

## **BILL ANALYSIS**

C.S.H.B. 3490  
By: Quintanilla  
Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, state law requires the Department of Public Safety (DPS) to oversee the proper execution of vehicle inspections. However, DPS is only allowed to revoke or suspend the certificate of a person, inspection station, or inspector for violations committed during the state-mandated vehicle emissions inspection. State owners or operators have voiced concern that this method of sanctioning owners or operators is unfair.

C.S.H.B. 3490 authorizes DPS to impose administrative penalties for those owners and operators who fail to comply with DPS rules or state law regarding vehicle inspections as an alternative to suspending or revoking the licenses of those persons.

### **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**

C.S.H.B. 3490 amends the Transportation Code to require the Department of Public Safety (DPS), not later than October 1, 2009, to include administrative penalties in addition to other consequences, in the penalty schedules developed by DPS based on the severity and frequency of offenses committed in the compulsory inspection of vehicles and in the emissions testing of motor vehicles respectively.

C.S.H.B. 3490 authorizes DPS, as an alternative to the suspension or revocation of the motor vehicle inspection certificate of a person, inspection station, or inspector, to impose an administrative penalty on the person, inspection station, or inspector. The bill prohibits the amount of an administrative penalty from exceeding \$1,000 for each act that constitutes grounds for imposition of the penalty. The bill authorizes a separate penalty to be imposed for each day that an act that constitutes grounds for imposition of the penalty continues. The bill prohibits the aggregate amount of separate penalties on a person, inspection station, or inspector from exceeding \$10,000.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3490 differs from the original by authorizing the Department of Public Safety (DPS), as an alternative to the suspension or revocation of the motor vehicle inspection certificate of a person, inspection station, or inspector, to impose an administrative penalty on the person, inspection station, or inspector and setting forth fees for the penalties, whereas the original amends existing provisions relating to DPS's authority to deny a person's application for a motor

vehicle inspection station certificate or an inspector certificate or suspend or revoke a motor vehicle inspection station certificate or an inspector certificate and the related procedures for such actions.

C.S.H.B. 3490 adds provisions not in the original requiring DPS to include administrative penalties in the penalty schedules developed by DPS based on the severity and frequency of offenses committed in the compulsory inspection of vehicles and in the emissions testing of motor vehicles respectively.