

## **BILL ANALYSIS**

Senate Research Center

S.B. 1856  
By: Wentworth  
Natural Resources  
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As Filed

### **DIGEST**

Currently, a motor vehicle emissions testing program is in place in certain counties. The Environmental Protection Agency proposed conditional interim approval of the Texas Motorist's Choice Program as described in the Texas state implementation plan, because the state lacks the legislative authority to accomplish certain components of the program. This bill provides the Texas Natural Resource Conservation Commission, the Department of Public Safety, and the Texas Department of Transportation with authority to implement an automobile emissions testing program for the state.

### **PURPOSE**

As proposed, S.B. 1856 provides the Texas Natural Resource Conservation Commission, the Department of Public Safety, and the Texas Department of Transportation with authority to implement an automobile emissions testing program for the state.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Department of Public Safety in SECTION 12 (Section 548.505, Transportation Code) and SECTION 18; and to the Texas Natural Resource Conservation Commission and the Texas Department of Transportation in SECTION 18 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.037(d), Health and Safety Code, to require the Department of Public Safety (department) to implement a system, as a condition of obtaining a safety inspection certificate issued under Chapter 548E, Transportation Code, rather than under Section 140 or 141, Article 6701d, V.T.C.S., in a county that is included in a vehicle emissions inspection and maintenance program under Subchapter F of that chapter, rather than Section 142, Article 6701d, V.T.C.S. Deletes text regarding Section 382.8371 and verification of compliance.

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

Sec. 502.009. MOTOR VEHICLE INSPECTION AND MAINTENANCE REQUIREMENTS. Sets forth effects of not complying with Chapter 548F, Transportation Code. Sets forth the expiration date of this section.

SECTION 3. Amends Section 548.001, Transportation Code, to redefine "commercial motor vehicle. Defines "department" and "nonattainment area."

SECTION 4. Amends Section 548.251, Transportation Code, to make a conforming change.

SECTION 5. Amends Section 548.301, Transportation Code, to require the Public Safety Commission (commission) to establish a motor vehicle emissions inspection and maintenance program for vehicles covered by the state's air quality state implementation plan, as otherwise specified by the department at the direction of the governor. Deletes text regarding the establishment of a program. Deletes existing Subdivision (1). Authorizes the commission to establish a motor vehicle emissions inspection and maintenance program for vehicles specified by the Texas Natural Resource Conservation Commission (TNRCC) at the governor's direction. Deletes text regarding the program.

Sets forth requirements of vehicle emissions inspections.

SECTION 6. Amends Section 548.302, Transportation Code, to require the commission to develop and impose requirements regarding issuance of an inspection certificate.

SECTION 7. Amends Section 548.303, Transportation Code, to require the commission to administer the motor vehicle emissions program until the department suspends or discontinues the program at the direction of the governor under Section 382.037(a-1), Health and Safety Code. Deletes text regarding TNRCC and the Clean Air Act. Authorizes the department to reestablish the program under this subchapter or as directed by the governor. Deletes text regarding notification of the commission.

SECTION 8. Amends Section 548.304, Transportation Code, as follows:

Sec. 548.304. New heading: CERTIFIED EMISSIONS INSPECTION STATIONS. Authorizes the department, rather than TNRCC, to certify, rather than license, inspection stations as necessary to implement the emissions-related inspection, rather than, reinspection requirements of the motor vehicle inspection and maintenance program established under this subchapter if the station meets the department's certification requirements, rather than Section 548.301. Requires the department to provide inspection certificates for distribution and issuance at inspection stations certified by the department. Deletes existing Subsection (c).

SECTION 9. Amends Chapter 548F, Transportation Code, by adding Section 548.306, as follows:

Sec. 548.306. EXCESSIVE EMISSIONS. Sets forth applicability of this section. Sets forth offenses if the registered owner of a motor vehicle emits certain emissions. Sets forth notice requirements regarding offenses. Sets forth punishments for offenses. Sets forth affirmative defenses. Authorizes the department to contract with a private person to implement this section. Requires compliance with rules and procedures adopted by the department.

SECTION 10. Amends Section 548.405, Transportation Code, as follows:

Sec. 548.405. New heading: DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATE. Authorizes the department to deny an application for certificate or place a person on probation who holds a suspended certificate, or reprimand a person who holds a certificate if a station or inspector conducts an inspection or issues a certificate in violation of this chapter or fails to comply with the requirements of this chapter. Provides that a person commits an offense under this chapter if certain actions are committed. Deletes existing Subdivision (B). Sets forth a conviction under this section. Sets forth a suspension period. Prohibits an inspector or inspection station from being involved in an inspection operation if the certificate has been suspended or revoked. Deletes existing Subsection (d).

SECTION 11. Amends Section 548.407, Transportation Code, as follows:

Sec. 548.407. New heading: HEARING ON DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATE. Provides that before an application for certification as an inspection station or inspector is denied, the director or a person the director designates is to give a person written notification of the denial and a person's rights to an administrative hearing. Sets forth notice requirements regarding revocation of a license. Sets forth requirements for effectiveness of revocation or suspensions. Sets forth a conviction under this section. Sets forth requirements for a hearing regarding a suspension or revocation of a license. Makes conforming changes. Sets forth duties of an administrative law judge in a hearing.

SECTION 12. Amends Section 548.505, Transportation Code, to require the department, by rule, to impose an inspection fee for a vehicle inspected under Section 548.301(a). Sets forth the basis of the fee. Sets forth requirements for a minimum and maximum fee. Deletes Subsections (b)-(d).

SECTION 13. Amends Section 548.601, Transportation Code, to provide that an inspector

or inspection station commits an offense if the person meets certain requirements. Provides that an offense under this section is a Class C misdemeanor. Authorizes the designated representative of the department to issue a notice of offense or notice to appear to certain entities. Deletes Subsection (b).

SECTION 14. Amends Section 548.602(a), Transportation Code, to make nonsubstantive changes.

SECTION 15. Amends Section 548.603, Transportation Code, as follows:

Sec. 548.603. New heading: FICTITIOUS OR COUNTERFEIT INSPECTION CERTIFICATE. Sets forth offenses under this section. Sets forth classifications of offenses under this section. Defines "counterfeit," "inspection certificate," "insurance document," and "person." Deletes existing Subsections (d) and (e).

SECTION 16. Provides that in addition to the substantive changes made by this Act, this Act conforms to certain statutes.

SECTION 17. Repealer: (1) Section 382.0371, Health and Safety Code (Vehicle emissions inspection and maintenance program).

(2) Sections 548.256(c) and 548.305, Transportation Code (Compulsory inspection of vehicles).

(3) Section 25, Chapter 705, Acts of the 74th Legislature, Regular Session, 1995 (Uniform act regulating traffic on highways).

(4) Sections 6, 7, and 8, Chapter 34, Acts of the 74th Legislature, Regular Session, 1995 (Uniform act regulating traffic on highways).

SECTION 18. (a) Provides that SECTIONS 1-17 take effect September 1, 1997, or 60 days after the effective date of this section, whichever is later.

(b) Requires the Texas Natural Resource Conservation Commission, the Department of Public Safety, and the Texas Department of Transportation to adopt emergency rules. Sets forth the requirements of the rules.

(c) Makes application of this Act prospective.

(d) Provides that this section takes effect immediately.

SECTION 19. Emergency clause.  
Effective date: 90 days after adjournment.