

BILL ANALYSIS

Senate Research Center
81R33164 JD-D

C.S.H.B. 715
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Natural Resources
5/12/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A vehicle emissions inspection station operating under a low volume waiver is limited to performing 1,200 emission inspections per year under the Texas Administrative Code. Such a station operates with an onboard diagnostic (OBD) system that can only inspect vehicles that are model year 1996 and newer. Each month the inspection station is allocated 100 emission tests. After the monthly test allocation of the station is used, no more inspections are allowed until the next month. If the station performs fewer than 100 emission tests, the remaining number will carry over to the next month. The annual waiver limit automatically resets each January, with no carry-over from the previous year. The rule was adopted in 2002, because the cost of acceleration simulation mode (ASM) emissions inspection systems, which have the ability to test vehicles that are model year 1995 and older, is much higher than the cost of OBD machines. The Texas Commission on Environmental Quality and the Department of Public Safety of the State of Texas wanted to provide an incentive for automotive shops to purchase the more expensive ASM machines so that more inspection stations could accommodate older cars and exempted ASM machines from the rule limiting the number of inspections conducted. The rule has been in place for seven years, giving ASM machine owners plenty of opportunity to pay for their machines. The rule hurts OBD machine owners that are forced to turn away paying customers mid-way through each month because the monthly allocation of 100 emissions tests has been used.

C.S.H.B. 715 amends current law relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.

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 Subchapter F, Chapter 548, Transportation Code, by adding Section 548.3075, as follows:

Sec. 548.3075. LIMITED EMISSIONS INSPECTIONS. (a) Defines "limited emissions inspection."

(b) Prohibits a rule of the Department of Public Safety of the State of Texas that allows a qualified inspection station to perform a limited emissions inspection of a motor vehicle from restricting the station to fewer than 150 inspections per month.

SECTION 2. Effective date: December 31, 2010.