

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB715** by King, Phil (Relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would add Section 548.307 to the Transportation Code to prohibit the restriction of less than 150 emissions inspections performed using only the onboard diagnostic system of the vehicle at an inspection station each month. This section of the bill would take effect December 31, 2010.

The bill would add Chapter 108 to the Business and Commerce Code to require a retail seller of motor vehicle tires to render certain tires unusable. Certain businesses would be exempted from the provisions of the bill. The bill also states a business that violates this chapter is liable to the state for a civil penalty not to exceed \$500 for each violation. This section of the bill would take effect September 1, 2009. The Office of Attorney General and the Department of Public Safety (DPS) anticipate no significant fiscal impact to their agencies. The bill states that a civil penalty can be collected. However, the amount of additional revenue collected can not be determined since the funds collected are based on the number of cases filed with the district or county attorney for this new violation.

The bill would amend Chapter 548 of the Transportation Code to state that DPS may impose a \$500 administrative penalty for each violation of the statutory requirement for a compulsory inspection of a motor vehicle. The bill states an inspection station and inspectors who violate this provision are liable for a civil penalty between \$250 and \$500 for each violation. The bill also requires each application to be accompanied by a \$500 surety bond. This section would take effect on September 1, 2009 and would apply only to an offense or an application filed on or after the effective date.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, SZ, SD, GG, LG, AI