

## **BILL ANALYSIS**

Senate Research Center

H.B. 2134  
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Natural Resources  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

Federal law requires certain air quality standards and imposes strict deadlines and penalties for noncompliance. The Texas Natural Resource Conservation Commission recently adopted new regulations requiring more than 90% reductions in auto emissions to comply with federal law. H.B. 2134 provides the Texas Natural Resource Conservation Commission and the Texas Department of Public Safety with expanded authority and flexibility relating to vehicle emissions testing.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Section 382.203, Health and Safety Code), to the Texas Natural Resource Conservation Commission and the Department of Public Safety of the State of Texas in SECTION 1 (Sections 382.205 and 382.209, Health and Safety Code), to the Texas Natural Resource Conservation Commission in SECTION 1 (Sections 382.210 and 382.212, Health and Safety Code), and to the advisory created by this Act in SECTION 7 (Section 548.006, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 382, Health and Safety Code, by adding Subchapter G and Sections 382.037-382.039, Health and Safety Code, by transferring them to new Subchapter G, renumbering them as Sections 382.202-382.208 and amending those sections.

#### **SUBCHAPTER G. VEHICLE EMISSIONS**

Sec. 382.201. DEFINITIONS

Sec. 382.202. VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM.

Sec. 382.203. VEHICLES SUBJECT TO PROGRAM; EXEMPTIONS.

Sec. 382.204. REMOTE SENSING PROGRAM COMPONENT.

Sec. 382.205. INSPECTION EQUIPMENT AND PROCEDURES.

Sec. 382.206. COLLECTION OF DATA; REPORT.

Sec. 382.207. INSPECTION STATIONS; QUALITY CONTROL AUDITS.

Sec. 382.208. ATTAINMENT PROGRAM.

Sec. 382.209. LOW-INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM.

Sec. 382.210. IMPLEMENTATION GUIDELINES.

Sec. 382.211. LOCAL ADVISORY PANEL.

Sec. 382.212. EMISSIONS REDUCTION CREDIT.

Sec. 382.213. DISPOSITION OF RETIRED VEHICLE.

Sec. 382.214. SALE OF VEHICLE WITH INTENT TO DEFRAUD.

Sec. 382.215. SALE OF VEHICLE NOT REQUIRED.

Sec. 382.216. INCENTIVES FOR VOLUNTARY PARTICIPATION IN VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM.

SECTION 2. Amends Section 382.0622(a), Health and Safety Code.

SECTION 3. Amends Chapter 501B, Transportation Code, by adding Section 501.0276:

Sec. 501.0276. DENIAL OF TITLE RECEIPT OR CERTIFICATE OF TITLE FOR FAILURE TO PROVIDE PROOF OF EMISSIONS TESTING.

SECTION 4. Amends Section 502.009(a), Transportation Code.

SECTION 5. Amends Chapter 502D, Transportation Code, by adding Section 502.1535:

Sec. 502.1535. EVIDENCE OF VEHICLE EMISSIONS INSPECTION.

SECTION 6. Amends Section 547.605, Transportation Code, by adding Subsections (d) and (e).

SECTION 7. Amends Chapter 548A, Transportation Code, by adding Section 548.006:

Sec. 548.006. ADVISORY COMMITTEE.

SECTION 8. Amends Section 548.301(c), Transportation Code.

SECTION 9. Amends Chapter 548F, Transportation Code, by adding Sections 548.3011 and 548.3012:

Sec. 548.3011. EMISSIONS TEST ON RESALE.

Sec. 548.3012. EXEMPTION: VEHICLE NOT USED PRIMARILY IN COUNTY OF REGISTRATION.

SECTION 10. Amends Section 548.306, Transportation Code.

SECTION 11. Amends Chapter 548F, Transportation Code, by adding Section 548.3065:

Sec. 548.3065. ADMINISTRATIVE PENALTY.

SECTION 12. (a) Requires that not later than January 1, 2002, the members of the Public Safety Commission appoint certain persons to the advisory committee created under Section 548.006, Transportation Code, as added by this Act.

(b) Requires that not later than January 1, 2002, the members of the Texas Natural Resource Conservation Commission appoint certain persons as members to the advisory committee created under Section 548.006, Transportation Code, as added by this Act.

SECTION 13. (a) Requires the Texas Natural Resource Conservation Commission to seek a binding commitment from the United States Environmental Protection Agency that any county that is not required by law but voluntarily chooses to participate in a motor vehicle inspection and maintenance program under Chapter 548F, Transportation Code, and a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program authorized by Section 382.209, Health and Safety Code, as added by this Act:

(1) will receive recognition and credit for taking voluntary steps to reduce air pollution if the county is later determined to exceed federally established clean air standards; and

(2) will not be penalized for having voluntarily created programs to curb air pollution.

(b) Authorizes the Texas Natural Resource Conservation Commission to request assistance from the Texas congressional delegation, counties interested in voluntarily participating in a program, or another state or federal agency in order to obtain a binding commitment under Subsection (a) of this section.

SECTION 14. Makes application of this Act prospective.

SECTION 15. Effective date: upon passage or September 1, 2001.