

By: Madden

H.B. No. 1374

A BILL TO BE ENTITLED

1 AN ACT

2 relating to safety and emissions inspections of motor vehicles.

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

4 SECTION 1. Section 382.209, Health and Safety Code, is
5 amended by adding Subsection (i) to read as follows:

6 (i) A participating county that receives money for a program
7 under this section shall remit to the comptroller for deposit in the
8 Texas emissions reduction plan fund under Section 386.251 any money
9 not used for the program on the 91st day after the date the county
10 received the money. This subsection expires January 1, 2008.

11 SECTION 2. Section 501.0922, Transportation Code, is
12 amended to read as follows:

13 Sec. 501.0922. APPLICATION FOR REGULAR CERTIFICATE OF TITLE
14 FOR SALVAGE MOTOR VEHICLE. (a) A vehicle for which a salvage motor
15 vehicle certificate of title has been issued may be issued a regular
16 certificate of title only after application and, in addition to any
17 other requirement of law, only if the application:

18 (1) describes each major component part used to repair
19 the vehicle and shows the identification number required by federal
20 law to be affixed to or inscribed on the part; and

21 (2) is accompanied by a written statement on a form
22 provided by the Department of Public Safety and signed by an
23 inspector certified under Section 548.410 [a specially trained
24 commissioned officer of the Department of Public Safety] certifying

1 to the department that:

2 (A) the vehicle identification numbers and parts
3 identification numbers are accurate;

4 (B) the applicant has proof that the applicant
5 owns the parts used to repair the vehicle; and

6 (C) the vehicle may be safely operated and
7 complies with all applicable motor vehicle safety standards of this
8 state.

9 (b) An inspection station [~~The Department of Public Safety~~]
10 may impose a fee, in an amount not to exceed \$25 [~~the lesser of \$200~~
11 ~~or the actual cost to that department~~], for conducting an
12 inspection and providing the written statement required by
13 Subsection (a).

14 (c) In addition to each requirement of Subsection (a), a
15 salvage motor vehicle may be issued a certificate of title under
16 this section only if the vehicle has passed a motor vehicle safety
17 inspection under Subchapter C, Chapter 548, and a motor vehicle
18 emissions inspection under Subchapter F of that chapter. The
19 written statement required by Subsection (a) must certify that the
20 vehicle has been inspected as required by Subchapters C and F,
21 Chapter 548. An application for a certificate of title under this
22 section must be accompanied by a copy of a vehicle inspection report
23 for the vehicle prepared by the inspector who conducted the motor
24 vehicle emissions inspection. This subsection expires January 1,
25 2008.

26 SECTION 3. Section 501.0923, Transportation Code, is
27 amended by amending Subsection (a) and adding Subsection (c) to

1 read as follows:

2 (a) On receipt of a complete application under Section
3 501.0922, accompanied by the [peace officer's] statement signed by
4 an inspector certified under Section 548.410 and the appropriate
5 fee for the certificate of title, the department shall issue the
6 applicant a certificate of title for the vehicle.

7 (c) In addition to each requirement of Subsection (a), a
8 salvage motor vehicle may be issued a certificate of title under
9 this section only if the vehicle has passed a motor vehicle safety
10 inspection under Subchapter C, Chapter 548, and a motor vehicle
11 emissions inspection under Subchapter F of that chapter. The
12 written statement required by Subsection (a) must certify that the
13 vehicle has been inspected as required by Subchapters C and F,
14 Chapter 548. An application for a certificate of title under this
15 section must be accompanied by a copy of a vehicle inspection report
16 for the vehicle prepared by the inspector who conducted the motor
17 vehicle emissions inspection. This subsection expires January 1,
18 2008.

19 SECTION 4. Section 501.0927, Transportation Code, is
20 amended by amending Subsection (b) and adding Subsection (d) to
21 read as follows:

22 (b) An inspection station [~~The Department of Public Safety~~]
23 may impose a fee, in an amount not to exceed \$25 [~~the lesser of \$200~~
24 ~~or the actual cost to that department~~], for conducting an
25 inspection and providing the written statement required by
26 Subsection (a).

