

By: Hartnett

H.B. No. 470

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the denial, suspension, or revocation of a motor  
3 vehicle inspection station certificate or an inspector  
4 certificate.

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

6 SECTION 1. Sections 548.405(a) and (b), Transportation  
7 Code, are amended to read as follows:

8 (a) The department:

9 (1) may deny a person's application for a certificate,  
10 revoke or suspend the certificate of a person, inspection station,  
11 or inspector, place on probation a person who holds a suspended  
12 certificate, or reprimand a person who holds a certificate if:

13 (A) [~~(1)~~] the station or inspector conducts an  
14 inspection, fails to conduct an inspection, or issues a  
15 certificate:

16 (i) [~~(A)~~] in violation of this chapter or a  
17 rule adopted under this chapter; or

18 (ii) [~~(B)~~] without complying with the  
19 requirements of this chapter or a rule adopted under this chapter;

20 (B) [~~(2)~~] the person, station, or inspector  
21 commits an offense under this chapter or violates this chapter or a  
22 rule adopted under this chapter;

23 (C) [~~(3)~~] the applicant or certificate holder  
24 does not meet the standards for certification under this chapter or

1 a rule adopted under this chapter;

2 (D) [~~(4)~~] the station or inspector does not  
3 maintain the qualifications for certification or does not comply  
4 with a certification requirement under Subchapter G;

5 (E) [~~(5)~~] the certificate holder or the  
6 certificate holder's agent, employee, or representative commits an  
7 act or omission that would cause denial, revocation, or suspension  
8 of a certificate to an individual applicant or certificate holder;

9 (F) [~~(6)~~] the station or inspector does not pay a  
10 fee required by Subchapter H; or

11 (G) [~~(7)~~] the inspector or owner of an inspection  
12 station is convicted of a:

13 (i) [~~(A) felony or~~] Class A or Class B  
14 misdemeanor;

15 (ii) [~~(B)~~] similar crime under the  
16 jurisdiction of another state or the federal government that is  
17 punishable to the same extent as a [~~felony or a~~] Class A or Class B  
18 misdemeanor in this state; or

19 (iii) [~~(C)~~] crime under the jurisdiction of  
20 another state or the federal government that would be a [~~felony or~~  
21 ~~a~~] Class A or Class B misdemeanor if the crime were committed in  
22 this state; and

23 (2) shall:

24 (A) deny a person's application for an inspection  
25 station certificate or revoke an inspection station certificate if  
26 the applicant, the certificate holder, or the owner of the  
27 inspection station is convicted of a felony under the laws of this

1 state, another state, or the United States; or

2 (B) deny a person's application for an inspector  
3 certificate or revoke an inspector certificate if the applicant or  
4 certificate holder is convicted of a felony under the laws of this  
5 state, another state, or the United States.

6 (b) For purposes of Subsections (a)(1)(G) and (a)(2)  
7 [~~Subsection (a)(7)~~], a person is convicted of an offense if a court  
8 enters against the person an adjudication of the person's guilt,  
9 including an order of probation or deferred adjudication.

10 SECTION 2. The changes in law made by this Act to Section  
11 548.405, Transportation Code, that relate to an applicant for an  
12 inspection station certificate or an inspector certificate, apply  
13 only to an applicant who files an application on or after the  
14 effective date of this Act. An applicant for an inspection station  
15 certificate or an inspector certificate who filed an application  
16 before the effective date of this Act is covered by the law in  
17 effect on the date the application was filed and the former law is  
18 continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2009.