

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §§114.610 - 114.612, 114.616; and the repeal of §114.619.

Background and Summary of the Factual Basis for the Proposed Rules

The commission proposes these revisions to implement requirements of Senate Bill (SB) 1727, 83rd Legislature, 2013, authored by Senator Robert Deuell.

The 77th Legislature, 2001, enacted SB 5 establishing the Texas Emissions Reduction Plan (TERP), which provides financial incentives for reducing emissions of on-road and non-road motor vehicles and equipment, grants for the development of new emission control technology, new building energy efficiency standards, and research and development programs. One of the programs that SB 5 established was the Light-Duty Motor Vehicle Purchase or Lease Incentive (LDPLI) program. SB 5 required the commission to establish a statewide incentive for the purchase or lease of light-duty motor vehicles that met emission standards more stringent than those required by federal requirements; however, implementation and administration of the LDPLI program were the responsibility of the Texas Comptroller of Public Accounts (TCPA). Although the commission adopted rules as published in the September 13, 2001, issue of the *Texas Register* (26 TexReg 6938) that established a statewide incentive for the purchase or lease of light-duty motor vehicles, the legislature never appropriated funds to the TCPA for LDPLI grants.

The 83rd Legislature, 2013, enacted SB 1727 authorizing changes to the LDPLI program listed in Texas Health and Safety Code (THSC), Chapter 386. The legislation transfers the responsibility of administering the LDPLI program from the TPCA to the commission, modifies the requirements for the types of vehicles that qualify for the LDPLI, establishes a maximum number of incentives available for the program, and establishes an incentive amount of \$2,500 per eligible vehicle.

Section by Section Discussion

§114.610, Definitions

The commission proposes to amend §114.610 by deleting the definition for "Bin or emissions bin" because the definition is no longer needed. Under the definition "Lessee," the commission proposes to correct the reference "light-motor vehicle" to "light-duty motor vehicle." In addition, the commission proposes to modify the definition for a "New light-duty motor vehicle" by removing the citation "Title 43, Texas Administrative Code, §17.2 (relating to Definitions)" and replacing it with "Texas Transportation Code, §501.002" because the original citation is no longer valid. The definitions in this section would be renumbered as needed.

§114.611, Applicability

The commission proposes to amend §114.611 by deleting references to §114.618 because

this section no longer exists and to §114.619 because the commission is proposing to repeal this section.

§114.612, Light-Duty Motor Vehicle Purchase or Lease Incentive Requirements

The commission proposes to amend §114.612 by modifying the requirements for the types of vehicles that may qualify for the LDPLI. As specified by SB 1727, the proposed language states that only new light-duty motor vehicles that are powered by compressed natural gas (CNG), liquefied petroleum gas (LPG), or electric drives that meet specific established criteria qualify for the \$2,500 incentive. The proposed language includes specific vehicle criteria and requires the commission to post a list of vehicles that meet these requirements on the commission's Web site.

The proposed revisions would establish when a buyer or lessee purchases or leases a vehicle that qualifies for the LDPLI, the amount of time that a vehicle purchased or leased under the LDPLI must be registered and operated within the state, and the process for applying for the LDPLI. The proposed language includes the information and documentation that would be required as part of the LDPLI incentive application. The proposed language also includes the requirement that a dealership must keep a copy of purchase or lease verification documentation for a minimum of two years as required under THSC, §386.160(c). In addition, the proposed language includes how the

commission would prorate an incentive if a lease is less than four years. This section would be renumbered as needed.

§114.616, Manufacturer's Report

The current rule requires vehicle manufacturers to submit a report annually to the commission on vehicles they intend to sell in Texas that meet the requirements for the LDPLI. The proposed revisions to §114.616 would update references from §114.619 to §114.612 for the type of vehicles that may qualify for the LDPLI and are required to be included in the manufacturer's annual report. The proposed language would also modify the required vehicle information that is included in the manufacturer's report to reflect the LDPLI vehicle requirements.

§114.619, Light-Duty Motor Vehicle Purchase or Lease Incentive Schedule

The commission proposes to repeal §114.619 because the LDPLI schedule and accompanying incentive amounts have been replaced with specific vehicle requirements and a set incentive amount that is outlined in proposed §114.612.

Fiscal Note: Costs to State and Local Government

Jeffrey Horvath, Analyst in the Strategic Planning and Assessment Section, has determined that for the first five-year period the proposed rules are in effect, fiscal implications are anticipated for the commission but not for other units of state or local

government as a result of administration or enforcement of the proposed rules. The proposed rules implement a voluntary incentive program for the purchase or lease of light-duty vehicles powered by CNG, LPG, or electric drives.

