

1-1 By: West S.B. No. 2110
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2110 By: Watson

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

1-10 relating to the compulsory inspection of motor vehicles; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 548.3065, Transportation
1-14 Code, is amended to read as follows:

1-15 Sec. 548.3065. ADMINISTRATIVE AND CIVIL PENALTIES
1-16 ~~[PENALTY]~~.

1-17 SECTION 2. Section 548.3065, Transportation Code, is
1-18 amended by amending Subsection (c) and adding Subsections (c-1),
1-19 (e), and (f) to read as follows:

1-20 (c) For purposes of Subsection (a) [Except as otherwise
1-21 provided by this section], the procedures for determining and
1-22 administering an administrative penalty [under this section]
1-23 against a person charged with violating this chapter are the same as
1-24 those prescribed by Section 643.251 for determining and
1-25 administering an administrative penalty against a motor carrier
1-26 under that section.

1-27 (c-1) The Texas Commission on Environmental Quality may
1-28 impose an administrative penalty on a person in the amount of \$500
1-29 for each violation of this subchapter or a rule adopted by the
1-30 commission under this subchapter.

1-31 (e) An inspection station that violates a provision of this
1-32 chapter or a rule of the department issued under this chapter is
1-33 liable for a civil penalty of not less than \$250 or more than \$500
1-34 for each violation. The district or county attorney for the county
1-35 in which the inspection station is located or the attorney general
1-36 may bring suit in the name of this state to collect the penalty.

1-37 (f) An inspector who violates a provision of this chapter or
1-38 a rule of the department issued under this chapter is liable for a
1-39 civil penalty of not less than \$250 or more than \$500 for each
1-40 violation. The district or county attorney for the county in which
1-41 the inspection station that employs the inspector is located or the
1-42 attorney general may bring suit in the name of this state to collect
1-43 the penalty.

1-44 SECTION 3. Subchapter G, Chapter 548, Transportation Code,
1-45 is amended by adding Section 548.4045 to read as follows:

1-46 Sec. 548.4045. BOND REQUIRED. (a) An application for
1-47 certification as an inspection station or an inspector must be
1-48 accompanied by a surety bond in the amount of \$500, payable to this
1-49 state and conditioned on the future compliance with this chapter
1-50 and rules adopted by the department or the Texas Commission on
1-51 Environmental Quality under this chapter.

1-52 (b) The attorney general or the district or county attorney
1-53 for the county in which the inspection station is located or in
1-54 which the inspection station that employs the inspector is located
1-55 may bring suit in the name of this state to recover on the bond.

1-56 SECTION 4. Section 548.601, Transportation Code, is amended
1-57 by amending Subsection (b) and adding Subsection (b-1) to read as
1-58 follows:

1-59 (b) Except as provided by Subsection (b-1) or as [Unless]
1-60 otherwise specified in this chapter, an offense under this section
1-61 is a Class C misdemeanor.

1-62 (b-1) An offense under Subsection (a)(1), (5), or (6) is a
1-63 Class A misdemeanor.

2-1 SECTION 5. (a) The change in law made by this Act to
2-2 Sections 548.3065 and 548.601, Transportation Code, applies only to
2-3 a violation or an offense committed by a vehicle inspection station
2-4 or a vehicle inspector on or after the effective date of this Act. A
2-5 violation or an offense committed by a vehicle inspection station
2-6 or a vehicle inspector before the effective date of this Act is
2-7 governed by the law in effect when the violation or offense was
2-8 committed, and the former law is continued in effect for that
2-9 purpose.

2-10 (b) The change in law made by this Act in connection with an
2-11 application for certification as a vehicle inspection station or a
2-12 vehicle inspector applies only to an application for certification
2-13 that is filed on or after the effective date of this Act. An
2-14 application for certification as a vehicle inspection station or a
2-15 vehicle inspector that is filed before the effective date of this
2-16 Act is governed by the law in effect when the application was filed,
2-17 and the former law is continued in effect for that purpose.

2-18 SECTION 6. This Act takes effect September 1, 2009.

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