

By: Harper-Brown, King of Hemphill

H.B. No. 2875

Substitute the following for H.B. No. 2875:

By: Harper-Brown

C.S.H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the motor vehicle inspection program; creating an
3 offense; amending the amount of certain fees.

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

5 SECTION 1. Article 45.003, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 45.003. DEFINITION FOR CERTAIN PROSECUTIONS. For
8 purposes of dismissing a charge under Section 502.407 [~~or 548.605~~],
9 Transportation Code, "day" does not include Saturday, Sunday, or a
10 legal holiday.

11 SECTION 2. Section 51.207(d), Education Code, is amended to
12 read as follows:

13 (d) This subsection applies only to a public institution of
14 higher education campus that is not covered by Subsection (b). The
15 institution may not issue a permit to a student of the institution
16 for driving or parking a motor vehicle on institutional property
17 unless the institution provides written notice to the student that
18 failure to register the vehicle in this state [~~or to display a~~
19 ~~current and appropriate inspection certificate issued under~~
20 ~~Chapter 548, Transportation Code,~~] may violate state law if the
21 owner of the vehicle resides in this state.

22 SECTION 3. Section 103.0213, Government Code, is amended to
23 read as follows:

24 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR

1 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
2 party to a civil suit, as applicable, shall pay the following fees
3 and costs under the Transportation Code if ordered by the court or
4 otherwise required:

5 (1) administrative fee on dismissal of charge of
6 driving with an expired motor vehicle registration (Sec. 502.407,
7 Transportation Code) . . . not to exceed \$20;

8 (2) administrative fee on dismissal of charge of
9 driving with an expired driver's license (Sec. 521.026,
10 Transportation Code) . . . not to exceed \$20;

11 ~~(3) [administrative fee on remediation of charge of~~
12 ~~driving with an expired inspection certificate (Sec. 548.605,~~
13 ~~Transportation Code) . . . not to exceed \$20;~~

14 ~~[(4)]~~ administrative fee for failure to appear for a
15 complaint or citation on certain offenses (Sec. 706.006,
16 Transportation Code) . . . \$30 for each violation; and

17 (4) ~~[(5)]~~ administrative fee for failure to pay or
18 satisfy certain judgments (Sec. 706.006, Transportation Code)
19 . . . \$30.

20 SECTION 4. Section 382.0622(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) Clean Air Act fees consist of:

23 (1) fees collected by the commission under Sections
24 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
25 by law;

26 (2) \$2 of each fee ~~[advance payment]~~ collected for
27 inspections of ~~[by the Department of Public Safety for inspection~~

1 ~~certificates for~~] vehicles other than mopeds under Section 548.501,
2 Transportation Code; and

3 (3) fees collected that are required under Section 185
4 of the federal Clean Air Act (42 U.S.C. Section 7511d).

5 SECTION 5. Section 382.202(d), Health and Safety Code, is
6 amended to read as follows:

7 (d) On adoption of a resolution by the commission and after
8 proper notice, the Department of Public Safety of the State of Texas
9 shall implement a system that requires, as a condition of obtaining
10 an [~~a safety~~] inspection certificate issued under Subchapter C,
11 Chapter 548, Transportation Code, in a county that is included in a
12 vehicle emissions inspection and maintenance program under
13 Subchapter F of that chapter, that the vehicle, unless the vehicle
14 is not covered by the system, be annually or biennially inspected
15 under the vehicle emissions inspection and maintenance program as
16 required by the state's air quality state implementation plan. The
17 Department of Public Safety shall implement such a system when it is
18 required by any provision of federal or state law, including any
19 provision of the state's air quality state implementation plan.

20 SECTION 6. Section 382.205(d), Health and Safety Code, is
21 amended to read as follows:

22 (d) The Department of Public Safety of the State of Texas by
23 rule shall adopt:

24 (1) testing procedures in accordance with motor
25 vehicle emissions testing equipment specifications; and

26 (2) procedures for issuing or denying an emissions
27 inspection certificate and submitting reports to the inspection

1 database described by Section 548.251, Transportation Code,
2 following an emissions inspection.

3 SECTION 7. Sections 382.220(b) and (d), Health and Safety
4 Code, are amended to read as follows:

5 (b) A program under this section must be implemented in
6 consultation with the commission and may include a program to:

7 (1) expand and enhance the AirCheck Texas Repair and
8 Replacement Assistance Program;

9 (2) develop and implement programs or systems that
10 remotely determine vehicle emissions and notify the vehicle's
11 operator;

12 (3) develop and implement projects to implement the
13 commission's smoking vehicle program;

14 (4) develop and implement projects for coordinating
15 with local law enforcement officials to reduce the use of
16 counterfeit state inspection certificates [~~stickers~~] by providing
17 local law enforcement officials with funds to identify vehicles
18 with counterfeit state inspection certificates [~~stickers~~] and to
19 carry out appropriate actions;

20 (5) develop and implement programs to enhance
21 transportation system improvements; or

22 (6) develop and implement new air control strategies
23 designed to assist local areas in complying with state and federal
24 air quality rules and regulations.