27 (d) In addition to each requirement under Subsection (a), a

1 salvage motor vehicle may be issued a certificate of title under
2 this section only if the vehicle has passed a motor vehicle safety
3 inspection under Subchapter C, Chapter 548, and a motor vehicle
4 emissions inspection under Subchapter F of that chapter. The
5 written statement required by Subsection (a) must certify that the
6 vehicle has been inspected under Subchapters C and F, Chapter 548.
7 An application for a certificate of title under this section must be
8 accompanied by a copy of a vehicle inspection report prepared by the
9 inspector who conducted the motor vehicle emissions inspection.
10 This subsection expires January 1, 2008.

11 SECTION 5. Section 548.001, Transportation Code, is amended
12 by amending Subdivision (3) and adding Subdivision (10) to read as
13 follows:

14 (3) "Conservation commission" means the Texas
15 ~~Natural Resource Conservation~~ Commission on Environmental
16 Quality.

17 (10) "Salvage motor vehicle" has the meaning assigned
18 by Section 501.0911.

19 SECTION 6. Subchapter A, Chapter 548, Transportation Code,
20 is amended by adding Section 548.007 to read as follows:

21 Sec. 548.007. AUTOMATION OF INSPECTION PROCEDURES. (a) The
22 comptroller, the department, the Texas Department of
23 Transportation, and the conservation commission shall jointly
24 develop and administer procedures to automate the compulsory motor
25 vehicle inspection program established by this chapter.

26 (b) The department may require an inspection station to
27 participate in the automated inspection system as a condition of

1 certification as an inspection station under Subchapter G. The
2 department may not require an inspection station that conducts
3 fewer than 75 inspections each month to adopt the automated
4 inspection system as a condition of certification as an inspection
5 station.

6 (c) The automated inspection system must, at a minimum:

7 (1) use a secure Internet-based website for the
8 transfer of data related to the inspection of safety and emissions
9 components;

10 (2) include two forms of password protection for each
11 inspector who accesses the system;

12 (3) be capable of monitoring data and initiating
13 audits by the department when the data indicates unusual or
14 suspicious inspection activity; and

15 (4) provide for secure, encrypted monetary
16 transactions for the collection of fees by the inspection station,
17 department, or other state agency.

18 (d) An automated inspection system inspection station
19 computer must:

20 (1) have software-driven security and encryption;

21 (2) use generic hardware that is locally available;

22 (3) be equipped with:

23 (A) a bar code scanner capable of scanning
24 vehicle identification and vehicle registration information; and

25 (B) a printer for printing an inspection report
26 prepared in connection with a motor vehicle emissions inspection;
27 and

1 (4) be capable of interfacing with:
2 (A) a credit card or debit card scanning device;
3 (B) hardware designed to read the onboard
4 diagnostic system computer on a vehicle of model year 1996 or later;
5 and
6 (C) automated fuel cap testing equipment.

7 (e) Not later than January 1, 2006, the automated inspection
8 system and vehicle inspection database used in a county required to
9 have a vehicle emissions inspection and maintenance program under
10 Subchapter F must comply with this section.

11 (f) This section expires January 1, 2008.

12 SECTION 7. Section 548.051, Transportation Code, is amended
13 by amending Subsection (a) and adding Subsections (c), (d), and (e)
14 to read as follows:

15 (a) A motor vehicle, trailer, semitrailer, pole trailer, or
16 mobile home, registered in this state, must have the following
17 items inspected at an inspection station or by an inspector:

18 (1) tires;
19 (2) wheel assembly;
20 (3) safety guards or flaps, if required by Section
21 547.606;
22 (4) brake system, including power brake unit;
23 (5) steering system, including power steering;
24 (6) lighting equipment;
25 (7) horns and warning devices;
26 (8) mirrors;
27 (9) windshield wipers;

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1 (10) sunscreening devices, unless the vehicle is
2 exempt from sunscreen device restrictions under Section 547.613;

3 (11) front seat belts in vehicles on which seat belt
4 anchorages were part of the manufacturer's original equipment;

5 (12) tax decal, if required by Section 548.104(d)(1);

6 (13) exhaust system;

7 (14) exhaust emission system;

8 (15) fuel tank cap on a diesel-powered or
9 gasoline-powered motor vehicle, using pressurized testing
10 equipment approved by department rule; [and]

11 (16) emissions control equipment as designated by
12 department rule; and

15 (c) In addition to each item required to be inspected by
16 Subsection (a), a diesel-powered motor vehicle or mobile home
17 registered in this state must have the following items inspected
18 for presence and tampering:

25 (4) puff limiter:

(5) exhaust gas recirculation system;

(6) catalytic converter;

(7) particulate trap

(8) trap oxidizer;

(9) speed governor; and

(10) any other item related to motor vehicle emissions

as determined by the department or the conservation commission.

