

By: West

S.B. No. 197

A BILL TO BE ENTITLED

AN ACT

relating to the compulsory inspection of motor vehicles; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 548.3065, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) 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 conservation commission 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 conservation commission under this subchapter.

SECTION 2. 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

1 and rules adopted by the department or the conservation commission
2 under this chapter.

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

7 SECTION 3. Section 548.601, Transportation Code, is amended
8 by amending Subsection (b) and adding Subsection (b-1) to read as
9 follows:

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

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

15 SECTION 4. Subchapter I, Chapter 548, Transportation Code,
16 is amended by adding Section 548.6015 to read as follows:

17 Sec. 548.6015. CIVIL PENALTIES. (a) An inspection station
18 that violates a provision of this chapter or a rule of the
19 department issued under this chapter is liable for a civil penalty
20 of not less than \$250 or more than \$500 for each violation. The
21 district or county attorney for the county in which the inspection
22 station is located or the attorney general may bring suit in the
23 name of this state to collect the penalty.

24 (b) An inspector who violates a provision of this chapter or
25 a rule of the department issued under this chapter is liable for a
26 civil penalty of not less than \$250 or more than \$500 for each
27 violation. The district or county attorney for the county in which

1 the inspection station that employs the inspector is located or the
2 attorney general may bring suit in the name of this state to collect
3 the penalty.

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

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

19 SECTION 6. This Act takes effect September 1, 2011.