

By: Quintanilla

H.B. No. 3490

Substitute the following for H.B. No. 3490:

By: Merritt

C.S.H.B. No. 3490

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administrative consequences of certain conduct  
3 committed by a holder of a motor vehicle inspection station  
4 certificate or an inspector certificate.

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

6 SECTION 1. Section 548.405, Transportation Code, is amended  
7 by amending Subsections (h) and (i) and adding Subsections (j) and  
8 (k) to read as follows:

9 (h) The department shall develop~~[, by September 1, 2002,]~~ a  
10 penalty schedule consisting of warnings, re-education,  
11 administrative penalties, suspensions, and revocations based on  
12 the severity and frequency of offenses committed under this chapter  
13 ~~[Chapter 548, Transportation Code,]~~ and rules adopted by the  
14 department under this chapter.

15 (i) The department shall develop~~[, by September 1, 2002,]~~ a  
16 penalty schedule consisting of administrative penalties,  
17 suspensions, and revocations based on the severity and frequency of  
18 offenses committed in the emissions testing of motor vehicles under  
19 Section 382.202, Health and Safety Code, and Chapter 548,  
20 Subchapter F, of this code.

21 (j) As an alternative to the suspension or revocation of the  
22 certificate of a person, inspection station, or inspector under  
23 this section, the department may impose an administrative penalty  
24 on the person, inspection station, or inspector.

1        (k) The amount of an administrative penalty imposed under  
2 Subsection (j) may not exceed \$1,000 for each act that constitutes  
3 grounds for imposition of the penalty. A separate penalty may be  
4 imposed for each day that an act that constitutes grounds for  
5 imposition of the penalty continues. The aggregate amount of  
6 separate penalties on a person, inspection station, or inspector  
7 may not exceed \$10,000.

8        SECTION 2. The Texas Department of Public Safety shall  
9 develop the penalty schedules required by Sections 548.405(h) and  
10 (i), Transportation Code, as amended by this Act, not later than  
11 October 1, 2009.

12        SECTION 3. Section 548.405, Transportation Code, as amended  
13 by this Act, applies only to the suspension or revocation of the  
14 certificate of a person, inspection station, or inspector under  
15 that section, or the imposition of an administrative penalty on  
16 that person, inspection station, or inspector, for conduct  
17 committed on or after the effective date of this Act. A revocation  
18 or suspension of an inspection station certificate or an inspector  
19 certificate for conduct committed before the effective date of this  
20 Act is covered by the law in effect on the date the conduct was  
21 committed, and the former law is continued in effect for that  
22 purpose.

23        SECTION 4. This Act takes effect September 1, 2009.