(d) Each item listed in Subsection (c) must be inspected regardless of whether the item was installed by the vehicle manufacturer or the engine manufacturer or was retrofitted.

(e) This subsection and Subsections (c) and (d) expire

SECTION 8. Section 548.201, Transportation Code, is amended

12 by adding Subsection (c) to read as follows:

18 SECTION 9. Section 548.203, Transportation Code, is amended
19 to read as follows:

20 Sec. 548.203. EXEMPTIONS. The commission by rule may
21 exempt a type of commercial motor vehicle from the application of
22 this subchapter if the vehicle:

(1) [was manufactured before September 1, 1995;

[~~(2)~~] is operated only temporarily on a highway of this
at a speed of less than 30 miles per hour; and

(2) [(3)] complies with Section 548.051 and each provision in Title 49, Code of Federal Regulations.

1 SECTION 10. Sections 548.405(a), (b), (c), (e), (f), and
2 (h), Transportation Code, are amended to read as follows:

3 (a) The department may deny a person's application for a
4 certificate, revoke or suspend the certificate of a person,
5 inspection station, or inspector, place on probation a person who
6 holds a suspended certificate, or reprimand a person who holds a
7 certificate if:

8 (1) ~~the station or inspector conducts an inspection,~~
9 ~~fails to conduct an inspection, or issues a certificate:~~

10 ~~[(A) in violation of this chapter or a rule~~
11 ~~adopted under this chapter, or~~

12 ~~[(B) without complying with the requirements of~~
13 ~~this chapter or a rule adopted under this chapter,~~

14 ~~[(2) the person, station, or inspector commits an~~
15 ~~offense under this chapter or violates this chapter or a rule~~
16 ~~adopted under this chapter,~~

17 ~~[(3)] the applicant or certificate holder does not~~
18 ~~meet the standards for certification under this chapter or a rule~~
19 ~~adopted under this chapter;~~

20 (2) [44] the station or inspector does not maintain
21 the qualifications for certification or does not comply with a
22 certification requirement under this subchapter or a provision of
23 Subchapter G, Chapter 382, Health and Safety Code;

24 (3) [5] ~~the certificate holder or the certificate~~
25 ~~holder's agent, employee, or representative commits an act or~~
26 ~~omission that would cause denial, revocation, or suspension of a~~
27 ~~certificate to an individual applicant or certificate holder,~~

1 [~~(6)~~] the station or inspector does not pay a fee
2 required by Subchapter H; or

3 (4) [~~(7)~~] the [inspector or] owner of an inspection
4 station is convicted of [~~a~~]:

5 (A) a felony, [~~or~~] Class A or Class B
6 misdemeanor, or two Class C misdemeanors;

7 (B) a similar crime under the jurisdiction of
8 another state or the federal government that is punishable to the
9 same extent as a felony or a Class A or Class B misdemeanor in this
10 state; [~~or~~]

11 (C) a crime under the jurisdiction of another
12 state or the federal government that would be a felony or a Class A
13 or Class B misdemeanor if the crime were committed in this state; or

14 (D) two crimes under the jurisdiction of another
15 state or the federal government that are punishable to the same
16 extent as a Class C misdemeanor in this state.

17 (b) For purposes of Subsection (a)(4) [~~(a)(7)~~], a person is
18 convicted of an offense if a court enters against the person an
19 adjudication of the person's guilt, including an order of probation
20 or deferred adjudication.

21 (c) If the department suspends a certificate because of a
22 violation of Subchapter F in which an inspector knowingly uses an
23 exhaust emissions sample or diagnostic connector from one vehicle
24 in issuing an inspection certificate for another vehicle, the
25 suspension must be for a period of not less than six months. The
26 suspension may not be probated or deferred.