25 (d) Fees collected under Sections 382.202 and 382.302 may be
26 used, in an amount not to exceed \$5 million per fiscal year, for
27 projects described by Subsection (b). The fees shall be made

1 available only to counties participating in the low-income vehicle
2 repair assistance, retrofit, and accelerated vehicle retirement
3 programs created under Section 382.209 and only on a matching
4 basis, whereby the commission provides money to a county in the same
5 amount that the county dedicates to a project authorized by
6 Subsection (b). The commission may reduce the match requirement
7 for a county that proposes to develop and implement independent
8 test facility fraud detection programs, including the use of remote
9 sensing technology for coordinating with law enforcement officials
10 to detect, prevent, and prosecute the use of counterfeit state
11 inspection certificates [~~stickers~~].

12 SECTION 8. Sections 2308.253(d) and (e), Occupations Code,
13 are amended to read as follows:

14 (d) Except as provided by a contract described by Subsection
15 (e), a parking facility owner may not have a vehicle removed from
16 the parking facility merely because the vehicle does not display[+
17

18 [~~(1)~~] an unexpired license plate or registration
19 insignia issued for the vehicle under Chapter 502, Transportation
20 Code, or the vehicle registration law of another state or country[+
21

22 [~~(2) a valid vehicle inspection certificate issued~~
23 ~~under Chapter 548, Transportation Code, or the vehicle inspection~~
24 ~~law of another state or country]~~.

25 (e) A contract provision providing for the removal from a
26 parking facility of a vehicle that does not display an unexpired
27 license plate or registration insignia [~~or a valid inspection~~
28 ~~certificate~~] is valid only if the provision requires the owner or

1 operator of the vehicle to be given at least 10 days' written notice
2 that the vehicle will be towed from the facility at the vehicle
3 owner's or operator's expense if it is not removed from the parking
4 facility. The notice must be:

5 (1) delivered in person to the owner or operator of the
6 vehicle; or

7 (2) sent by certified mail, return receipt requested,
8 to that owner or operator.

9 SECTION 9. The heading to Section 502.0023, Transportation
10 Code, is amended to read as follows:

11 Sec. 502.0023. [~~EXTENDED~~] REGISTRATION OF COMMERCIAL FLEET
12 VEHICLES.

13 SECTION 10. Sections 502.0023(a) and (b), Transportation
14 Code, are amended to read as follows:

15 (a) The [~~Notwithstanding Section 502.044(c), the~~]
16 department shall develop and implement a system of registration to
17 allow an owner of a commercial fleet to register the motor vehicles,
18 semitrailers, and trailers in the commercial fleet [~~for an extended~~
19 ~~registration period of not less than one year or more than eight~~
20 ~~years. The owner may select the number of years for registration~~
21 ~~under this section within that range and register the commercial~~
22 ~~fleet for that period. Payment for all registration fees for the~~
23 ~~entire registration period selected is due at the time of~~
24 ~~registration]~~.

25 (b) A system of fleet [~~extended~~] registration under this
26 section must allow the owner of a commercial fleet to register:

27 (1) an entire commercial fleet in the county of the

1 owner's residence or principal place of business; or

2 (2) the motor vehicles in a commercial fleet that are
3 operated most regularly in the same county.

4 SECTION 11. Section 502.047, Transportation Code, is
5 amended to read as follows:

6 Sec. 502.047. REGISTRATION-BASED ENFORCEMENT OF MOTOR
7 VEHICLE [EMISSIONS] INSPECTION [AND MAINTENANCE] REQUIREMENTS.

8 (a) The department and the Department of Public Safety shall ensure
9 compliance with the motor vehicle inspection requirements under
10 Chapter 548, including compliance with the motor vehicle emissions
11 inspection and maintenance program under Subchapter F of that
12 chapter, through a vehicle registration-based enforcement system
13 ~~[inspection sticker-based enforcement system except as provided by~~
14 ~~this section or Section 548.3011. Subsections (b)-(e) apply only~~
15 ~~if the United States Environmental Protection Agency determines~~
16 ~~that the state has not demonstrated, as required by 40 C.F.R.~~
17 ~~Section 51.361, that sticker-based enforcement of the program is~~
18 ~~more effective than registration-based enforcement and gives the~~
19 ~~Texas Commission on Environmental Quality or the governor written~~
20 ~~notification that the reregistration-based enforcement of the~~
21 ~~program, as described by those subsections, will be required. If~~
22 ~~Subsections (b)-(e) are made applicable as provided by this~~
23 ~~subsection, the department shall terminate reregistration-based~~
24 ~~enforcement of the program under those subsections on the date the~~
25 ~~United States Environmental Protection Agency gives the Texas~~
26 ~~Commission on Environmental Quality or a person the commission~~
27 ~~designates written notification that reregistration-based~~

1 ~~enforcement is not required for the state implementation plan].~~

2 (b) A motor vehicle may not be registered if the department
3 receives from the Texas Commission on Environmental Quality or the
4 Department of Public Safety notification that the registered owner
5 of the vehicle has not complied with ~~[Subchapter F,]~~ Chapter 548.

6 (c) A motor vehicle may not be registered if the vehicle was
7 denied registration under Subsection (b) unless verification is
8 received that the registered vehicle owner is in compliance with
9 ~~[Subchapter F,]~~ Chapter 548.

10 (d) The department and the Department of Public Safety shall
11 enter into an agreement regarding the timely submission by the
12 Department of Public Safety of inspection compliance information to
13 the department.

