

By: Harper-Brown

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) a portion ~~[\$2]~~ of each advance payment collected
27 by the Department of Public Safety for inspection certificates for

1 vehicles other than mopeds under Section 548.501, Transportation
2 Code, in an amount to be determined by the Department of Public
3 Safety; and

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

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

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

21 SECTION 6. Sections 382.220(b) and (d), Health and Safety
22 Code, are amended to read as follows:

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

25 (1) expand and enhance the AirCheck Texas Repair and
26 Replacement Assistance Program;

27 (2) develop and implement programs or systems that

1 remotely determine vehicle emissions and notify the vehicle's
2 operator;

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

5 (4) ~~[develop and implement projects for coordinating
6 with local law enforcement officials to reduce the use of
7 counterfeit state inspection stickers by providing local law
8 enforcement officials with funds to identify vehicles with
9 counterfeit state inspection stickers and to carry out appropriate
10 actions;~~

11 ~~[(5)]~~ develop and implement programs to enhance
12 transportation system improvements; or

13 (5) ~~[(6)]~~ develop and implement new air control
14 strategies designed to assist local areas in complying with state
15 and federal air quality rules and regulations.

16 (d) Fees collected under Sections 382.202 and 382.302 may be
17 used, in an amount not to exceed \$5 million per fiscal year, for
18 projects described by Subsection (b). The fees shall be made
19 available only to counties participating in the low-income vehicle
20 repair assistance, retrofit, and accelerated vehicle retirement
21 programs created under Section 382.209 and only on a matching
22 basis, whereby the commission provides money to a county in the same
23 amount that the county dedicates to a project authorized by
24 Subsection (b). ~~[The commission may reduce the match requirement
25 for a county that proposes to develop and implement independent
26 test facility fraud detection programs, including the use of remote
27 sensing technology for coordinating with law enforcement officials~~

1 ~~to detect, prevent, and prosecute the use of counterfeit state~~
2 ~~inspection stickers.]~~

3 SECTION 7. Sections 2308.253(d) and (e), Occupations Code,
4 are amended to read as follows:

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

8 [~~(1)~~] an unexpired license plate or registration
9 insignia issued for the vehicle under Chapter 502, Transportation
10 Code, or the vehicle registration law of another state or country[+
11 ~~or~~

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

15 (e) A contract provision providing for the removal from a
16 parking facility of a vehicle that does not display an unexpired
17 license plate or registration insignia [~~or a valid inspection~~
18 ~~certificate~~] is valid only if the provision requires the owner or
19 operator of the vehicle to be given at least 10 days' written notice
20 that the vehicle will be towed from the facility at the vehicle
21 owner's or operator's expense if it is not removed from the parking
22 facility. The notice must be:

23 (1) delivered in person to the owner or operator of the
24 vehicle; or

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

27 SECTION 8. Section 502.047, Transportation Code, is amended

1 to read as follows:

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

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

25 (b) A motor vehicle may not be registered if the department
26 receives from the ~~[Texas Commission on Environmental Quality or~~
27 ~~the]~~ Department of Public Safety notification that the registered

1 owner of the vehicle has not complied with [~~Subchapter F,~~] Chapter
2 548.

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

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

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

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

19 SECTION 9. Section 502.059(c), Transportation Code, is
20 amended to read as follows:

21 (c) Except as provided by Subsection (f), the registration
22 insignia for validation of a license plate shall be attached to the
23 inside of the vehicle's windshield, if the vehicle has a
24 windshield, in the lower left corner in a manner that will not
25 obstruct the vision of the driver [~~within six inches of the place~~
26 ~~where the motor vehicle inspection sticker is required to be~~
27 ~~placed~~]. If the vehicle does not have a windshield, the owner,

1 when applying for registration or renewal of registration, shall
2 notify the department, and the department shall issue a distinctive
3 device for attachment to the rear license plate of the vehicle.

4 SECTION 10. The heading to Section 521.3465, Transportation
5 Code, is amended to read as follows:

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

10 SECTION 11. Section 521.3465(a), Transportation Code, is
11 amended to read as follows:

12 (a) A license is automatically suspended on final
13 conviction of the license holder of:

14 (1) an offense under Section 502.409(a)(4); or

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

17 SECTION 12. Section 521.3466(a), Transportation Code, is
18 amended to read as follows:

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

24 SECTION 13. Section 548.001, Transportation Code, is
25 amended by adding Subdivision (6-a) to read as follows:

26 (6-a) "Inspection certificate" means a report
27 printed, manufactured, or made by the department or an authorized

1 agent of the department and issued by an inspector or an inspection
2 station for a vehicle that passes the safety and, if applicable,
3 emissions inspections required by this chapter.