27 (e) An immediate family member of an inspector or owner of

1 an inspection station whose certificate is suspended or revoked who
2 operates from the same place of business as the inspector or owner
3 whose certification is suspended or revoked may [not] be granted a
4 certificate under this subchapter only if the department finds that
5 [~~the location of the family member's place of business is the same~~
6 ~~as that of the inspector or owner whose certificate is suspended or~~
7 ~~revoked unless~~] the immediate family member:

8 (1) was not complicit in the circumstances that
9 resulted in the suspension or revocation; and

10 (2) is in compliance with department rules [proves
11 ~~that the inspector or owner whose certificate is suspended or~~
12 ~~revoked has no involvement with the family member's place of~~
13 ~~business]~~.

14 (f) Subsection (a) applies only to an applicant or
15 certificate holder in the applicant's or holder's individual
16 capacity. The department shall verify to the secretary of state the
17 official positions of:

18 (1) each member of a partnership or association issued
19 a certificate under this subchapter;

20 (2) each director or officer of a corporation issued a
21 certificate under this subchapter; and

22 (3) a shareholder who receives compensation from the
23 day-to-day operation of the corporation in the form of a salary.

24 (h) The department shall develop, not later than [by]
25 September 1, 2004 [2002], a penalty schedule for an inspector or
26 inspection station that violates a provision of this chapter or
27 Subchapter G, Chapter 382, Health and Safety Code, that:

1 (1) consists [consisting] of:

2 (A) citations;
3 (B) warnings; [‐]
4 (C) re-education; [‐]
5 (D) suspensions; [‐] and
6 (E) revocations; and

7 (2) is based on the severity and frequency of offenses
8 committed under this chapter and Subchapter G, Chapter 382, Health
9 and Safety Code [Chapter 548, Transportation Code], and rules
10 adopted by the department under those provisions [this chapter].

11 SECTION 11. Section 548.407, Transportation Code, is
12 amended by amending Subsections (d), (e), (g), and (l) and adding
13 Subsection (m) to read as follows:

14 (d) The department may provide that a revocation or
15 suspension takes effect on receipt of notice under Subsection (b)
16 if the inspector or the owner of the inspection station is convicted
17 [the department finds that the action is necessary to prevent or
18 remedy a threat to public health, safety, or welfare. Violations
19 that present a threat to public health, safety, or welfare include

20 [(1) issuing an inspection certificate with knowledge
21 that the issuance is in violation of this chapter or rules adopted
22 under this chapter;

23 [(2) falsely or fraudulently representing to the owner
24 or operator of a vehicle that equipment inspected or required to be
25 inspected must be repaired, adjusted, or replaced for the vehicle
26 to pass an inspection;

27 [(3) issuing an inspection certificate:

1 [(A) without authorization to issue the
2 certificate; or
3 [(B) without inspecting the vehicle;
4 [(4) issuing an inspection certificate for a vehicle
5 with knowledge that the vehicle has not been repaired, adjusted, or
6 corrected after an inspection has shown a repair, adjustment, or
7 correction to be necessary;
8 [(5) knowingly issuing an inspection certificate:
9 [(A) for a vehicle without conducting an
10 inspection of each item required to be inspected; or
11 [(B) for a vehicle that is missing an item
12 required to be inspected or that has an item required to be
13 inspected that is not in compliance with state law or department
14 rules;
15 [(6) refusing to allow a vehicle's owner to have a
16 qualified person of the owner's choice make a required repair,
17 adjustment, or correction;
18 [(7) charging for an inspection an amount greater than
19 the authorized fee;
20 [(8) a violation of Subchapter F;
21 [(9) a violation of Section 548.603; or
22 [(10) a conviction] of a felony or a Class A or B
23 misdemeanor that directly relates to or affects the duties or
24 responsibilities of a vehicle inspection station or inspector or a
25 conviction of a similar crime under the jurisdiction of another
26 state or the federal government.

27 (e) For purposes of Subsection (d)[(10)], a person is

1 convicted of an offense if a court enters against the person an
2 adjudication of the person's guilt, including an order of probation
3 or deferred adjudication.

4 (g) If the director receives a timely request under
5 Subsection (f), the director shall provide the person with an
6 opportunity for a hearing as soon as practicable. A hearing on a
7 revocation or suspension under Subsection (d) that takes effect on
8 receipt of the notice must be held not later than three working [14]
9 days after the department receives the request for hearing. The
10 revocation or suspension continues in effect until the hearing is
11 completed if the hearing is continued beyond the three-working-day
12 [14-day] period[.]

