sec. 382.0373. **REMOTE SENSING PROGRAM COMPONENT.** Requires TNRCC and the department to jointly develop a program component for enforcing emissions standards by use of remote or automatic emissions detection and analysis equipment. Authorizes the program component to be employed in any county designated as a nonattainment area within the meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section 7407).

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.** Requires TNRCC, by

rule, to adopt certain measures in regulating inspection stations under the emissions inspection and maintenance program. Requires the department, by rule, to adopt certain procedures for testing emissions.

Sec. 382.0376. COLLECTION OF DATA; REPORT. Requires TNRCC and the department 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.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 382.0372 to provide that the inspection and maintenance program applies to any gasoline-powered vehicle, rather than any gasoline-fueled light-duty vehicle or light-duty or heavy-duty truck, meeting certain requirements. Requires the vehicle to be at least two and less than 25 years old, rather than between two and 24 years old. Provides that the program applies to a vehicle with United States governmental plates primarily operated in certain counties. Authorizes the department, rather than TNRCC, to waive certain program requirements. Provides that the program does not apply to a motorcycle or slow-moving vehicle as defined by Section 547.001. Authorizes the program component to be employed in any county designated as a nonattainment area within the meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section 7407). Deletes proposed Subsections (b)-(e). Deletes the authorization for TNRCC to adopt procedures for issuing or denying an emissions inspection certificate. Deletes proposed provision for TNRCC to establish an emissions inspection fee. Requires the department, by rule, to adopt procedures regarding emissions testing and emissions inspection certificates. Requires TNRCC and the department, rather than TNRCC, to collect inspection and maintenance information. Deletes proposed Section 382.0377. Deletes SECTIONS 2-4.

SECTIONS 2 and 3.

Redesignated from SECTIONS 5 and 6.