4 SECTION 14. Section 548.004(c), Transportation Code, is
5 amended to read as follows:

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

11 SECTION 15. Section 548.101, Transportation Code, is
12 amended to read as follows:

13 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except
14 as provided by Section 548.102, the department shall require an
15 annual inspection. The department shall set the periods of
16 inspection and may make rules with respect to those periods. The
17 rules must provide that a vehicle owner may obtain an inspection not
18 earlier than 90 days before the date of expiration of the vehicle's
19 registration and not later than the date of expiration of the
20 vehicle's registration.

21 SECTION 16. The heading to Section 548.102, Transportation
22 Code, is amended to read as follows:

23 Sec. 548.102. [~~TWO-YEAR~~] INITIAL INSPECTION PERIOD FOR
24 PASSENGER CAR OR LIGHT TRUCK.

25 SECTION 17. Section 548.102(a), Transportation Code, is
26 amended to read as follows:

27 (a) The initial inspection period is three [~~two~~] years for a

1 passenger car or light truck that:

2 (1) is sold in this state;

3 (2) has not been previously registered in this or
4 another state; and

5 (3) on the date of sale is of the current or preceding
6 model year.

7 SECTION 18. Section 548.251, Transportation Code, is
8 amended to read as follows:

9 Sec. 548.251. DEPARTMENT TO PROVIDE INSPECTION
10 CERTIFICATES AND VERIFICATION FORMS. (a) The department shall
11 provide serially numbered inspection certificates and verification
12 forms to inspection stations.

13 (b) The department shall maintain an electronic database to
14 which inspection stations may electronically submit the numbers
15 assigned under Subsection (a) to inspection certificates issued by
16 the station.

17 (c) The department may issue a unique inspection
18 certificate for:

19 (1) a commercial motor vehicle inspected under Section
20 548.201; or

21 (2) a vehicle inspected under Subchapter F.

22 SECTION 19. Section 548.253, Transportation Code, is
23 amended to read as follows:

24 Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON
25 ISSUANCE OF INSPECTION CERTIFICATE AND VERIFICATION FORM. An
26 inspection station or inspector, on issuing an inspection
27 certificate and verification form, shall:

1 (1) electronically submit to the department's
2 inspection database the number assigned to the certificate [~~make a~~
3 ~~record and report as prescribed~~] by the department under Section
4 548.251 [~~of the inspection and certificate issued~~]; and

5 (2) electronically submit to the department's database
6 and include in the inspection certificate and verification form any
7 [~~the~~] information other than the certificate number required by the
8 department for the type of vehicle inspected.

9 SECTION 20. Section 548.254, Transportation Code, is
10 amended to read as follows:

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

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

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

21 SECTION 22. Section 548.304, Transportation Code, is
22 amended to read as follows:

23 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
24 INSPECTIONS. [~~(a)~~] The department may authorize and certify
25 inspection stations as necessary to implement the
26 emissions-related inspection requirements of the motor vehicle
27 emissions inspection and maintenance program established under

1 this subchapter if the station meets the department's certification
2 requirements.

3 ~~[(b) The department shall provide inspection certificates~~
4 ~~for distribution and issuance at inspection stations certified by~~
5 ~~the department.]~~

6 SECTION 23. Section 548.501(b), Transportation Code, is
7 amended to read as follows:

8 (b) An inspection station shall pay to the department a
9 portion [~~\$5.50~~] of each fee charged by the station for an
10 inspection, in an amount determined by the department under Section
11 548.5045. The department may require the station to make an advance
12 payment [~~of \$5.50~~] for each inspection certificate provided to the
13 station. If advance payment is made:

14 (1) no further payment may be required on issuance of a
15 certificate;

16 (2) the inspection station may waive the fee due from
17 the owner of an inspected vehicle who is issued a certificate to
18 which the advance payment applies;

19 (3) the department shall refund to the inspection
20 station the advance payment amount [~~\$5.50~~] for each unissued
21 certificate that the station returns to the department in
22 accordance with department rules; and

23 (4) the conservation commission shall pay to the
24 department an amount determined by the department [~~\$2~~] for each
25 unissued certificate that the station returns to the department.