13 [(1)] at the request of the inspector or inspection
14 station[or

15 [(2) on a finding of good cause by a judge,
16 administrative law judge, or hearing officer].

17 (1) If an administrative law judge of the State Office of
18 Administrative Hearings conducts a hearing under this section and
19 the proposal for decision supports the position of the department,
20 the proposal for decision may recommend a denial of an application
21 or a revocation or suspension of a certificate [only]. The proposal
22 may also [not] recommend a reprimand or a probated or otherwise
23 deferred disposition of the denial, revocation, or suspension. If
24 the administrative law judge makes a proposal for a decision to deny
25 an application or to suspend or revoke a certificate, the
26 administrative law judge shall include in the proposal a finding of
27 the costs, fees, expenses, and reasonable and necessary attorney's

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1 fees the state incurred in bringing the proceeding. The director
2 may adopt the finding for costs, fees, and expenses and make the
3 finding a part of the final order entered in the proceeding.
4 Proceeds collected from a finding made under this subsection shall
5 be paid to the department.

6 (m) If a proposal for decision under Subsection (l) does not
7 recommend the denial of an application or the revocation or
8 suspension of a certificate, the director may not deny the
9 application or revoke or suspend the certificate.

10 SECTION 12. Subchapter G, Chapter 548, Transportation Code,
11 is amended by adding Section 548.410 to read as follows:

12 Sec. 548.410. SALVAGE MOTOR VEHICLE INSPECTORS AND
13 INSPECTION STATIONS. (a) The department by rule shall adopt
14 standards for the certification of inspectors and inspection
15 stations as salvage motor vehicle inspectors and salvage motor
16 vehicle inspection stations. Rules adopted under this section must
17 require an applicant for certification as a salvage motor vehicle
18 inspector or inspection station to:

19 (1) apply for certification on a form prescribed by
20 the department; and

21 (2) pay the fee required by Section 548.508.

22 (b) To be certified as a salvage motor vehicle inspection
23 station an inspection station must have a vehicle lift or floor pit
24 that allows a thorough inspection of the bottom of the vehicle.

25 SECTION 13. Section 548.501, Transportation Code, is
26 amended by adding Subsections (a-1), (c), and (d) to read as
27 follows:

1 (a-1) Notwithstanding Subsection (a), the fee for inspection
2 of a diesel-powered motor vehicle is \$17.50. This subsection
3 expires January 1, 2008.

4 (c) In addition to each fee under Subsection (a), an
5 inspection station may charge a fee not to exceed the amount prepaid
6 to the department for an inspection certificate under this section.

7 (d) In addition to each payment for an inspection
8 certificate required by Subsection (b), an inspection station shall
9 pay to the department 25 cents to be used only for the development
10 and administration of the automated inspection system under Section
11 548.007. If the department requires advance payment of the fee
12 under Subsection (b), the payment under this subsection shall be an
13 advance payment. This subsection expires on the earlier of:

14 (1) the date the automated inspection system is
15 operational; or
16 (2) January 1, 2008.

17 SECTION 14. Subchapter H, Chapter 548, Transportation Code,
18 is amended by adding Section 548.5015 to read as follows:

19 Sec. 548.5015. SIGNS DESCRIBING INSPECTION FEES. (a) An
20 owner of an inspection station shall prominently display one or
21 more signs in a conspicuous location inside the station that
22 clearly state:

23 (1) the fee for an inspection certificate;
24 (2) the amount of the fee for inspecting each
25 classification of motor vehicle;
26 (3) that the amount of a fee for a motor vehicle
27 inspection is the same regardless of whether the vehicle passes the

1 inspection;

2 (4) the amount of each fee imposed in connection with
3 the inspection of a vehicle that does not display an unexpired
4 inspection sticker; and

5 (5) that an additional fee will not be imposed for a
6 necessary reinspection of a motor vehicle that is performed before
7 the 16th day after the date of an initial inspection.