14 (d-1) The department, the Texas Commission on Environmental
15 Quality, and the Department of Public Safety shall enter an
16 agreement regarding the responsibilities for costs associated with
17 implementing this section.

18 (e) A county tax assessor-collector is not liable to any
19 person for refusing to register a motor vehicle because of the
20 person's failure to provide verification of the person's compliance
21 with ~~[Subchapter F,]~~ Chapter 548.

22 SECTION 12. Section 502.059(c), Transportation Code, is
23 amended to read as follows:

24 (c) Except as provided by Subsection (f), the registration
25 insignia for validation of a license plate shall be attached to the
26 inside of the vehicle's windshield, if the vehicle has a
27 windshield, in the lower left corner in a manner that will not

1 obstruct the vision of the driver [~~within six inches of the place~~
2 ~~where the motor vehicle inspection sticker is required to be~~
3 ~~placed~~]. If the vehicle does not have a windshield, the owner,
4 when applying for registration or renewal of registration, shall
5 notify the department, and the department shall issue a distinctive
6 device for attachment to the rear license plate of the vehicle.

7 SECTION 13. The heading to Section 521.3465, Transportation
8 Code, is amended to read as follows:

9 Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF
10 CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE
11 PLATES, REGISTRATION INSIGNIA, OR [~~SAFETY~~] INSPECTION
12 CERTIFICATES.

13 SECTION 14. Section 521.3465(a), Transportation Code, is
14 amended to read as follows:

15 (a) A license is automatically suspended on final
16 conviction of the license holder of:

17 (1) an offense under Section 502.475(a)(4)
18 [~~502.409(a)(4)~~]; or

19 (2) an offense under Section 548.603(a)(1) that
20 involves a fictitious [~~safety~~] inspection certificate.

21 SECTION 15. Section 521.3466(a), Transportation Code, is
22 amended to read as follows:

23 (a) A license is automatically revoked on final conviction
24 of the license holder of an offense under Section 37.10, Penal Code,
25 if the governmental record was a motor vehicle license plate or
26 registration insignia, within the meaning of Chapter 502, or an [~~a~~
27 ~~safety~~] inspection certificate, within the meaning of Chapter 548.

1 SECTION 16. Section 548.001, Transportation Code, is
2 amended by adding Subdivision (6-a) to read as follows:

3 (6-a) "Inspection certificate" means a report
4 printed, manufactured, or made by the department or an authorized
5 agent of the department and issued by an inspector or an inspection
6 station for a vehicle that passes the safety and, if applicable,
7 emissions inspections required by this chapter.

8 SECTION 17. Section 548.004(c), Transportation Code, is
9 amended to read as follows:

10 (c) The facility may inspect only a vehicle owned by the
11 political subdivision or state agency. [~~An officer, employee, or~~
12 ~~inspector of the subdivision or agency may not place an inspection~~
13 ~~certificate received from the department under this section on a~~
14 ~~vehicle not owned by the subdivision or agency.~~]

15 SECTION 18. Section 548.053(a), Transportation Code, is
16 amended to read as follows:

17 (a) If an inspection discloses the necessity for
18 adjustment, correction, or repair, an inspection station or
19 inspector may not issue an inspection certificate or submit a
20 passing report to the department's inspection database until the
21 adjustment, correction, or repair is made. The owner of the vehicle
22 may have the adjustment, correction, or repair made by a qualified
23 person of the owner's choice, subject to reinspection. The vehicle
24 shall be reinspected once free of charge within 15 days after the
25 date of the original inspection, not including the date the
26 original inspection is made, at the same inspection station after
27 the adjustment, correction, or repair is made.

1 SECTION 19. Section 548.101, Transportation Code, is
2 amended to read as follows:

3 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except
4 as provided by Section 548.102, the department shall require an
5 annual inspection. The department shall set the periods of
6 inspection and may make rules with respect to those periods. The
7 rules must provide that a vehicle owner may obtain an inspection not
8 earlier than 90 days before the date of expiration of the vehicle's
9 registration.

10 SECTION 20. Section 548.103, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN
13 VEHICLES. The department may extend the time within which the
14 resident owner of a vehicle that is not in this state when an
15 inspection is required must obtain an inspection [~~certificate~~] in
16 this state.

17 SECTION 21. Sections 548.104(b), (c), (d), and (e),
18 Transportation Code, are amended to read as follows:

19 (b) An inspection station or inspector may issue an
20 inspection certificate and submit a passing report for the vehicle
21 to the department's inspection database only if the vehicle is
22 inspected and found to be in proper and safe condition and to comply
23 with this chapter and the rules adopted under this chapter.

24 (c) An inspection station or inspector may inspect only the
25 equipment required to be inspected by Section 548.051 and may not:

26 (1) falsely and fraudulently represent to an applicant
27 that equipment required to be inspected must be repaired, adjusted,

1 or replaced before the vehicle will pass inspection; or

2 (2) require an applicant to have another part of the
3 vehicle or other equipment inspected as a prerequisite for issuance
4 of an inspection certificate and submission of a passing report for
5 the vehicle to the department's inspection database.

