

By: West, et al.
(Harper-Brown)

S.B. No. 1350

A BILL TO BE ENTITLED

AN ACT

relating to the motor vehicle inspection program; creating an offense; changing the collection method for certain fees.

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

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

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

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

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

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

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. Subsection (a), Section 382.0622, Health and
21 Safety Code, is 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. Subsections (d) and (1), Section 382.202, Health
6 and Safety Code, are 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 a passing vehicle [~~safety~~] inspection report [~~certificate~~] issued
11 under Subchapter C, Chapter 548, Transportation Code, in a county
12 that is included in a vehicle emissions inspection and maintenance
13 program under Subchapter F of that chapter, that the vehicle,
14 unless the vehicle is not covered by the system, be annually or
15 biennially inspected under the vehicle emissions inspection and
16 maintenance program as required by the state's air quality state
17 implementation plan. The Department of Public Safety shall
18 implement such a system when it is required by any provision of
19 federal or state law, including any provision of the state's air
20 quality state implementation plan.

21 (1) Except as provided by this subsection, a person who
22 sells or transfers ownership of a motor vehicle for which a passing
23 vehicle [~~emissions~~] inspection report [~~certificate~~] has been
24 issued is not liable for the cost of emission control system repairs
25 that are required for the vehicle subsequently to receive a passing
26 report [~~an emissions inspection certificate~~]. This subsection does
27 not apply to repairs that are required because emission control

1 equipment or devices on the vehicle were removed or tampered with
2 before the sale or transfer of the vehicle.

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

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

7 (1) testing procedures in accordance with motor
8 vehicle emissions testing equipment specifications; and

9 (2) procedures for issuing a vehicle ~~[or denying an~~
10 ~~emissions]~~ inspection report following an emissions inspection and
11 submitting information to the inspection database described by
12 Section 548.251, Transportation Code, following an emissions
13 inspection ~~[certificate]~~.

14 SECTION 7. Subsections (b) and (d), Section 382.220, Health
15 and Safety Code, are amended to read as follows:

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

18 (1) expand and enhance the AirCheck Texas Repair and
19 Replacement Assistance Program;

20 (2) develop and implement programs or systems that
21 remotely determine vehicle emissions and notify the vehicle's
22 operator;

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

25 (4) develop and implement projects in consultation
26 with the director of the Department of Public Safety for
27 coordinating with local law enforcement officials to reduce the use

1 of counterfeit registration insignia and vehicle inspection
2 reports [~~state inspection stickers~~] by providing local law
3 enforcement officials with funds to identify vehicles with
4 counterfeit registration insignia and vehicle inspection reports
5 [~~state inspection stickers~~] and to carry out appropriate actions;

6 (5) develop and implement programs to enhance
7 transportation system improvements; or

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

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

26 SECTION 8. Subsections (d) and (e), Section 2308.253,
27 Occupations Code, are amended to read as follows:

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

4 [~~(1)~~] an unexpired license plate or registration
5 insignia issued for the vehicle under Chapter 502, Transportation
6 Code, or the vehicle registration law of another state or country[+]
7 ~~or~~

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

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

19 (1) delivered in person to the owner or operator of the
20 vehicle; or

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

23 SECTION 9. Subsection (a), Section 501.030, Transportation
24 Code, is amended to read as follows:

25 (a) Before a motor vehicle that was last registered or
26 titled in another state or country may be titled in this state, [~~the~~
27 ~~applicant must furnish~~] the county assessor-collector shall verify

1 that the vehicle has passed the inspections required by Chapter
2 548, as indicated in the Department of Public Safety's inspection
3 database under Section 548.251 [~~with a verification form under~~
4 ~~Section 548.256~~].

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

7 Sec. 502.0023. [~~EXTENDED~~] REGISTRATION OF COMMERCIAL FLEET
8 VEHICLES.

9 SECTION 11. Subsections (a) and (b), Section 502.0023,
10 Transportation Code, are amended to read as follows:

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

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

23 (1) an entire commercial fleet in the county of the
24 owner's residence or principal place of business; or

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

27 SECTION 12. Section 502.047, Transportation Code, is

amended to read as follows:

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

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

(b) A motor vehicle may not be registered if the department receives from the Texas Commission on Environmental Quality or the Department of Public Safety notification that the registered owner

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

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

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

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

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

18 SECTION 13. Subsection (c), Section 502.059,
19 Transportation Code, is amended to read as follows:

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

the department, and the department shall issue a distinctive device for attachment to the rear license plate of the vehicle.