The proposed rules would implement sections of SB 1727, which authorized changes to the LDPLI program listed in THSC, Chapter 386. The legislation transferred the responsibility of administering the LDPLI program from the TCPA to the commission and modified the requirements for the types of vehicles that qualify for the LDPLI. The bill also established a maximum number of incentives available for the program and established an incentive amount of \$2,500 per eligible vehicle. The LDPLI program expires on August 31, 2015 unless future legislation extends the expiration date.

Specifically the proposed rulemaking would: 1) delete the definition for "Bin or emissions bin" because it is no longer needed, modify the reference "light-motor vehicle" to "light-duty motor vehicle" under the definition for "Lessee"; and modify the definition for a "New light-duty motor vehicle" to correct the cite; 2) delete references to §114.618 because the section no longer exists and to §114.619 because the commission is proposing to repeal this section; 3) modify the requirements for the types of vehicles that may qualify for the LDPLI; 4) add language to specify the vehicle criteria for the types of vehicles that may qualify for the LDPLI; 5) list the \$2,500 incentive amount; 6) add language requiring the commission to post the list of eligible vehicles on the

commission's Web site; 7) add language specifying when a buyer or lessee could purchase a vehicle that may qualify for the LDPLI; 8) add language specifying the length of time a vehicle purchased under the LDPLI must be registered and operated within the state; 9) add language specifying the process to apply for the LDPLI, including the information and documentation required as part of the LDPLI application; 10) add language requiring the dealership to keep a copy of the purchase or lease verification documentation for a minimum of two years; 11) add language specifying how the commission will prorate the LDPLI based on a four-year lease; and 12) repeal §114.619 because this section is no longer valid.

The commission will need to establish a process for administering the program, develop the necessary forms for applicants to apply for the incentive, and establish the process to disperse the funds to the awardees (grantees). The commission will use available funding appropriated out of the TERP Account 5071 to administer the program. THSC, §386.152(a)(13), limits the LDPLI to no more than 5% of the total allocations for the TERP program. Based upon the total amount of TERP program funding appropriated to the agency by the 83rd Legislature, 2013, approximately \$3.8 million of TERP program funding is available for grants for the LDPLI in each fiscal year of the 2014 - 2015 biennium. At \$2,500 per vehicle in grant funding, the commission would be able to provide grant funds for approximately 1,550 vehicles each fiscal year.

State agencies and units of local government would be eligible to apply for the \$2,500 vehicle incentive. However, it is unknown if any agencies or local governments would purchase or lease eligible vehicles, and if they did, how many and what kind of vehicles would be involved. Therefore, any cost benefits cannot be estimated. Under the LDPLI program, grant funding is limited to 2,000 vehicles per state fiscal biennium for vehicles powered by CNG or LPG and 2,000 vehicles per state fiscal biennium for vehicles powered by electric drives. This cap is not expected to affect eligible vehicle purchases or leases by state or local governments as the funding limits the program to 1,550 vehicles each fiscal year.

Public Benefits and Costs

Mr. Horvath has also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be enhanced air quality through the provision of incentives to purchase or lease vehicles that are powered by CNG, LPG, or electric drives and have lower emissions.

The proposed rules are not anticipated to have a fiscal impact on individuals or businesses. The LDPLI is a voluntary incentive program and therefore the proposed rules do not provide any new regulatory requirements. Eligible businesses and individuals may apply for the \$2,500 vehicle incentive and receive financial benefit from

the additional funds if they were approved for the LDPLI for the purchase or lease of an eligible vehicle.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses for the first five-year period the proposed rules are in effect. The LDPLI is a voluntary incentive program and the proposed rules do not provide any new regulatory requirements.

Eligible small businesses may apply for the \$2,500 vehicle incentive and receive financial benefit from the additional funds if they were approved for the LDPLI.

Small Business Regulatory Flexibility Analysis

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis is not required because the proposed rules do not adversely affect a small or micro-business in a material way for the first five years that the proposed rules are in effect.

Local Employment Impact Statement

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in light of the regulatory impact analysis requirements of Texas Government Code, §2001.0225, and determined that the proposed rulemaking does not meet the definition of a "major environmental rule" as defined in that statute. A "major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Additionally, the proposed rulemaking does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225, applies only to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The amended Chapter 114 rules are proposed in accordance with SB 1727, 83rd Legislature, 2013, which amended THSC, Chapter 386. The proposed rules add or revise

guidelines for a voluntary grant. Because the proposed rules place no involuntary requirements on the regulated community, the proposed rules would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or public health and safety of the state or sector of the state. In addition, none of these amendments place additional financial burdens on the regulated community.