6 (d) An inspection station or inspector may not issue an
7 inspection certificate or submit a passing report for the vehicle
8 to the department's inspection database for a vehicle equipped
9 with:

10 (1) a carburetion device permitting the use of
11 liquefied gas alone or interchangeably with another fuel, unless a
12 valid liquefied gas tax decal issued by the comptroller is attached
13 to the lower right-hand corner of the front windshield of the
14 vehicle on the passenger side; or

15 (2) a sunscreening device prohibited by Section
16 547.613, except that the department by rule shall provide
17 procedures for issuance of an inspection certificate for a vehicle
18 exempt under Section 547.613(c).

19 (e) The department shall adopt rules relating to inspection
20 of, ~~and~~ issuance of an inspection certificate for, and submission
21 of a report to the department's inspection database for a moped.

22 SECTION 22. Section 548.105, Transportation Code, is
23 amended to read as follows:

24 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS
25 PREREQUISITE TO ISSUANCE OF INSPECTION CERTIFICATE. (a) An
26 inspection station or inspector may not issue an inspection
27 certificate or submit a passing report to the department's

1 inspection database for a vehicle unless the owner or operator
2 furnishes evidence of financial responsibility at the time of
3 inspection. Evidence of financial responsibility may be shown in
4 the manner specified under Section 601.053(a). A personal
5 automobile insurance policy used as evidence of financial
6 responsibility must be written for a term of 30 days or more as
7 required by Article 5.06, Insurance Code.

8 (b) An inspection station is not liable to a person,
9 including a third party, for issuing an inspection certificate or
10 submitting a passing report to the department's inspection database
11 in reliance on evidence of financial responsibility furnished to
12 the station. An inspection station that is the seller of a motor
13 vehicle may rely on an oral insurance binder.

14 SECTION 23. The heading to Subchapter E, Chapter 548,
15 Transportation Code, is amended to read as follows:

16 SUBCHAPTER E. ISSUANCE, RECORDING, AND PROOF OF INSPECTION
17 CERTIFICATES [~~AND VERIFICATION FORMS~~]

18 SECTION 24. Section 548.251, Transportation Code, is
19 amended to read as follows:

20 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~
21 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department
22 shall maintain an electronic database to which inspection stations
23 may electronically submit the information required by Section
24 548.253 [~~provide serially numbered inspection certificates and~~
25 ~~verification forms to inspection stations. The department may~~
26 ~~issue a unique inspection certificate for:~~

27 [~~(1) a commercial motor vehicle inspected under~~

1 ~~Section 548.201, or~~

2 ~~[(2) a vehicle inspected under Subchapter F].~~

3 SECTION 25. Section 548.252, Transportation Code, is
4 amended to read as follows:

5 Sec. 548.252. ISSUANCE ~~[SAFEKEEPING AND CONTROL]~~ OF
6 INSPECTION CERTIFICATES ~~[AND VERIFICATION FORMS]~~. (a) The
7 department by rule shall require an inspection station to issue an
8 inspection certificate to the owner or operator of each vehicle
9 inspected by the station that passes the inspections required by
10 this chapter.

11 (b) The department may adopt rules regarding the issuance of
12 inspection certificates, including rules providing for ~~[On being~~
13 ~~licensed, an inspector or owner of an inspection station shall:~~

14 ~~[(1) provide for]~~ the format and safekeeping of the
15 ~~[inspection] certificates [and verification forms,~~

16 ~~[(2) safeguard the certificates and forms against~~
17 ~~theft, loss, or damage,~~

18 ~~[(3) control the sequence of issuance of the~~
19 ~~certificates and forms, and~~

20 ~~[(4) ensure that the certificates and forms are issued~~
21 ~~in accordance with department rules].~~

22 (c) The department shall provide to inspection stations
23 equipment and supplies necessary to comply with this section.

24 SECTION 26. Section 548.253, Transportation Code, is
25 amended to read as follows:

26 Sec. 548.253. INFORMATION TO BE SUBMITTED ~~[RECORDED]~~ ON
27 COMPLETION ~~[ISSUANCE]~~ OF INSPECTION ~~[CERTIFICATE AND VERIFICATION~~

1 ~~FORM~~]. An inspection station or inspector, on completion of
2 ~~[issuing]~~ an inspection ~~[certificate and verification form]~~, shall
3 electronically submit to the department's inspection database:

4 (1) the vehicle identification number of the inspected
5 vehicle and an indication of whether the vehicle passed the
6 inspections required by this chapter ~~[make a record and report as~~
7 ~~prescribed by the department of the inspection and certificate~~
8 ~~issued]; and~~

9 (2) any additional ~~[include in the inspection~~
10 ~~certificate and verification form the]~~ information required by rule
11 by the department for the type of vehicle inspected.

