

By: Branch

H.B. No. 3457

Substitute the following for H.B. No. 3457:

By: Pickett

C.S.H.B. No. 3457

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the compulsory inspection of motor vehicles; providing
3 penalties.

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

5 SECTION 1. The heading to Section 548.3065, Transportation
6 Code, is amended to read as follows:

7 Sec. 548.3065. ADMINISTRATIVE AND CIVIL PENALTIES
8 [~~PENALTY~~].

9 SECTION 2. Section 548.3065, Transportation Code, is
10 amended by amending Subsection (c) and adding Subsections (c-1),
11 (e), and (f) to read as follows:

12 (c) For purposes of Subsection (a) [~~Except as otherwise~~
13 ~~provided by this section~~], the procedures for determining and
14 administering an administrative penalty [~~under this section~~]
15 against a person charged with violating this chapter are the same as
16 those prescribed by Section 643.251 for determining and
17 administering an administrative penalty against a motor carrier
18 under that section.

19 (c-1) The Texas Commission on Environmental Quality may
20 impose an administrative penalty on a person in the amount of \$500
21 for each violation of this subchapter or a rule adopted by the
22 commission under this subchapter.

23 (e) An inspection station that violates a provision of this
24 chapter or a rule of the department issued under this chapter is

1 liable for a civil penalty of not less than \$250 or more than \$500
2 for each violation. The district or county attorney for the county
3 in which the inspection station is located or the attorney general
4 may bring suit in the name of this state to collect the penalty.

5 (f) An inspector who violates a provision of this chapter or
6 a rule of the department issued under this chapter is liable for a
7 civil penalty of not less than \$250 or more than \$500 for each
8 violation. The district or county attorney for the county in which
9 the inspection station that employs the inspector is located or the
10 attorney general may bring suit in the name of this state to collect
11 the penalty.

12 SECTION 3. Subchapter G, Chapter 548, Transportation Code,
13 is amended by adding Section 548.4045 to read as follows:

14 Sec. 548.4045. BOND REQUIRED. (a) An application for
15 certification as an inspection station or an inspector must be
16 accompanied by a surety bond in the amount of \$500, payable to this
17 state and conditioned on the future compliance with this chapter
18 and rules adopted by the department or the Texas Commission on
19 Environmental Quality under this chapter.

20 (b) The attorney general or the district or county attorney
21 for the county in which the inspection station is located or in
22 which the inspection station that employs the inspector is located
23 may bring suit in the name of this state to recover on the bond.

24 SECTION 4. Section 548.601, Transportation Code, is amended
25 by amending Subsection (b) and adding Subsection (b-1) to read as
26 follows:

27 (b) Except as provided by Subsection (b-1) or as [Unless]

1 otherwise specified in this chapter, an offense under this section
2 is a Class C misdemeanor.

3 (b-1) An offense under Subsection (a)(1), (a)(5), or (a)(6)
4 is a Class A misdemeanor.

5 SECTION 5. (a) The change in law made by this Act to
6 Sections 548.3065 and 548.601, Transportation Code, applies only to
7 a violation or an offense committed by a vehicle inspection station
8 or a vehicle inspector on or after the effective date of this Act. A
9 violation or an offense committed by a vehicle inspection station
10 or a vehicle inspector before the effective date of this Act is
11 governed by the law in effect when the violation or offense was
12 committed, and the former law is continued in effect for that
13 purpose.

14 (b) The change in law made by this Act in connection with an
15 application for certification as a vehicle inspection station or a
16 vehicle inspector applies only to an application for certification
17 that is filed on or after the effective date of this Act. An
18 application for certification as a vehicle inspection station or a
19 vehicle inspector that is filed before the effective date of this
20 Act is governed by the law in effect when the application was filed,
21 and the former law is continued in effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2009.