26 SECTION 24. Section 548.502, Transportation Code, is
27 amended to read as follows:

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

4 (1) shall pay to the department an advance payment [~~of~~
5 ~~\$5.50~~] for each inspection certificate provided to it, in an amount
6 determined by the department under Section 548.5045; and

7 (2) may not be required to pay the compulsory
8 inspection fee.

9 SECTION 25. Section 548.503, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.503. INITIAL [~~TWO-YEAR~~] INSPECTION OF PASSENGER
12 CAR OR LIGHT TRUCK. (a) The fee for inspection of a passenger car
13 or light truck under Section 548.102 shall be set by the department
14 by rule on or before September 1 of each year. A fee set by the
15 department under this subsection must be based on the costs of
16 producing certificates, providing inspections, and administering
17 the program, but may not be less than \$34.25 [~~\$21.75~~].

18 (b) The department shall require an inspection station to
19 make an advance payment [~~of \$14.75~~] for a certificate to be issued
20 under this section, in an amount determined by the department under
21 Section 548.5045. Additional payment may not be required of the
22 station for the certificate. The inspection station may waive the
23 fee due from the owner of the vehicle inspected. A refund for an
24 unissued certificate shall be made in the same manner as provided
25 for other certificate refunds.

26 SECTION 26. Section 548.504(b), Transportation Code, is
27 amended to read as follows:

1 (b) The inspection station shall pay to the department a
2 portion [~~\$10~~] of each fee for inspection of a commercial motor
3 vehicle, in an amount determined by the department under Section
4 548.5045. The department may require the station to make an advance
5 payment of the amount determined by the department [~~\$10~~] for a
6 certificate to be issued under this section. If advance payment is
7 made:

8 (1) no additional payment may be required of the
9 station for the certificate; and

10 (2) a refund for an unissued certificate shall be made
11 in the same manner as provided for other certificate refunds.

12 SECTION 27. Subchapter H, Chapter 548, Transportation Code,
13 is amended by adding Section 548.5045 to read as follows:

14 Sec. 548.5045. DETERMINATION OF AMOUNTS REMITTED TO
15 DEPARTMENT. The amount to be remitted to the department under
16 Section 548.501, 548.502, 548.503, or 548.504 must be based on the
17 costs of:

18 (1) producing certificates; and

19 (2) administering the inspection program.

20 SECTION 28. Section 548.601(a), Transportation Code, is
21 amended to read as follows:

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

24 (1) submits an inspection certificate number to the
25 department's inspection database or issues an inspection
26 certificate with knowledge that the issuance is in violation of
27 this chapter or rules adopted under this chapter;

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

5 (3) misrepresents:

6 (A) material information in an application in
7 violation of Section 548.402 or 548.403; or

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

10 (4) submits an inspection certificate number to the
11 department's inspection database or issues an inspection
12 certificate:

13 (A) without authorization to issue the
14 certificate; or

15 (B) without inspecting the vehicle;

16 (5) submits an inspection certificate number to the
17 department's inspection database or issues an inspection
18 certificate for a vehicle with knowledge that the vehicle has not
19 been repaired, adjusted, or corrected after an inspection has shown
20 a repair, adjustment, or correction to be necessary;

21 (6) knowingly submits an inspection certificate
22 number to the department's inspection database or issues an
23 inspection certificate:

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

26 (B) for a vehicle that is missing an item
27 required to be inspected or that has an item required to be

1 inspected that is not in compliance with state law or department
2 rules;

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

6 (8) charges for an inspection an amount greater than
7 the authorized fee; or

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

11 SECTION 29. Sections 548.603(a) and (c), Transportation
12 Code, are amended to read as follows:

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

14 (1) presents [~~displays or causes or permits to be~~
15 ~~displayed~~] an inspection certificate or insurance document knowing
16 that the certificate or document is counterfeit, tampered with,
17 altered, fictitious, issued for another vehicle, [~~issued for a~~
18 ~~vehicle failing to meet all emissions inspection requirements,~~] or
19 issued in violation of:

20 (A) this chapter, rules adopted under this
21 chapter, or other law of this state; or

22 (B) a law of another state, the United States,
23 the United Mexican States, a state of the United Mexican States,
24 Canada, or a province of Canada;

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

27 [~~3~~] with intent to circumvent the emissions

1 inspection requirements seeks an inspection of a vehicle at a
2 station not certified to perform an emissions inspection if the
3 person knows that the vehicle is required to be inspected under
4 Section 548.301; or