The commission's interpretation of the regulatory impact analysis requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA against the standard of "substantial compliance." The legislature specifically identified Texas Government Code, §2001.0225, as falling under this standard. The commission has substantially complied with the requirements of Texas Government Code, §2001.0225.

Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

The commission evaluated the proposed rulemaking and performed an analysis of whether the proposed rulemaking constitutes a taking under Texas Government Code, Chapter 2007. The commission's preliminary assessment indicates Texas Government Code, Chapter 2007, does not apply.

Under Texas Government Code, §2007.002(5), taking means: (A) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or (B) a governmental action that: (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

Promulgation and enforcement of the proposed rulemaking would be neither a statutory

nor a constitutional taking of private real property. The primary purpose of the rulemaking is to amend Chapter 114 in accordance with the amendments to THSC, Chapter 386 as a result of SB 1727, 83rd Legislature, 2013. The rules make revisions to a voluntary program and only affect motor vehicles that are not considered to be private real property. The proposed rulemaking does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property, nor does it reduce the value of any private real property by 25% or more beyond that which would otherwise exist in the absence of the regulations. Therefore, these proposed rules would not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found the proposal is a rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2), relating to rules subject to the Texas Coastal Management Program (CMP), and will, therefore, require that goals and policies of the CMP be considered during the rulemaking process. The commission reviewed this action for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Advisory Committee and determined that the rulemaking for Chapter 114 does not impact any CMP goals or policies because it revises a voluntary incentive grant program and does not govern air pollution emissions.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a public hearing on this proposal on December 12, 2013 at 10:00 a.m., in Building E, Room 201-S, at the commission's central office located at 12100 Park 35 Circle, Austin, Texas. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802. Requests should be made as far in advance as possible.

Submittal of Comments

Comments may be submitted to Michael Parrish, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-

3087, or faxed to (512) 239-4808. Electronic comments may be submitted at:

<http://www5.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to

comments being submitted via the eComments system. All comments should reference

Rule Project Number 2013-039-114-AI. The comment period closes December 18, 2013.

Copies of the proposed rulemaking can be obtained from the commission's Web site at

http://www.tceq.texas.gov/nav/rules/propose_adopt.html. For further information,

please contact Guy Hoffman, Implementation Grants Section, at (512) 239-1981.

SUBCHAPTER K: MOBILE SOURCE INCENTIVE PROGRAMS

DIVISION 2: LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE

INCENTIVE PROGRAM

§§114.610 - 114.612, 114.616

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of this state; and TWC, §5.105, which authorizes the commission by rule to establish and approve all general policy of the commission. The amendments are also proposed under Texas Health and Safety Code (THSC), Texas Clean Air Act, §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the THSC; THSC, §382.011, which authorizes the commission to establish the level of quality to be maintained in the state's air and to control the quality of the state's air; THSC, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; and THSC, Chapter 386, which establishes the Texas Emissions Reduction Plan program.

The amendments are proposed as part of the implementation of Senate Bill 1727, 83rd, Legislature, 2013, and the amendments to THSC, §§386.152, 386.153, 386.155, 386.156, 386.158, and 386.160 - 386.162.

§114.610. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) [TCAA] or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, §§3.2, 101.1, and 114.1 of this title (relating to Definitions), the following words and terms, when used in this division shall have the following meanings, unless the context clearly indicates otherwise.

[(1) Bin or emissions bin--A set of emissions standards applicable to exhaust pollutants measured on the Federal Test Procedure according to Title 40 Code of Federal Regulations, §86.1811-04.]

(1) [(2)] Lease--The use and control of a new light-duty motor vehicle in accordance with a rental contract for a term of twelve consecutive months or more.

(2) [(3)] Lessee--A person who enters into a lease for a new light-duty motor [light-motor] vehicle.

(3) [(4)] Light-duty motor vehicle--A motor vehicle with a gross vehicle weight rating of less than 10,000 pounds.

(4) [(5)] Motor vehicle--A self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Texas Transportation Code, Chapter 502.

(5) [(6)] New light-duty motor vehicle--A light-duty motor vehicle that has never been the subject of a first sale as defined under Texas Transportation Code, §501.002 [Title 43, Texas Administrative Code, §17.2 (relating to Definitions)], either within this state or elsewhere.

