

BILL ANALYSIS

Senate Research Center
81R3086 JD-D

S.B. 368
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some Texas cities and counties have experienced problems with fraudulent or improper vehicle inspections. Vehicles that receive improper inspections from unscrupulous inspectors continue to travel Texas highways generating pollution and posing traffic safety threats. Currently, the Texas Department of Public Safety (DPS) is authorized to deny, revoke, suspend, place on probation, or reprimand the application for an inspection station or inspector's certificate if the certificate holder, the applicant, or the station owner has been convicted of a felony in this state or violates requirements for the vehicle inspection process as set by Chapter 548 (Compulsory Inspection of Vehicles), Transportation Code.

As proposed, S.B. 368 amends Section 548.405 of the Transportation Code to authorize the DPS to deny a person's application for an inspection station certificate or revoke an inspection station certificate if that person has been convicted of certain misdemeanors. S.B. 368 requires DPS to deny an application for or revoke an inspection station certificate if the applicant has been convicted of a felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 548.405(a) and (b), Transportation Code, as follows:

(a) Authorizes the Texas Department of Public Safety (DPS) to 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 the inspector or owner of an inspection station is convicted of a Class A or Class B misdemeanor, rather than a felony, or certain other crimes. Requires DPS to deny a person's application for an inspection station certificate or revoke an inspection station certificate if the applicant, the certificate holder, or the owner of the inspection station is convicted of a felony under the laws of this state, another state, or the United States or deny a person's application for an inspector certificate or revoke an inspector certificate if the applicant or certificate holder is convicted of a felony under the laws of this state, another state, or the United States. Makes conforming and nonsubstantive changes.

(b) Provides that for purposes of Subsections (a)(1)(G) and (a)(2), rather than Subsection (a)(7), 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.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.