

CHAPTER 326

S.B. No. 1360

AN ACT

relating to rules requiring the use of Stage II vapor recovery systems at gasoline dispensing facilities in this state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (d), Section 3.10, Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes), is amended to read as follows:

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(d) The board may include in the rules and regulations requirements as to the particular method to be used to control and reduce emissions from motors and engines used in propelling land vehicles. Any rules or regulations pursuant to this paragraph shall be consistent with provisions of federal law, if any, relating to the control of emissions from the vehicles concerned. The board shall not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment the inspection, certification or other approval of any feature or equipment designed for the control of emissions from motor vehicles, if that feature or equipment has been certified, approved or otherwise authorized pursuant to federal law. *The board or any other state agency may not adopt a rule or regulation requiring the use of Stage II vapor recovery systems that control motor vehicle refueling emissions at any gasoline dispensing facility in this state until the United States Environmental Protection Agency determines that the use of the system is required for compliance with the federal Clean Air Act.*

SECTION 2. A rule or regulation adopted before the effective date of this Act that requires the use of Stage II vapor recovery systems at gasoline dispensing facilities in this state is repealed.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 29, 1987, by the following vote: Yeas 29, Nays 0. Passed the House on May 26, 1987, by the following vote: Yeas 138, Nays 0, two present not voting.

Approved June 11, 1987.

Effective June 11, 1987.