

By: Carona

S.B. No. 368

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 548.405, Transportation Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (a-4) and amending Subsection (b) to read as follows:

(a-1) The department shall 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 has been convicted of a felony under the laws of this state, another state, or the United States during the seven years preceding the date the application was filed or the date the certificate is revoked.

(a-2) The department shall deny a person's application for an inspector certificate or revoke an inspector certificate if the applicant or certificate holder has been convicted of a felony under the laws of this state, another state, or the United States during the seven years preceding the date the application was filed or the date the certificate is revoked.

(a-3) A felony conviction may not be grounds for a denial or revocation under Subsection (a-1) or (a-2) unless the offense involved fraud, a deceptive trade practice, a misrepresentation, a

1 deceptive business practice, extortion, bribery, a breach of a  
2 fiduciary duty, counterfeiting, or the falsification of a  
3 government document.

4 (a-4) Beginning September 1, 2009, the Dallas County  
5 Sheriff's Office shall track and monitor the number of citations  
6 issued in this state to operators of motor vehicles on which a  
7 counterfeit or fraudulent inspection certificate is displayed. Not  
8 later than July 1, 2015, the Dallas County Sheriff's Office shall  
9 submit a report to the department on the total number of such  
10 citations issued between September 1, 2009, and June 1, 2015. If  
11 the department determines that the number of reported citations  
12 does not indicate a decrease in the frequency of fraudulent  
13 inspections, not later than July 1, 2015, the department shall  
14 issue an order stating that determination. If the department  
15 issues such an order, this subsection and Subsections (a), (a-1),  
16 (a-2), (a-3), and (b) expire September 1, 2015.

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

21 SECTION 2. (a) Effective September 1, 2015, Subsection  
22 (b), Section 548.405, Transportation Code, is reenacted to read as  
23 follows:

24 (b) For purposes of Subsection (a)(7), a person is convicted  
25 of an offense if a court enters against the person an adjudication  
26 of the person's guilt, including an order of probation or deferred  
27 adjudication.

1           (b) Subsection (a) of this section takes effect only if the  
2 Department of Public Safety of the State of Texas issues an order  
3 under Subsection (a-4), Section 548.405, Transportation Code, as  
4 added by this Act. If the Department of Public Safety of the State  
5 of Texas does not issue an order under Subsection (a-4), Section  
6 548.405, Transportation Code, as added by this Act, Subsection (a)  
7 of this section has no effect.

8           SECTION 3. The changes in law made by this Act to Section  
9 548.405, Transportation Code, that relate to an applicant for an  
10 inspection station certificate or an inspector certificate, apply  
11 only to an applicant who files an application on or after the  
12 effective date of this Act. An applicant for an inspection station  
13 certificate or an inspector certificate who filed an application  
14 before the effective date of this Act is covered by the law in  
15 effect on the date the application was filed and the former law is  
16 continued in effect for that purpose.

17           SECTION 4. Except as otherwise provided by this Act, this  
18 Act takes effect September 1, 2009.