

By: Branch

H.B. No. 3457

A BILL TO BE ENTITLED

AN ACT

relating to the compulsory inspection of motor vehicles; providing penalties.

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

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

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

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

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

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

(e) An inspection station that violates a provision of this 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. Sections 548.506 and 548.507, Transportation  
13 Code, are amended to read as follows:

14 Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. An  
15 applicant for certification as an inspector must submit with the  
16 applicant's first application a fee of \$250 [~~\$10~~] for certification  
17 until August 31 of the even-numbered year following the date of  
18 certification. To be certified after August 31 of that year, the  
19 applicant must pay \$250 [~~\$10~~] as a certificate fee for each  
20 subsequent two-year period.

21 Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION.  
22 When an applicant for certification as an inspection station is  
23 notified that the application will be approved, the applicant shall  
24 pay a fee of \$500 [~~\$30~~] for certification until August 31 of the  
25 odd-numbered year after the date of appointment. To be certified  
26 after August 31 of that year, the applicant must pay a fee of \$500  
27 [~~\$30~~] for certification for each subsequent two-year period.

1 SECTION 4. Subchapter G, Chapter 548, Transportation Code,  
2 is amended by adding Section 548.4045 to read as follows:

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

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

13 SECTION 5. Section 548.601, Transportation Code, is amended  
14 by amending Subsection (b) and adding Subsection (b-1) to read as  
15 follows:

16 (b) Except as provided by Subsection (b-1) or as ~~[Unless]~~  
17 otherwise specified in this chapter, an offense under this section  
18 is a Class C misdemeanor.

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

21 SECTION 6. (a) The change in law made by this Act to  
22 Sections 548.3065 and 548.601, Transportation Code, applies only to  
23 a violation or an offense committed by a vehicle inspection station  
24 or a vehicle inspector on or after the effective date of this Act. A  
25 violation or an offense committed by a vehicle inspection station  
26 or a vehicle inspector before the effective date of this Act is  
27 governed by the law in effect when the violation or offense was

1 committed, and the former law is continued in effect for that  
2 purpose.

3       (b) The changes in law made by this Act in connection with an  
4 application for certification as a vehicle inspection station or a  
5 vehicle inspector apply only to an application for certification  
6 that is filed on or after the effective date of this Act. An  
7 application for certification as a vehicle inspection station or a  
8 vehicle inspector that is filed before the effective date of this  
9 Act is governed by the law in effect when the application was filed,  
10 and the former law is continued in effect for that purpose.

11       SECTION 7. This Act takes effect September 1, 2009.