12 SECTION 27. Section 548.254, Transportation Code, is
13 amended to read as follows:

14 Sec. 548.254. VALIDITY OF INSPECTION CERTIFICATE. An
15 inspection certificate is invalid after the end of the 12th month
16 following the month in which the certificate is issued. ~~[An unused~~
17 ~~inspection certificate representing a previous inspection period~~
18 ~~may not be issued after the beginning of the next period.]~~

19 SECTION 28. Section 548.256, Transportation Code, is
20 amended to read as follows:

21 Sec. 548.256. PROOF OF INSPECTION ~~[VERIFICATION FORM]~~
22 REQUIRED TO REGISTER VEHICLE. ~~[(a)]~~ Before a vehicle ~~[that is~~
23 ~~brought into this state by a person other than a manufacturer or~~
24 ~~importer]~~ may be registered, the Texas Department of Motor Vehicles
25 or the county assessor-collector registering the vehicle shall
26 verify that the vehicle has a passing report in the department's
27 inspection database. If the database report is not available, the

1 owner of the vehicle may present an inspection certificate issued
2 for the vehicle [~~the owner must have the vehicle inspected and~~
3 ~~have the inspection station record the following information on a~~
4 ~~verification form prescribed and provided by the department.~~

5 [~~(1) the vehicle identification number,~~

6 [~~(2) the number appearing on the odometer of the~~
7 ~~vehicle at the time of the inspection, if the vehicle has an~~
8 ~~odometer; and~~

9 [~~(3) other information the department requires].~~

10 [~~(b) An inspection station may not issue the verification~~
11 ~~form unless the vehicle complies with the inspection requirements~~
12 ~~of this chapter.]~~

13 SECTION 29. Section 548.258(b), Transportation Code, is
14 amended to read as follows:

15 (b) The department may adopt rules to require an inspection
16 station to use the state electronic Internet portal to[+

17 [~~(1) purchase inspection certificates, or~~

18 [~~(2)] send to the department a record, report, or~~

19 other information required by the department.

20 SECTION 30. Section 548.301(c), Transportation Code, is
21 amended to read as follows:

22 (c) A program established under this section must
23 [~~Subsection (b) or (b-1) may~~] include registration and
24 reregistration-based enforcement.

25 SECTION 31. Section 548.302, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND

1 REQUIREMENTS. The commission shall:

2 (1) adopt standards for emissions-related inspection
3 criteria consistent with requirements of the United States and the
4 conservation commission applicable to a county in which a program
5 is established under this subchapter; and

6 (2) develop and impose requirements necessary to
7 ensure that an inspection certificate is not issued to a vehicle
8 subject to a program established under this subchapter, and that a
9 passing report is not submitted to the department's inspection
10 database for the vehicle, unless the vehicle has passed a motor
11 vehicle emissions inspection at a facility authorized and certified
12 by the department.

13 SECTION 32. Section 548.304, Transportation Code, is
14 amended to read as follows:

15 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
16 INSPECTIONS. [~~(a)~~] The department may authorize and certify
17 inspection stations as necessary to implement the
18 emissions-related inspection requirements of the motor vehicle
19 emissions inspection and maintenance program established under
20 this subchapter if the station meets the department's certification
21 requirements.

22 [~~(b) The department shall provide inspection certificates~~
23 ~~for distribution and issuance at inspection stations certified by~~
24 ~~the department.]~~

25 SECTION 33. Section 548.401, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.401. CERTIFICATION GENERALLY. A person may

1 perform an inspection, ~~or~~ issue an inspection certificate, or
2 submit a report to the department's inspection database only if
3 certified to do so by the department under rules adopted by the
4 department.

5 SECTION 34. Section 548.407(d), Transportation Code, is
6 amended to read as follows:

7 (d) The department may provide that a revocation or
8 suspension takes effect on receipt of notice under Subsection (b)
9 if the department finds that the action is necessary to prevent or
10 remedy a threat to public health, safety, or welfare. Violations
11 that present a threat to public health, safety, or welfare include:

12 (1) issuing an inspection certificate or submitting a
13 report to the department's inspection database with knowledge that
14 the issuance or submission is in violation of this chapter or rules
15 adopted under this chapter;

16 (2) falsely or fraudulently representing to the owner
17 or operator of a vehicle that equipment inspected or required to be
18 inspected must be repaired, adjusted, or replaced for the vehicle
19 to pass an inspection;

20 (3) issuing an inspection certificate or submitting a
21 report to the department's inspection database:

22 (A) without authorization to issue the
23 certificate or submit the report; or

24 (B) without inspecting the vehicle;

25 (4) issuing an inspection certificate or submitting a
26 passing report to the department's inspection database for a
27 vehicle with knowledge that the vehicle has not been repaired,

1 adjusted, or corrected after an inspection has shown a repair,
2 adjustment, or correction to be necessary;

3 (5) knowingly issuing an inspection certificate or
4 submitting a passing report to the department's inspection
5 database:

6 (A) for a vehicle without conducting an
7 inspection of each item required to be inspected; or

8 (B) for a vehicle that is missing an item
9 required to be inspected or that has an item required to be
10 inspected that is not in compliance with state law or department
11 rules;

12 (6) refusing to allow a vehicle's owner to have a
13 qualified person of the owner's choice make a required repair,
14 adjustment, or correction;

15 (7) charging for an inspection an amount greater than
16 the authorized fee;

17 (8) a violation of Subchapter F;

18 (9) a violation of Section 548.603; or

19 (10) a conviction of a felony or a Class A or B
20 misdemeanor that directly relates to or affects the duties or
21 responsibilities of a vehicle inspection station or inspector or a
22 conviction of a similar crime under the jurisdiction of another
23 state or the federal government.

