

## **BILL ANALYSIS**

Senate Research Center  
82R6366 JAM-F

H.B. 1403  
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Natural Resources  
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Engrossed

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

Several Texas counties not in compliance with federal ambient air quality standards and consequently designated by the Environmental Protection Agency as being in nonattainment or near-attainment status participate in a program requiring an emissions inspection for a vehicle at the time of the vehicle's annual safety inspection to verify that the vehicle does not emit harmful levels of air contaminants. Most of these counties have implemented an associated program, administered by the state's environmental agency and funded by a surcharge added to the costs of every vehicle inspection in each participating county, that helps improve air quality by assisting qualifying low-income residents to repair or replace automobiles that fail the emissions portion of the vehicle inspection but otherwise comply with all other legal requirements.

However, the provisions of state law relating to eligibility for the associated program are inconsistent. One provision requires that a vehicle has passed a safety inspection within the last 15 months, while another section of the same code requires the vehicle registration sticker to have been valid for the last 12 consecutive months prior to applying for the program. Furthermore, the applicable state agency or tax office has only the latest registration information available, and there is no way to check the history of a vehicle's registration. A vehicle registration completed online or with an authorized third party such as a grocery store customer service center will not be reflected as a renewal until several days after the registration, even if the transaction took place before the registration expired. As a result, an applicant may be denied access to the low-income program on grounds that the applicant's vehicle was not registered for 12 consecutive months prior to the application. Approximately 25 to 30 percent of applications to the program are denied for this reason.

H.B. 1403 amends current law relating to eligibility to participate in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **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 Section 382.209(e), Health and Safety Code, as follows:

(e) Provides that a vehicle is not eligible to participate in a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program established under this section unless:

(1) the vehicle is capable of being operated;

(2) the registration of the vehicle is current, and reflects that the vehicle has been registered in the county implementing the program for at least 12 of the 15 months preceding the application for participation in the program;

(3) the commissioners court of the county administering the program determines that the vehicle meets the eligibility criteria adopted by the Texas Natural Resource Conservation Commission, the Texas Department of Motor Vehicles, and the Public Safety Commission;

(4) if the vehicle is to be repaired, the repair is done by a repair facility recognized by the Department of Public Safety of the State of Texas, which may be an independent or private entity licensed by the state; and

(5) if the vehicle is to be retired under this subsection and Section 382.213 (Disposition of Retired Vehicle), the replacement vehicle is a qualifying motor vehicle.

SECTION 2. Effective date: upon passage or September 1, 2011.