5 (3) [~~(4)~~] knowingly does not comply with an emissions
6 inspection requirement for a vehicle [~~;~~ ~~or~~

7 ~~[(5) displays on a vehicle an inspection certificate~~
8 ~~that was obtained knowing that the vehicle does not meet all~~
9 ~~emissions inspection requirements for the vehicle].~~

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

15 SECTION 30. Section 548.6035(a), Transportation Code, is
16 amended to read as follows:

17 (a) A person commits an offense if, in connection with a
18 required emissions inspection of a motor vehicle, the person
19 knowingly:

20 (1) submits an inspection certificate number to the
21 department's inspection database or issues [~~places or causes to be~~
22 ~~placed on a motor vehicle~~] an inspection certificate, if:

23 (A) the vehicle does not meet the emissions
24 requirements established by the department; or

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

26 (2) manipulates an emissions test result;

27 (3) uses or causes to be used emissions data from

1 another motor vehicle as a substitute for the motor vehicle being
2 inspected; or

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

4 SECTION 31. Section 623.011(d), Transportation Code, is
5 amended to read as follows:

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

11 SECTION 32. Section 683.051, Transportation Code, is
12 amended to read as follows:

13 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
14 CERTAIN MOTOR VEHICLES. A person may apply to the department for
15 authority:

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

18 (A) the person owns the motor vehicle and the
19 certificate of title to the vehicle is lost, destroyed, or faulty;
20 or

21 (B) the vehicle is an abandoned motor vehicle and
22 is:

23 (i) in the possession of the person; or

24 (ii) located on property owned by the
25 person; or

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

- 1 (A) the abandoned motor vehicle:
- 2 (i) is in the possession of the person;
- 3 (ii) is more than eight years old;
- 4 (iii) either has no motor or is otherwise
- 5 totally inoperable or does not comply with all applicable air
- 6 pollution emissions control related requirements included in[+
- 7 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
- 8 ~~evidenced by a current inspection certificate affixed to the~~
- 9 ~~vehicle windshield; or (bb)] the vehicle emissions inspection and~~
- 10 maintenance requirements contained in the Public Safety
- 11 Commission's motor vehicle emissions inspection and maintenance
- 12 program under Subchapter F, Chapter 548, or the state's air quality
- 13 state implementation plan; and
- 14 (iv) was authorized to be towed by a law
- 15 enforcement agency; and
- 16 (B) the law enforcement agency approves the
- 17 application.

18 SECTION 33. Section 683.071, Transportation Code, as

19 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the

20 82nd Legislature, Regular Session, 2011, is reenacted and amended

21 to read as follows:

22 Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this

23 subchapter, "junked vehicle" means a vehicle that:

- 24 (1) is self-propelled and:
- 25 (2) is:
- 26 (A) wrecked, dismantled or partially dismantled,
- 27 or discarded; or

1 (B) inoperable and has remained inoperable for
2 more than:

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

5 (ii) 30 consecutive days, if the vehicle is
6 on private property.

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

10 (1) a motor vehicle that displays an expired license
11 plate [~~or invalid motor vehicle inspection certificate~~] or does not
12 display a license plate [~~or motor vehicle inspection certificate~~];

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

17 (3) a watercraft that:

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

20 (B) is not a watercraft described by Section
21 31.055, Parks and Wildlife Code.

22 SECTION 34. The following statutes are repealed:

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

24 (2) Section 548.255, Transportation Code;

25 (3) Section 548.257, Transportation Code;

26 (4) Section 548.602, Transportation Code;

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

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

4 (7) Section 548.605, Transportation Code.

5 SECTION 35. (a) Except as otherwise provided by this
6 section, this Act takes effect September 1, 2015.

7 (b) Not later than January 1, 2014, the Department of Motor
8 Vehicles, the Department of Public Safety of the State of Texas, and
9 the Texas Commission on Environmental Quality shall adopt rules
10 necessary to implement the changes in law made by this Act.

11 (c) Sections 548.251 and 548.253, Transportation Code, as
12 amended by this Act, take effect January 1, 2014.

13 (d) Article 45.003, Code of Criminal Procedure, Section
14 103.0213, Government Code, and Sections 521.3465, 548.603, and
15 548.6035, Transportation Code, as amended by this Act, apply only
16 to an offense committed on or after January 1, 2015. An offense
17 committed before January 1, 2015, is governed by the law in effect
18 on the date the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before January 1, 2015, if any element of
21 the offense occurred before that date.