24 SECTION 35. Section 548.501, Transportation Code, is
25 amended to read as follows:

26 Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as
27 provided by Sections 548.503 and 548.504, each inspection station

1 shall set a reasonable maximum [~~the~~] fee for inspection of a motor
2 vehicle [~~other than a moped is \$12.50. The fee for inspection of a~~
3 ~~moped is \$5.75. The fee for a verification form issued as required~~
4 ~~by Section 548.256 is \$1~~].

5 (b) Out of each fee for an inspection \$5.50 shall be
6 remitted to the state under Section 548.509 [~~An inspection station~~
7 ~~shall pay to the department \$5.50 of each fee for an inspection.~~
8 ~~The department may require the station to make an advance payment of~~
9 ~~\$5.50 for each inspection certificate provided to the station. If~~
10 ~~advance payment is made.~~

11 [~~(1) no further payment may be required on issuance of~~
12 ~~a certificate,~~

13 [~~(2) the inspection station may waive the fee due from~~
14 ~~the owner of an inspected vehicle who is issued a certificate to~~
15 ~~which the advance payment applies,~~

16 [~~(3) the department shall refund to the inspection~~
17 ~~station \$5.50 for each unissued certificate that the station~~
18 ~~returns to the department in accordance with department rules, and~~

19 [~~(4) the conservation commission shall pay to the~~
20 ~~department \$2 for each unissued certificate that the station~~
21 ~~returns to the department~~].

22 (c) If the maximum inspection fee set by the inspection
23 station exceeds the recommended maximum inspection fee set by the
24 commission under Subsection (e), the inspection station must
25 provide written notice to the commission of the inspection
26 station's maximum inspection fee.

27 (d) After receiving written notice under Subsection (c),

1 the commission may review an inspection station's maximum
2 inspection fee to determine whether it is reasonable. In
3 determining whether a maximum inspection fee charged by an
4 inspection station is reasonable, the commission may consider the
5 resources required by the inspection station to perform the
6 station's inspection duties under state and federal law. If the
7 commission determines that an inspection fee is not reasonable, the
8 commission may require the inspection station to reduce the amount
9 of the maximum inspection fee the station charges.

10 (e) The commission by rule shall establish a statewide
11 recommended maximum inspection fee that an inspection station may
12 charge for inspection of a motor vehicle. The recommended maximum
13 inspection fee may not exceed \$17.50.

14 SECTION 36. Section 548.502, Transportation Code, is
15 amended to read as follows:

16 Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE
17 AGENCY. A political subdivision or state agency for which the
18 department certifies an inspection station under Section 548.004:

19 (1) shall pay to the state [~~department an advance~~
20 ~~payment of~~] \$5.50 for each inspection under Section 548.509
21 [~~certificate provided to it~~]; and

22 (2) may not be required to pay the remainder of the
23 [~~compulsory~~] inspection fee.

24 SECTION 37. Section 548.503, Transportation Code, is
25 amended to read as follows:

26 Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR
27 OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or

1 light truck under Section 548.102 shall be set by the department by
2 rule on or before September 1 of each year. A fee set by the
3 department under this subsection must be based on the costs of
4 ~~[producing certificates,]~~ providing inspections~~[,]~~ and
5 administering the program, but may not be less than \$21.75.

6 (b) Out of each fee for an inspection under this section
7 \$14.75 shall be remitted to the state under Section 548.509. ~~[The~~
8 ~~department shall require an inspection station to make an advance~~
9 ~~payment of \$14.75 for a certificate to be issued under this section.~~
10 ~~Additional payment may not be required of the station for the~~
11 ~~certificate. The inspection station may waive the fee due from the~~
12 ~~owner of the vehicle inspected. A refund for an unissued~~
13 ~~certificate shall be made in the same manner as provided for other~~
14 ~~certificate refunds.]~~

15 SECTION 38. Section 548.504(b), Transportation Code, is
16 amended to read as follows:

17 (b) Out of each fee for inspection of a commercial motor
18 vehicle \$10 shall be remitted to the department under Section
19 548.509 ~~[The inspection station shall pay to the department \$10 of~~
20 ~~each fee for inspection of a commercial motor vehicle. The~~
21 ~~department may require the station to make an advance payment of \$10~~
22 ~~for a certificate to be issued under this section. If advance~~
23 ~~payment is made:~~

24 ~~[(1) no additional payment may be required of the~~
25 ~~station for the certificate, and~~

26 ~~[(2) a refund for an unissued certificate shall be~~
27 ~~made in the same manner as provided for other certificate refunds].~~

1 SECTION 39. Section 548.505(a), Transportation Code, is
2 amended to read as follows:

3 (a) The department by rule may impose an inspection fee for
4 a vehicle inspected under Section 548.301(a) in addition to the fee
5 provided by Section 548.501, 548.502, 548.503, or 548.504. A fee
6 imposed under this subsection must be based on the costs of:

- 7 (1) [~~producing certificates,~~
8 [~~2~~] providing inspections; and
9 (2) [~~3~~] administering the program.

10 SECTION 40. Section 548.508, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
13 Sections 382.0622 and 382.202, Health and Safety Code, and Section
14 548.5055, each fee remitted to the comptroller [~~collected by the~~
15 ~~department~~] under this subchapter shall be deposited to the credit
16 of the Texas mobility fund.

