

**House Bill 715**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter F, Chapter 548, Transportation Code, is amended by adding Section 548.3075 to read as follows:

Sec. 548.3075. LIMITED EMISSIONS INSPECTIONS.

(a) In this section, "limited emissions inspection" means an emissions inspection of a motor vehicle conducted only by using the onboard diagnostic system of the vehicle.

(b) A department rule that allows a qualified inspection station to perform a limited emissions inspection of a motor vehicle may not restrict the station to fewer than 150 inspections per month.

**No equivalent provision.**

SENATE VERSION

Same as House version.

CONFERENCE

SECTION \_\_. (a) Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE TIRES

Sec. 108.001. DEFINITION. In this chapter, "dealer" has the meaning assigned by Section 503.001, Transportation Code.

Sec. 108.002. RENDERING CERTAIN MOTOR VEHICLE TIRES UNUSABLE. (a) A business that sells new or used tires at retail for use on a motor vehicle shall render a tire held as inventory or purchased or received in exchange from a customer unusable if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety under Section 548.002, Transportation Code.

(b) A business shall render a tire unusable for purposes

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of Subsection (a) by:

(1) puncturing a hole two inches across from the surface through the entire body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots; or

(2) taking any other action necessary to prevent the tire from being used on a motor vehicle.

(c) While the tires remain mounted on the motor vehicle, this section does not apply to tires mounted on the wheels of a motor vehicle that is:

(1) held as inventory by a dealer; or

(2) purchased or received in exchange by a dealer as part of a motor vehicle retail installment transaction.

Sec. 108.003. EXEMPTION FOR CERTAIN BUSINESSES. This chapter does not apply to a business that uses a used or scrap tire transporter that:

(1) is registered with the Texas Commission on Environmental Quality; and

(2) has provided the commission with a bond in an amount of at least \$100,000.

Sec. 108.004. RULEMAKING AUTHORITY. The Department of Public Safety may adopt rules to implement this chapter.

Sec. 108.005. CIVIL PENALTY. (a) A business that violates this chapter is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation.

(b) The attorney general or the appropriate district or county attorney may bring an action under this chapter in the name of the state in a district court in:

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- (1) Travis County; or
- (2) the county in which the violation occurs.
- (b) This section takes effect September 1, 2009.

The following rows were presented as identical to the language of the House committee version of Senate Bill 617, relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

No equivalent provision.

SECTION \_\_. The heading to Section 548.3065, Transportation Code, is amended to read as follows:  
Sec. 548.3065. ADMINISTRATIVE AND CIVIL PENALTIES [~~PENALTY~~].

No equivalent provision.

SECTION \_\_. Section 548.3065, Transportation Code, is amended by amending Subsection (c) and adding Subsections (c-1), (e), and (f) to read as follows:  
(c) For purposes of Subsection (a) [Except as otherwise provided by this section], the procedures for determining and administering an administrative penalty [~~under this section~~] against a person charged with violating this chapter are the same as those prescribed by Section 643.251 for determining and administering an administrative penalty against a motor carrier under that section.  
(c-1) The department may impose an administrative penalty on a person in the amount of \$500 for each violation of this subchapter or a rule adopted by the

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commission under this subchapter.

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

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

(g) The imposition or collection of a penalty under this section does not preclude the department from taking administrative action against an inspection station or inspector for a violation of this chapter or a rule adopted under this chapter.

SECTION \_\_. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4045 to read as follows:

Sec. 548.4045. BOND REQUIRED. (a) An application for certification as an inspection station or an inspector must be accompanied by a surety bond in the amount of \$500, payable to this state and conditioned on the future compliance with this chapter and rules adopted by the

No equivalent provision.

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department or the Texas Commission on Environmental Quality under this chapter.

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

No equivalent provision.

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

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

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

No equivalent provision.

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

(b) The change in law made by this Act in connection with an application for certification as a vehicle inspection station or a vehicle inspector applies only to

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an application for certification that is filed on or after the effective date of this Act. An application for certification as a vehicle inspection station or a vehicle inspector that is filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

End of Senate Bill 617 language.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

SECTION \_\_. SECTION 1 of this Act takes effect December 31, 2010. The remaining SECTIONS of this Act take effect September 1, 2009.