

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

(a) The department:

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

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

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

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

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

(C) [~~(3)~~] the applicant or certificate holder 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.