17 SECTION 41. Subchapter H, Chapter 548, Transportation Code,
18 is amended by adding Section 548.509 to read as follows:

19 Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. The
20 Texas Department of Motor Vehicles or a county assessor-collector
21 that registers a motor vehicle that is subject to an inspection fee
22 under this chapter shall collect at the time of registration of the
23 motor vehicle the portion of the inspection fee that is required to
24 be remitted to the state. The Texas Department of Motor Vehicles or
25 the county assessor-collector shall remit the fee to the
26 comptroller.

27 SECTION 42. Subchapter H, Chapter 548, Transportation Code,

1 is amended by adding Section 548.510 to read as follows:

2 Sec. 548.510. SIGNS DISPLAYING FEES. An inspection station
3 shall post, in an area of the station that is accessible to and
4 frequented by the public, a sign or placard stating:

5 (1) the maximum fee the inspection station may charge
6 for a vehicle safety inspection; and

7 (2) the maximum fee the inspection station may charge
8 for an emissions test, if required.

9 SECTION 43. Section 548.601(a), Transportation Code, is
10 amended to read as follows:

11 (a) A person, including an inspector or an inspection
12 station, commits an offense if the person:

13 (1) issues an inspection certificate or submits a
14 report to the department's inspection database with knowledge that
15 the issuance or submission is in violation of this chapter or rules
16 adopted under this chapter;

17 (2) falsely or fraudulently represents to the owner or
18 operator of a vehicle that equipment inspected or required to be
19 inspected must be repaired, adjusted, or replaced for the vehicle
20 to pass an inspection;

21 (3) misrepresents:

22 (A) material information in an application in
23 violation of Section 548.402 or 548.403; or

24 (B) information filed with the department under
25 this chapter or as required by department rule;

26 (4) issues an inspection certificate or submits a
27 report to the department's inspection database:

1 (A) without authorization to issue the
2 certificate or submit the report; or

3 (B) without inspecting the vehicle;

4 (5) issues an inspection certificate or submits a
5 passing report to the department's inspection database for a
6 vehicle with knowledge that the vehicle has not been repaired,
7 adjusted, or corrected after an inspection has shown a repair,
8 adjustment, or correction to be necessary;

9 (6) knowingly issues an inspection certificate or
10 submits a passing report to the department's inspection database:

11 (A) for a vehicle without conducting an
12 inspection of each item required to be inspected; or

13 (B) for a vehicle that is missing an item
14 required to be inspected or that has an item required to be
15 inspected that is not in compliance with state law or department
16 rules;

17 (7) refuses to allow a vehicle's owner to have a
18 qualified person of the owner's choice make a required repair,
19 adjustment, or correction;

20 (8) charges for an inspection an amount greater than
21 the authorized fee; or

22 (9) performs an act prohibited by or fails to perform
23 an act required by this chapter or a rule adopted under this
24 chapter.

25 SECTION 44. Sections 548.603(a), (b), and (c),
26 Transportation Code, are amended to read as follows:

27 (a) A person commits an offense if the person:

1 (1) presents [~~displays or causes or permits to be~~
2 ~~displayed~~] an inspection certificate or insurance document knowing
3 that the certificate or document is counterfeit, tampered with,
4 altered, fictitious, issued for another vehicle, [~~issued for a~~
5 ~~vehicle failing to meet all emissions inspection requirements,~~] or
6 issued in violation of:

7 (A) this chapter, rules adopted under this
8 chapter, or other law of this state; or

9 (B) a law of another state, the United States,
10 the United Mexican States, a state of the United Mexican States,
11 Canada, or a province of Canada;

12 (2) [~~transfers an inspection certificate from a~~
13 ~~windshield or location to another windshield or location,~~

14 ~~(3)~~ with intent to circumvent the emissions
15 inspection requirements seeks an inspection of a vehicle at a
16 station not certified to perform an emissions inspection if the
17 person knows that the vehicle is required to be inspected under
18 Section 548.301; or

19 (3) [~~(4)~~] knowingly does not comply with an emissions
20 inspection requirement for a vehicle[, ~~or~~

21 ~~(5) displays on a vehicle an inspection certificate~~
22 ~~that was obtained knowing that the vehicle does not meet all~~
23 ~~emissions inspection requirements for the vehicle].~~

24 (b) A person commits an offense if the person:

25 (1) makes or possesses, with the intent to sell,
26 circulate, or pass, a counterfeit inspection certificate or
27 insurance document; or

1 (2) possesses any part of a stamp, dye, plate,
2 negative, machine, or other device that is used or designated for
3 use in making a counterfeit [~~inspection certificate or~~] insurance
4 document.

5 (c) The owner of a vehicle commits an offense if the owner
6 knowingly allows the vehicle to be registered using as proof of
7 compliance with this chapter [~~or operated while the vehicle~~
8 ~~displays~~] an inspection certificate described by [~~in violation of~~]
9 Subsection (a).

10 SECTION 45. Section 548.6035(a), Transportation Code, is
11 amended to read as follows:

12 (a) A person commits an offense if, in connection with a
13 required emissions inspection of a motor vehicle, the person
14 knowingly:

15 (1) submits a passing report to the department's
16 inspection database [~~places or causes to be placed on a motor~~
17 ~~vehicle an inspection certificate,~~] if:

18 (A) the vehicle does not meet the emissions
19 requirements established by the department; or

20 (B) the person has not inspected the vehicle;

21 (2) manipulates an emissions test result;

22 (3) uses or causes to be used emissions data from
23 another motor vehicle as a substitute for the motor vehicle being
24 inspected; or

25 (4) bypasses or circumvents a fuel cap test.

