

1-1 By: Carona S.B. No. 368  
1-2 (In the Senate - Filed December 15, 2008; February 17, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 20, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; March 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 368 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the denial, suspension, or revocation of a motor  
1-11 vehicle inspection station certificate or an inspector  
1-12 certificate.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 548.405, Transportation Code, is amended  
1-15 by adding Subsections (a-1), (a-2), (a-3), and (a-4) and amending  
1-16 Subsection (b) to read as follows:

1-17 (a-1) The department shall deny a person's application for  
1-18 an inspection station certificate or revoke an inspection station  
1-19 certificate if the applicant, the certificate holder, or the owner  
1-20 of the inspection station has been convicted of a felony under the  
1-21 laws of this state, another state, or the United States during the  
1-22 seven years preceding the date the application was filed or the date  
1-23 the certificate is revoked.

1-24 (a-2) The department shall deny a person's application for  
1-25 an inspector certificate or revoke an inspector certificate if the  
1-26 applicant or certificate holder has been convicted of a felony  
1-27 under the laws of this state, another state, or the United States  
1-28 during the seven years preceding the date the application was filed  
1-29 or the date the certificate is revoked.

1-30 (a-3) A felony conviction may not be grounds for a denial or  
1-31 revocation under Subsection (a-1) or (a-2) unless the offense  
1-32 involved fraud, a deceptive trade practice, a misrepresentation, a  
1-33 deceptive business practice, extortion, bribery, a breach of a  
1-34 fiduciary duty, counterfeiting, or the falsification of a  
1-35 government document.

1-36 (a-4) Beginning September 1, 2009, the Dallas County  
1-37 Sheriff's Office shall track and monitor the number of citations  
1-38 issued in this state to operators of motor vehicles on which a  
1-39 counterfeit or fraudulent inspection certificate is displayed. Not  
1-40 later than July 1, 2015, the Dallas County Sheriff's Office shall  
1-41 submit a report to the department on the total number of such  
1-42 citations issued between September 1, 2009, and June 1, 2015. If  
1-43 the department determines that the number of reported citations  
1-44 does not indicate a decrease in the frequency of fraudulent  
1-45 inspections, not later than July 1, 2015, the department shall  
1-46 issue an order stating that determination. If the department  
1-47 issues such an order, this subsection and Subsections (a), (a-1),  
1-48 (a-2), (a-3), and (b) expire September 1, 2015.

1-49 (b) For purposes of Subsections (a)(7), (a-1), and (a-2)  
1-50 [Subsection (a)(7)], a person is convicted of an offense if a court  
1-51 enters against the person an adjudication of the person's guilt,  
1-52 including an order of probation or deferred adjudication.

1-53 SECTION 2. (a) Effective September 1, 2015, Subsection  
1-54 (b), Section 548.405, Transportation Code, is reenacted to read as  
1-55 follows:

1-56 (b) For purposes of Subsection (a)(7), a person is convicted  
1-57 of an offense if a court enters against the person an adjudication  
1-58 of the person's guilt, including an order of probation or deferred  
1-59 adjudication.

1-60 (b) Subsection (a) of this section takes effect only if the  
1-61 Department of Public Safety of the State of Texas issues an order  
1-62 under Subsection (a-4), Section 548.405, Transportation Code, as  
1-63 added by this Act. If the Department of Public Safety of the State

2-1 of Texas does not issue an order under Subsection (a-4), Section  
2-2 548.405, Transportation Code, as added by this Act, Subsection (a)  
2-3 of this section has no effect.

2-4 SECTION 3. The changes in law made by this Act to Section  
2-5 548.405, Transportation Code, that relate to an applicant for an  
2-6 inspection station certificate or an inspector certificate, apply  
2-7 only to an applicant who files an application on or after the  
2-8 effective date of this Act. An applicant for an inspection station  
2-9 certificate or an inspector certificate who filed an application  
2-10 before the effective date of this Act is covered by the law in  
2-11 effect on the date the application was filed and the former law is  
2-12 continued in effect for that purpose.

2-13 SECTION 4. Except as otherwise provided by this Act, this  
2-14 Act takes effect September 1, 2009.

2-15

\* \* \* \* \*