§114.611. Applicability.

(a) The provisions of §§114.610, 114.612, and 114.616[, 114.618, and 114.619] of this title (relating to Definitions; Light-Duty Motor Vehicle Purchase or Lease Incentive Requirements; and Manufacturer's Report[; Vehicle Emissions Information Brochure;

and Light-Duty Motor Vehicle Purchase or Lease Incentive Schedule]) apply statewide subject to the availability of funding.

(b) A purchase or lease of a light-duty motor vehicle is not eligible if it is required by any state or federal law, rule or regulation, memorandum of agreement, or other legally binding document. This subsection does not apply to:

(1) an otherwise qualified purchase or lease, regardless of the fact that the state implementation plan assumes that the change in vehicles will occur, if on the date the incentive is awarded the change is not required by any state or federal law, rule or regulation, memorandum of agreement, or other legally binding document; or

(2) the purchase or lease of a light-duty motor vehicle required only by local law or regulation or by corporate or controlling board policy of a public or private entity.

§114.612. Light-Duty Motor Vehicle Purchase or Lease Incentive Requirements.

(a) The purchaser [purchase] or lessee [lease] of a new light-duty motor vehicle powered by compressed natural gas, liquefied petroleum gas, or electric drive certified

by the United States Environmental Protection Agency (EPA) [EPA] to an emissions standard at least as stringent as those specified in §114.619 of this title (relating to Light-Duty Motor Vehicle Purchase or Lease Incentive Schedule) may [shall] be eligible for the incentive specified in subsection (b) of this section [§114.619 of this title] if the vehicle meets the requirements specified in paragraph (1) or (2) of the subsection and is listed on the list of eligible vehicles provided to the commission as specified under §114.616 of this title (relating to Manufacturer's Report) [and the purchaser or lessee agrees to register the vehicle in this state and meets the requirements of this section]. The commission will publish on its Web site a list of the eligible vehicles as provided to the commission as specified under §114.616 of this title. Eligible vehicles include:

(1) new light-duty vehicle motor vehicle powered by compressed natural gas or liquefied petroleum gas that:

(A) has four wheels;

(B) was originally manufactured to comply with and has been certified by an original equipment manufacturer or intermediate or final state vehicle manufacturer as complying with, or has been altered to comply with, federal motor vehicle safety standards, state emissions regulations, and any additional state

regulations applicable to vehicles powered by compressed natural gas or liquefied petroleum gas:

(C) was manufactured for use primarily on public streets, roads,

and highways;

(D) is rated at not more than 9,600 pounds unloaded vehicle

weight;

(E) has a dedicated or bi-fuel compressed natural gas or liquefied petroleum gas fuel system with a range of at least 125 miles as estimated, published, and updated by the EPA; and

(F) has, as applicable, a:

(i) compressed natural gas fuel system that complies with the 2013 (or newer) National Fire Protection Association (NFPA) 52 Vehicular Gaseous Fuel Systems Code and American National Standard for Basic Requirements for Compressed Natural Gas Vehicle Fuel Containers, commonly cited as "ANSI/CSA NGV2"; or

(ii) liquefied petroleum gas fuel system that complies with the 2011 (or newer) NFPA 58 Liquefied Petroleum Gas Code and Section VII of the 2013 (or newer) American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code; or

(2) new light-duty motor vehicle powered by electric drive that:

(A) has four wheels;

(B) was manufactured for use primarily on public streets, roads, and highways;

(C) powertrain has not been modified from the original manufacturer's specifications;

(D) is rated at not more than 8,500 pounds unloaded vehicle weight;

(E) has a maximum speed capability of at least 55 miles per hour;
and

(F) is propelled to a significant extent by an electric motor that draws electricity from a battery that:

(i) has a capacity of not less than four kilowatt hours; and

(ii) is capable of being recharged from an external source of electricity.

(b) A person who purchases or leases a new light-duty motor vehicle eligible for an incentive under subsection (a) of this section may [shall] be eligible to receive a [an] \$2,500 incentive [specified in §114.619 of this title] if the purchaser or lessee meets the following criteria: [registers the new light-duty motor vehicle in this state and signs a certification that the person will operate the light-duty motor vehicle in this state for not less than 75% of the light-duty motor vehicle's annual mileage while owned or leased by the purchaser or lessee and while the purchaser or lessee resides within the state. The certification must contain, at a minimum:]

(1) acquired the eligible vehicle after the date established by the commission in the application solicitation [the name, address, telephone number, and proof of identification of the person receiving the incentive];

(2) completes the application for the Light-Duty Vehicle Purchase or Lease Incentive [the purchase date, manufacturer, model, model year, vehicle license number (if assigned), vehicle identification number, gross vehicle weight rating (if applicable), current odometer reading, and emissions test group number to verify the certified emissions standard of the new light-duty motor vehicle for which the incentive has been claimed under this section]; and

(3) signs a certification that the purchaser or lessee will register and operate the light-duty motor vehicle in this state for not less than one year [a copy of the vehicle's registration application and purchase invoice, or lease agreement if applicable, to be attached to the certification].

