

BILL ANALYSIS

H.B. 1040
By: Parker
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, if a vehicle inspection station issues an inspection certificate that is incorrectly completed, the owner of the vehicle is still liable for an offense if the owner operates the vehicle with an expired inspection certificate even though the owner of the vehicle made a full-faith effort to comply with state law.

H.B. 1040 makes it a valid defense to prosecution for operating a motor vehicle with an expired inspection certificate to submit a receipt from an inspection station showing that an inspection certificate was completed before the expiration of the old inspection certificate, but was completed incorrectly.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1040 amends the Transportation Code to create a defense to prosecution for the offense of operating a motor vehicle with an expired inspection certificate if the defendant provides to the court a receipt issued by an inspection station showing that the date of expiration designated on the inspection certificate issued for the vehicle is incorrect and that the offense charged was alleged to have occurred before the fifth day after the correct date of expiration that should have been designated on the certificate.

H.B. 1040 makes its provisions applicable to such an offense regardless of whether the offense was committed before, on, or after the effective date of the bill.

EFFECTIVE DATE

September 1, 2009.