

By: Madden

H.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

relating to safety and emissions inspections of motor vehicles.

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

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

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

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

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

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

(2) is accompanied by a written statement on a form provided by the Department of Public Safety and signed by an inspector certified under Section 548.410 ~~[a specially trained 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;

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

13           (17) windshield, for cracks or defects that impair the  
14 driver's ability to safely operate the motor vehicle.

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:

19           (1) on-board diagnostic malfunction indicator light  
20 on a vehicle of model year 1996 or later;

21           (2) glow plug system and circuitry, including  
22 operation of the glow plug indicator lamp or lamps;

23           (3) exhaust aftertreatment device, for perforating  
24 rust, cracks, holes, tears, or other physical defects;

25           (4) puff limiter;

26           (5) exhaust gas recirculation system;

27           (6) catalytic converter;

1           (7) particulate trap;  
2           (8) trap oxidizer;  
3           (9) speed governor; and  
4           (10) any other item related to motor vehicle emissions  
5 as determined by the department or the conservation commission.

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

9           (e) This subsection and Subsections (c) and (d) expire  
10 January 1, 2008.

11           SECTION 8. Section 548.201, Transportation Code, is amended  
12 by adding Subsection (c) to read as follows:

13           (c) An inspection program established under Subsection (a)  
14 must require a commercial motor vehicle registered in this state to  
15 pass an annual inspection of the emissions control components  
16 listed in Section 548.051(c). This subsection expires January 1,  
17 2008.

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:

23           (1) ~~[was manufactured before September 1, 1995,~~  
24           ~~[-2-]]~~ is operated only temporarily on a highway of this  
25 state and at a speed of less than 30 miles per hour; and

26           (2) [-3-] complies with Section 548.051 and each  
27 applicable provision in Title 49, Code of Federal Regulations.



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

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

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

~~[(A) in violation of this chapter or a rule adopted under this chapter; or~~

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

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

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

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

(3) ~~[(5) the certificate holder or the certificate holder's agent, employee, or representative commits an act or omission that would cause denial, revocation, or suspension of a 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;~~[7]~~

4                   (C) re-education;~~[7]~~

5                   (D) suspensions;~~[7]~~ 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

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

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

[~~(1)~~] at the request of the inspector or inspection station[~~+~~ or

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

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

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 (1) 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.