

BILL ANALYSIS

C.S.H.B. 2181
By: Crabb
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Annual vehicle inspections ensure automobile safety, enforce emissions standards, and provide funding for Texas transportation and clean air programs. CSHB 2181 is an attempt to keep vehicle inspections current. It will prorate the inspection fee on expired certificates for those months the vehicle's inspection certificate was not current.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Transportation Code Section 548.528(b) as follows:

Provides that the Department of Public Safety (DPS) may adopt rules to require an inspection station to use TexasOnline to: remit late fees to the department; determine the expiration date of the most recent inspection certificate issued for a vehicle if the vehicle does not display a certificate; or waive a late inspection fee due from the owner, according to the department's authorization.

SECTION 2. Amends the Transportation Code by adding Section 548.509 as follows:

Requires an inspection station to assess and collect a late inspection fee, which is equal to 1/12 of the fee provided to the vehicle owner for an inspection certificate for each 30-day period or partial 30-day period in which an inspection certificate is expired.

If a vehicle does not display an expired inspection certificate and DPS is unable to determine the vehicle's most recent inspection date using the Texas Automated Vehicle Inspection System, the inspection database in a county participating in an emissions inspection program established by Subchapter F, or the vehicle inspection report, the late fee is equal to the amount due to the vehicle owner for the new certificate.

Provides that a late inspection fee may not be assessed or collected if an inspection certificate has been expired for five days or less.

Provides that an inspection station shall assess and may retain an administrative fee equal to \$3.

Requires an inspection station to send late inspection fee monies to DPS not later than the 10th day of the month following the month in which the fee is collected.

If a vehicle inspection station does not remit a late inspection fee on or before the 15th day of the month in which the fee is due, DPS shall prohibit that station from conducting inspections by locking out the station's Texas Automated Vehicle Inspection System interface device or emissions testing analyzer, as applicable. Provides that such an inspection station may not purchase a vehicle inspection certificate until all required fees are sent to DPS.

Provides that a late inspection fee may not be collected if: the vehicle owner is an active member of the United States Armed Forces or National Guard and was on active duty outside Texas on the date the inspection certificate expired; the vehicle or vehicle owner qualifies for a waiver from program requirements under Section 382.203, Health and Safety Code; or the vehicle owner applies for and receives a waiver from DPS for economic hardship, for a medical condition, or because the vehicle was proven to be inoperable.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

This substitute allows the Department of Public Safety to adopt rules requiring vehicle inspection stations to use TexasOnline to remit late inspection fees, determine expiration dates on inspection certificates, or waive late inspection fees according to the department's authorization. It also clarifies language defining the amount of a late inspection fee.

The administrative fee that an inspection station may retain has been changed to a fixed \$3.

Additionally, this substitute creates a deadline for which late inspection fees are to be remitted to DPS and includes measures to be taken by DPS if that deadline is not met by an inspection station. It also provides circumstances in which a late inspection fee may not be assessed or collected.

Finally, the substitute directs late fee monies to the Texas Mobility Fund.