8 (b) An inspection station in a county that has a motor
9 vehicle emissions inspection and maintenance program under
10 Subchapter F shall prominently display:

11 (1) one or more signs stating the amount of the fee for
12 a motor vehicle emissions inspection; and

13 (2) if the station is located in a county required to
14 have a motor vehicle emissions inspection and maintenance program,
15 one or more signs that read "Emissions inspections conducted at
16 this station are required by the federal Clean Air Act (42 U.S.C.
17 Section 7401 et seq.)."

18 SECTION 15. Section 548.502, Transportation Code, is
19 amended to read as follows:

20 Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE
21 AGENCY. (a) A political subdivision or state agency for which the
22 department certifies an inspection station under Section 548.004:

23 (1) shall pay to the department an advance payment of
24 \$5.50 for each inspection certificate provided to it; and

25 (2) may not be required to pay the compulsory
26 inspection fee.

27 (b) In addition to each payment for an inspection

1 certificate under Subsection (a), a political subdivision shall pay
2 to the department an advance payment of 25 cents to be used only for
3 the development and administration of the automated inspection
4 system under Section 548.007. This subsection expires on the
5 earlier of:

6 (1) the date the automated inspection system is
7 operational; or
8 (2) January 1, 2008.

9 SECTION 16. Section 548.503, Transportation Code, is
10 amended by adding Subsection (c) to read as follows:

11 (c) In addition to each payment for an inspection
12 certificate under Subsection (b), the inspection station shall pay
13 to the department 25 cents to be used only for the development and
14 administration of the automated inspection system under Section
15 548.007. This subsection expires on the earlier of:

16 (1) the date the automated inspection system is
17 operational; or
18 (2) January 1, 2008.

19 SECTION 17. Section 548.5055, Transportation Code, is
20 amended to read as follows:

21 Sec. 548.5055. TEXAS EMISSION REDUCTION PLAN FEES [FEE].
22 (a) In addition to other fees required by this subchapter, the
23 following fees are imposed and shall be remitted to the comptroller
24 for deposit to the credit of the Texas emissions reduction plan fund
25 under Section 386.251, Health and Safety Code:

26 (1) \$200 on the inspection of a salvage motor vehicle;
27 (2) \$60 on the initial inspection of a motor vehicle

1 brought into this state under Section 548.101;

2 (3) \$60 on the initial inspection of a motor vehicle to
3 which Section 548.102 applies;

4 (4) \$60 on the initial inspection of a commercial
5 motor vehicle under Subchapter D;

6 (5) \$32 on an inspection under Subchapter D of a motor
7 vehicle with a gross weight rating over 6,000 pounds; and

8 (6) \$27 on an inspection of a diesel-powered motor
9 vehicle under Section 548.101 or 548.102 [to fund the Texas
10 emissions reduction plan established under Chapter 386, Health and
11 Safety Code, the department shall collect for every commercial
12 motor vehicle required to be inspected under Subchapter D, a fee of
13 \$10].

14 (b) The entity collecting fees under Subsection (a) or (d)
15 [The department] shall remit the fees collected [under this
16 section] to the comptroller on Tuesday of each week [at the time and
17 in the manner prescribed by the comptroller] for deposit to the
18 credit of [in] the Texas emissions [emission] reduction plan fund
19 under Section 386.251, Health and Safety Code.

20 (c) Except as provided by Subsection (d), a fee under this
21 section shall be paid at the time of the inspection. A fee paid at
22 an inspection station may be paid:

23 (1) through the automated inspection system under
24 Section 548.007, if available; or
25 (2) to the inspection station.

26 (d) A fee under Subsection (a) may be collected:

27 (1) by the Texas Department of Transportation at the

1 time of registration, if the fee is imposed by Subsection (a)(1); or
2 (2) by the seller of the vehicle at the time the
3 vehicle is sold, if the fee is imposed by Subsection (a)(3).

4 (e) A convenience fee not to exceed three percent of a
5 transaction may be charged by an inspection station for a fee
6 required by this section that is paid by credit or debit card.

7 (f) A person who is an officer, enlisted person, selectee,
8 or draftee of the armed forces of the United States or a reserve
9 component of the armed forces of the United States or a dependent of
10 an officer, enlisted person, selectee, or draftee of the armed
11 forces of the United States or a reserve component of the armed
12 forces of the United States is exempt from a fee imposed by this
13 section.

