

By: Turner

H.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

relating to low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs and local initiative projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.201, Health and Safety Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Purchase" means a transaction in which a person:

(A) buys a vehicle; or

(B) leases a vehicle for a period of at least three years under an agreement that allows the vehicle to be driven at least 12,000 miles a year without a penalty.

SECTION 2. Section 382.202(g), Health and Safety Code, is amended to read as follows:

(g) The commission shall:

(1) use part of the fee collected under Subsection (e) to fund county [low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement] programs and projects as provided by Section 382.220 [created under Section 382.209]; and

(2) to the extent practicable, distribute available funding created under Subsection (e) to participating counties in reasonable proportion to the amount of fees collected under Subsection (e) in those counties or in the regions in which those counties are located.

SECTION 3. Sections 382.209(b) and (e), Health and Safety Code, are amended to read as follows:

(b) The commission shall provide funding for local low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs as provided by Section 382.220 [with available funds collected under Section 382.202, 382.302, or other designated and available funds]. The programs shall be administered in accordance with Chapter 783, Government Code. Program costs may include call center management, application oversight, invoice analysis, education, outreach, and advertising. Not more than 10 percent of the money provided to a local low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program [under this section] may be used for the administration of the program [programs], including program costs.

(e) 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:

(A) is current; [and]

(B) was issued by the county implementing the

program; and

(C) 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 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, 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, the replacement vehicle is a qualifying motor vehicle.

SECTION 4. Sections 382.210(a), (b), and (f), Health and Safety Code, are amended to read as follows:

(a) The commission by rule shall adopt guidelines to assist a participating county in implementing a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program authorized under Section 382.209. The guidelines at a minimum shall recommend:

(1) a ~~[minimum and]~~ maximum amount for repair assistance of at least \$800;

(2) an ~~[a minimum and maximum]~~ amount to be put toward the purchase price of a replacement vehicle qualified for the accelerated retirement program, based on vehicle type and model year, of at least ~~[with the maximum amount not to exceed]:~~

(A) \$4,000 ~~[\$3,000]~~ for a replacement car of the current model year or the previous four ~~[three]~~ model years, except as provided by Paragraph (C);

(B) \$4,000 ~~[\$3,000]~~ for a replacement truck of the current model year or the previous three ~~[two]~~ model years, except as provided by Paragraph (C); and

(C) \$4,500 ~~[\$3,500]~~ for a replacement vehicle of the current model year or the previous four ~~[three]~~ model years that:

(i) is a hybrid vehicle, electric vehicle, or natural gas vehicle; or

(ii) has been certified to meet federal Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section 86.1811-04, as published in the February 10, 2000, Federal Register;

(3) criteria for determining eligibility, taking into account:

(A) the vehicle owner's income, which may not exceed 300 percent of the federal poverty level;

(B) the fair market value of the vehicle; and

(C) any other relevant considerations;

(4) safeguards for preventing fraud in the repair, purchase, or sale of a vehicle in the program; and

(5) procedures for determining the degree and amount of repair assistance a vehicle is allowed, based on:

(A) the amount of money the vehicle owner has spent on repairs;

(B) the vehicle owner's income; and

(C) any other relevant factors.

(b) A replacement vehicle described by Subsection (a) (2) must:

(1) except as provided by Subsection (c), be a vehicle in a class or category of vehicles that has been certified to meet federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.

Section 86.1811-04, as published in the February 10, 2000, Federal Register;

(2) have a gross vehicle weight rating of less than 10,000 pounds;

(3) have an odometer reading of not more than 85,000 ~~[70,000]~~ miles; and

(4) be a vehicle the total purchase price ~~[cost]~~ of which does not exceed:

(A) for a vehicle described by Subsection (a) (2) (A) or (B), \$35,000; or

(B) for a vehicle described by Subsection (a) (2) (C), \$45,000.

(f) For the purposes of Subsection (b), a reference to the total purchase price of a motor vehicle that is sold ~~[In this section, "total cost"]~~ means the total amount of money paid or to be paid for the purchase of a motor vehicle as set forth as "sales price" in the form entitled "Application for Texas Certificate of Title" promulgated by the Texas Department of Motor Vehicles. In a transaction that does not involve the use of that form, the term means an amount of money that is equivalent, or substantially equivalent, to the amount that would appear as "sales price" on the Application for Texas Certificate of Title if that form were involved.

SECTION 5. Section 382.220, Health and Safety Code, is amended to read as follows:

Sec. 382.220. COUNTY USE OF MONEY FROM VEHICLE EMISSIONS INSPECTION FEES; ~~[FUNDING FOR]~~ LOCAL INITIATIVE PROJECTS. (a) The commission:

(1) shall provide funding to participating counties for local low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs under Section 382.209 using:

(A) available funds derived from fees collected through vehicle emissions inspection and maintenance programs under Sections 382.202 and 382.302; and

(B) other designated and available funds; and
(2) may provide funding to participating counties for local initiative projects under Subsection (b) using available funds derived from fees collected through vehicle emissions inspection and maintenance programs under Sections 382.202 and 382.302.

(a-1) A participating county that implements a local initiative project under Subsection (b) must use at least 50 percent of the money made available to the county under Section 382.202(g) or 382.302 for the county's low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

(a-2) Money that is made available to participating counties under Section 382.202(g) or 382.302 may be appropriated only for programs administered in accordance with Chapter 783, Government Code, to improve air quality.

(a-3) A participating county may agree to contract with any appropriate entity, including a metropolitan planning organization or a council of governments, to implement a program under Section 382.202 or ~~[r]~~ 382.209 ~~[r]~~ or a project under Subsection (b) ~~[this section].~~

(b) A participating county may implement a local initiative project to improve air quality if approved by the commissioners

court of the county. A local initiative project ~~[program under this section must be implemented in consultation with the commission and]~~ may include a program to:

(1) expand and enhance the AirCheck Texas Repair and Replacement Assistance Program;

(2) develop and implement programs or systems that remotely determine vehicle emissions and notify the vehicle's operator;

(3) develop and implement projects to implement the commission's smoking vehicle program;

(4) develop and implement projects in consultation with the director of the Department of Public Safety for coordinating with local law enforcement officials to reduce the use of counterfeit registration insignia and vehicle inspection reports by providing local law enforcement officials with funds to identify vehicles with counterfeit registration insignia and vehicle inspection reports and to carry out appropriate actions;

(5) develop and implement programs to enhance transportation system improvements; or

(6) develop and implement new air control strategies designed to assist local areas in complying with state and federal air quality rules and regulations.

(c) Money that is made available for the implementation of a local initiative project ~~[program]~~ under Subsection (b) may not be expended for local government fleet or vehicle acquisition or replacement, call center management, application oversight, invoice analysis, education, outreach, or advertising purposes.

~~[(d) -- Fees collected under Sections 382.202 and 382.302 may be used in an amount not to exceed \$7 million per fiscal year for projects described by Subsection (b), of which \$2 million may be used only for projects described by Subsection (b)(4). The remaining \$5 million may be used for any project described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit registration insignia and vehicle inspection reports.]~~

SECTION 6. Section 382.302(e), Health and Safety Code, is amended to read as follows:

(e) A participating county may participate in the program established under Section 382.209 and may implement a local initiative project under Section 382.220.

SECTION 7. This Act takes effect September 1, 2017.