

By: Madden

H.B. No. 3090

A BILL TO BE ENTITLED

AN ACT

1
2 relating to administrative hearings held in matters regarding the
3 regulation of motor vehicle inspection stations and inspectors

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

5 SECTION 1. Section 548.405, (c), Transportation Code, is
6 amended to read as follows:

7 (c) If the department suspends a certificate because of a
8 violation of Subchapter F, in which a vehicle is intentionally
9 improperly passed for any required portion of the emissions test,
10 the suspension must be for a period of not less than six months. The
11 suspension may not be probated or deferred.

12 SECTION 2. Sections 548.407 (g)and(l), Transportation
13 Code, are amended to read as follows:

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

23 (1) at the request of the inspector or inspection
24 station; or

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

3 (1) If an administrative law judge of the State Office of
4 Administrative Hearings conducts a hearing under this section and
5 the proposal for decision supports the position of the department,
6 the proposal for decision may recommend a denial of an application
7 or a revocation or suspension of a certificate [~~only~~]. The proposal
8 may also [~~not~~] recommend a reprimand or a probated or otherwise
9 deferred disposition of the denial, revocation, or suspension. If
10 the administrative law judge makes a proposal for a decision to deny
11 an application or to suspend or revoke a certificate, the
12 administrative law judge may [~~shall~~] include in the proposal a
13 finding of the costs, fees, expenses, and reasonable and necessary
14 attorney's fees the state incurred in bringing the proceeding. The
15 director may adopt the finding for costs, fees, and expenses and
16 make the finding a part of the final order entered in the
17 proceeding. Proceeds collected from a finding made under this
18 subsection shall be paid to the department.

19 SECTION 3. Section 548.408, (a) Transportation Code, is
20 amended to read as follows:

21 (a) A person dissatisfied with the final decision of the
22 director may appeal the decision by filing a petition in district
23 court in the county where the person resides or in Travis County.

24 [~~as provided by Subchapter C, Chapter 2001, Government Code.~~]

25 SECTION 3. This Act takes effect September 1, 200