14 (g) If in any fiscal year the amount received by the
15 comptroller from the fees authorized by this section exceeds \$130
16 million, the comptroller shall deposit the excess to the credit of
17 the Texas Mobility Fund.

18 (h) This section expires January 1 [August 31], 2008.

19 SECTION 18. Subchapter H, Chapter 548, Transportation Code,
20 is amended by adding Sections 548.508 and 548.509 to read as
21 follows:

22 Sec. 548.508. FEE FOR CERTIFICATION AS SALVAGE MOTOR
23 VEHICLE INSPECTOR OR INSPECTION STATION. In addition to each fee
24 required by Section 548.506 or 548.507:

25 (1) an applicant for certification as a salvage motor
26 vehicle inspector shall pay a fee of \$10; and

27 (2) an applicant for certification as a salvage motor

1 vehicle inspection station shall pay a fee of \$30.

2 Sec. 548.509. FEES FOR INSPECTION OF VEHICLE NOT DISPLAYING
3 UNEXPIRED CERTIFICATE. (a) An inspection station or inspector
4 shall collect a late fee of:

5 (1) \$5 if the vehicle's inspection certificate has
6 been expired for more than 30 days but less than 60 days; and
7 (2) an additional fee, not to exceed \$50, that is
8 equal to \$5 for each month or portion of a month after 60 days that
9 the vehicle's inspection certificate has been expired.

10 (b) An inspection station shall remit to the comptroller for
11 deposit to the credit of the Texas emissions reduction plan fund
12 under Section 386.251, Health and Safety Code:

13 (1) 60 percent of each fee collected under Subsection
14 (a)(1); and
15 (2) 90 percent of each fee collected under Subsection
16 (a)(2).

17 (c) If the vehicle does not have a sticker affixed to the
18 vehicle evidencing the date of the vehicle's most recent
19 inspection, an inspection station may determine the date of the
20 vehicle's last inspection:

21 (1) by accessing the information through the vehicle
22 inspection database if the inspection station is located and the
23 vehicle was most recently inspected in a county that has a vehicle
24 emissions inspection and maintenance program under Subchapter F; or
25 (2) using other evidence provided by the vehicle owner
26 or operator.

27 (d) If evidence of a previous inspection does not exist and

1 the vehicle is currently or has been previously registered in this
2 state, the inspection station shall collect a late fee of \$10.

3 (e) The inspection station shall remit each fee collected
4 under this section to the comptroller on each Tuesday for deposit to
5 the credit of the Texas emissions reduction plan fund under Section
6 386.251, Health and Safety Code.

7 (f) A convenience fee not to exceed three percent of a
8 transaction may be charged by the inspection station for a fee
9 required by this section that is paid by credit or debit card.

10 (g) This section expires January 1, 2008.

11 SECTION 19. Section 548.605(b), Transportation Code, is
12 amended to read as follows:

13 (b) The court shall:

14 (1) dismiss a charge of driving with an expired
15 inspection certificate under Section 548.602 if:

16 (A) the defendant remedies the defect within 10
17 working days; and

18 (B) the inspection certificate has not been
19 expired for more than 30 [60] days; and

20 (2) assess an administrative fee not to exceed \$10
21 when the charge of driving with an expired inspection certificate
22 has been remedied.

23 SECTION 20. Subchapter I, Chapter 548, Transportation Code,
24 is amended by adding Section 548.606 to read as follows:

25 Sec. 548.606. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The
26 director may bring an action for injunctive relief to restrain a
27 violation by a person that appears to be in violation of this

1 chapter or a rule adopted under this chapter.

2 (b) An action filed under this section must be filed in a
3 district court in Travis County.

4 (c) The department may recover reasonable expenses incurred
5 in obtaining injunctive relief under this section, including:

6 (1) court costs;
7 (2) reasonable attorney's fees;
8 (3) investigative costs;
9 (4) witness fees; and
10 (5) deposition expenses.

11 (d) Before bringing an action under Subsection (a), the
12 department must issue written notice to the person, describing the
13 violation and allowing the person seven days to correct the
14 violation.

15 SECTION 21. The following provisions of the Transportation
16 Code are repealed:

17 (1) Sections 548.256(c) and (d);
18 (2) Section 548.405(i); and
19 (3) Section 548.605(a).

20 SECTION 22. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2003.