(c) Incentives must be applied for using the forms developed and provided by the commission and must include the verification of purchase or lease by the dealer as prescribed under Texas Health and Safety Code, §386.160(c).

(d) A dealership selling or leasing a vehicle under the Light-Duty Motor Vehicle Purchase or Lease Incentive program is required to keep a copy of the purchase or lease verification documentation for a minimum of two years as required under Texas Health and Safety Code, §386.160(c).

(e) [(c)] Only one incentive will be provided for each eligible new light-duty motor vehicle purchased or leased in the state.

(f) [(d)] The incentive shall be provided to the lessee and not to the purchaser if the eligible new light-duty motor vehicle is purchased for the purpose of leasing the light-duty motor vehicle to another person.

(g) [(e)] An incentive for the lease of an eligible new light-duty motor vehicle shall be prorated based on a four-year lease term. A person who leases an eligible new light-duty motor vehicle may qualify for 25% of the full incentive with a one-year lease, 50% of the full incentive with a two-year lease, 75% of the full incentive with a three-year lease, and 100% of the full incentive with a four-year lease. The incentive will only be prorated based on a full-year lease.

§114.616. Manufacturer's Report.

(a) In order for a manufacturer to ensure that its vehicles are included in the list of eligible vehicles, a [A] manufacturer of light-duty motor vehicles sold in the state shall provide to the executive director, or his designee, a list of the new light-duty motor vehicle models that the manufacturer intends to sell in this state during that model year that are certified [by the EPA] to meet the [incentive emissions] standards listed under

§114.612(a) [§114.619] of this title (relating to Light-Duty Motor Vehicle Purchase or Lease Incentive Requirements [Schedule]). The list must contain for each light-duty motor vehicle listed, at a minimum:

(1) the manufacturer name, model, and model year; and

(2) the unloaded vehicle weight [test group, evaporative/refueling family], engine displacement, qualifying [exhaust emission test] fuel type, gross vehicle weight rating [applicable emission standards], and certificate number as listed on the Certificate of Conformity issued by the United States Environmental Protection Agency [EPA].

(b) The [Beginning January 1, 2002, the] list required by subsection (a) of this section must [shall] be submitted to the executive director, or his designee, at the beginning, but no later than July 1, of each year preceding the new vehicle model year.

(c) A manufacturer of new light-duty motor vehicles may supplement the list required by subsection (a) of this section to include additional new light-duty motor vehicle models the manufacturer intends to sell in this state during the model year.

(d) All new light-duty motor vehicle dealers and leasing agents statewide shall make copies of the list required under this section available to prospective purchasers or lessees of new light-duty motor vehicles.

SUBCHAPTER K: MOBILE SOURCE INCENTIVE PROGRAMS

DIVISION 2: LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE

INCENTIVE PROGRAM

§114.619

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.102, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of this state; and TWC, §5.105, which authorizes the commission by rule to establish and approve all general policy of the commission. The repeal is also proposed under Texas Health and Safety Code (THSC), Texas Clean Air Act, §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the THSC; THSC, §382.011, which authorizes the commission to establish the level of quality to be maintained in the state's air and to control the quality of the state's air; THSC, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; and THSC, Chapter 386, which establishes the Texas Emissions Reduction Plan.

The repeal is proposed as part of the implementation of Senate Bill 1727, 83rd, Legislature, 2013, and implements THSC, §386.153.

[§114.619. Light-Duty Motor Vehicle Purchase or Lease Incentive Schedule.]

[The incentives provided under §114.612 of this title (relating to Light-Duty Motor Vehicle Purchase or Lease Incentive Requirements) for model years 2003 through 2007 light-duty motor vehicles shall be based on the following emission standards and accompanying incentive amounts:]

[(1) Bin 4 is eligible for \$1,250;]

[(2) Bin 3 is eligible for \$2,225;]

[(3) Bin 2 is eligible for \$3,750; and]

[(4) Bin 1 is eligible for \$5,000.]