26 SECTION 46. Section 623.011(d), Transportation Code, is
27 amended to read as follows:

1 (d) When the department issues a permit under this section,
2 the department shall issue a sticker to be placed on the front
3 windshield of the vehicle [~~above the inspection certificate issued~~
4 ~~to the vehicle~~]. The department shall design the form of the
5 sticker to aid in the enforcement of weight limits for vehicles.

6 SECTION 47. Section 683.051, Transportation Code, is
7 amended to read as follows:

8 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
9 CERTAIN MOTOR VEHICLES. A person may apply to the department for
10 authority:

11 (1) to sell, give away, or dispose of a motor vehicle
12 to a motor vehicle demolisher if:

13 (A) the person owns the motor vehicle and the
14 certificate of title to the vehicle is lost, destroyed, or faulty;
15 or

16 (B) the vehicle is an abandoned motor vehicle and
17 is:

18 (i) in the possession of the person; or
19 (ii) located on property owned by the
20 person; or

21 (2) to dispose of a motor vehicle to a motor vehicle
22 demolisher for demolition, wrecking, or dismantling if:

23 (A) the abandoned motor vehicle:

24 (i) is in the possession of the person;
25 (ii) is more than eight years old;
26 (iii) either has no motor or is otherwise

27 totally inoperable or does not comply with all applicable air

1 pollution emissions control related requirements included in[+
2 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
3 ~~evidenced by a current inspection certificate affixed to the~~
4 ~~vehicle windshield; or (bb)] the vehicle emissions inspection and
5 maintenance requirements contained in the Public Safety
6 Commission's motor vehicle emissions inspection and maintenance
7 program under Subchapter F, Chapter 548, or the state's air quality
8 state implementation plan; and~~

9 (iv) was authorized to be towed by a law
10 enforcement agency; and

11 (B) the law enforcement agency approves the
12 application.

13 SECTION 48. Section 683.071, Transportation Code, as
14 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the
15 82nd Legislature, Regular Session, 2011, is reenacted and amended
16 to read as follows:

17 Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this
18 subchapter, "junked vehicle" means a vehicle that:

19 (1) is self-propelled; and

20 (2) is:

21 (A) wrecked, dismantled or partially dismantled,
22 or discarded; or

23 (B) inoperable and has remained inoperable for
24 more than:

25 (i) 72 consecutive hours, if the vehicle is
26 on public property; or

27 (ii) 30 consecutive days, if the vehicle is

1 on private property.

2 (b) For purposes of this subchapter, "junked vehicle"
3 includes a motor vehicle, aircraft, or watercraft. This subchapter
4 applies only to:

5 (1) a motor vehicle that displays an expired license
6 plate [~~or invalid motor vehicle inspection certificate~~] or does not
7 display a license plate [~~or motor vehicle inspection certificate~~];

8 (2) an aircraft that does not have lawfully printed on
9 the aircraft an unexpired federal aircraft identification number
10 registered under Federal Aviation Administration aircraft
11 registration regulations in 14 C.F.R. Part 47; or

12 (3) a watercraft that:

13 (A) does not have lawfully on board an unexpired
14 certificate of number; and

15 (B) is not a watercraft described by Section
16 31.055, Parks and Wildlife Code.

17 SECTION 49. The following statutes are repealed:

18 (1) Section 548.053(c), Transportation Code;

19 (2) Section 548.255, Transportation Code;

20 (3) Section 548.257, Transportation Code;

21 (4) Section 548.602, Transportation Code;

22 (5) Section 548.603(e)(2), Transportation Code;

23 (6) Section 548.603(f), Transportation Code, as added
24 by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular
25 Session, 1997; and

26 (7) Section 548.605, Transportation Code.

27 SECTION 50. Article 45.003, Code of Criminal Procedure,

1 Section 103.0213, Government Code, and Sections 521.3465, 548.603,
2 and 548.6035, Transportation Code, as amended by this Act, apply
3 only to an offense committed on or after January 1, 2015. An offense
4 committed before January 1, 2015, is governed by the law in effect
5 on the date the offense was committed, and the former law is
6 continued in effect for that purpose. For purposes of this section,
7 an offense was committed before January 1, 2015, if any element of
8 the offense occurred before that date.

9 SECTION 51. (a) Not later than January 1, 2014, the Texas
10 Department of Motor Vehicles, the Texas Department of Public
11 Safety, and the Texas Commission on Environmental Quality shall
12 adopt rules necessary to implement the changes in law made by this
13 Act.

14 (b) Not later than January 1, 2014, the Department of Public
15 Safety shall create the database described by Section 548.251,
16 Transportation Code, as amended by this Act, and require inspection
17 stations to submit to the database the information required by
18 Section 548.253, Transportation Code, as amended by this Act.

19 SECTION 52. (a) Except as otherwise provided by Subsection
20 (b) of this section, this Act takes effect January 1, 2015.

21 (b) Section 51 of this Act takes effect September 1, 2013.