SECTION 14. The heading to Section 521.3465, Transportation Code, is amended to read as follows:

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

SECTION 15. Subsection (a), Section 521.3465, Transportation Code, is amended to read as follows:

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

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

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

SECTION 16. Subsection (a), Section 521.3466, Transportation Code, is amended to read as follows:

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

SECTION 17. Section 548.001, Transportation Code, is amended by adding Subdivision (10) to read as follows:

1 (10) "Vehicle inspection report" means a report issued
2 by an inspector or an inspection station for a vehicle that
3 indicates whether the vehicle has passed the safety and, if
4 applicable, emissions inspections required by this chapter.

5 SECTION 18. Subsection (c), Section 548.004,
6 Transportation Code, is amended to read as follows:

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

12 SECTION 19. Subsection (a), Section 548.053,
13 Transportation Code, is amended to read as follows:

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

25 SECTION 20. The heading to Subchapter C, Chapter 548,
26 Transportation Code, is amended to read as follows:

SUBCHAPTER C. PERIODS OF INSPECTION; PREREQUISITES TO ISSUANCE OF
PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]

SECTION 21. Section 548.101, Transportation Code, is amended to read as follows:

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

SECTION 22. Section 548.103, Transportation Code, is amended to read as follows:

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

SECTION 23. Section 548.104, Transportation Code, is amended to read as follows:

Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]. (a) The commission shall adopt uniform standards of safety applicable to each item required to be inspected by Section 548.051. The standards and the list of items to be inspected shall be posted in each inspection station.

(b) An inspection station or inspector may issue a passing vehicle [~~an~~] inspection report [~~certificate~~] only if the vehicle is

1 inspected and found to be in proper and safe condition and to comply
2 with this chapter and the rules adopted under this chapter.

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

5 (1) falsely and fraudulently represent to an applicant
6 that equipment required to be inspected must be repaired, adjusted,
7 or replaced before the vehicle will pass inspection; or

8 (2) require an applicant to have another part of the
9 vehicle or other equipment inspected as a prerequisite for issuance
10 of a passing vehicle [~~an~~] inspection report [~~certificate~~].

11 (d) An inspection station or inspector may not issue a
12 passing vehicle [~~an~~] inspection report [~~certificate~~] for a vehicle
13 equipped with:

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

19 (2) a sunscreening device prohibited by Section
20 547.613, except that the department by rule shall provide
21 procedures for issuance of a passing vehicle [~~an~~] inspection report
22 [~~certificate~~] for a vehicle exempt under Section 547.613(c).

23 (e) The department shall adopt rules relating to inspection
24 of and issuance of a vehicle [~~an~~] inspection report [~~certificate~~]
25 for a moped.

26 SECTION 24. Section 548.105, Transportation Code, is
27 amended to read as follows:

1 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS
2 PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT
3 [~~CERTIFICATE~~]. (a) An inspection station or inspector may not
4 issue a passing vehicle [~~an~~] inspection report [~~certificate~~] for a
5 vehicle unless the owner or operator furnishes evidence of
6 financial responsibility at the time of inspection. Evidence of
7 financial responsibility may be shown in the manner specified under
8 Section 601.053(a). A personal automobile insurance policy used as
9 evidence of financial responsibility must be written for a term of
10 30 days or more as required by Section 1952.054 [~~Article 5.06~~],
11 Insurance Code.

12 (b) An inspection station is not liable to a person,
13 including a third party, for issuing a passing vehicle [~~an~~]
14 inspection report [~~certificate~~] in reliance on evidence of
15 financial responsibility furnished to the station. An inspection
16 station that is the seller of a motor vehicle may rely on an oral
17 insurance binder.

18 SECTION 25. The heading to Subchapter E, Chapter 548,
19 Transportation Code, is amended to read as follows:

20 SUBCHAPTER E. ISSUANCE [~~, RECORDING, AND PROOF~~] OF VEHICLE
21 INSPECTION REPORTS; SUBMISSION OF INFORMATION TO DEPARTMENT
22 DATABASE [~~CERTIFICATES AND VERIFICATION FORMS~~]

23 SECTION 26. Section 548.251, Transportation Code, is
24 amended to read as follows:

25 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~
26 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department
27 shall maintain an electronic database to which inspection stations

1 may electronically submit the information required by Section
2 548.253 ~~[provide serially numbered inspection certificates and~~
3 ~~verification forms to inspection stations. The department may~~
4 ~~issue a unique inspection certificate for:~~

5 ~~[(1) a commercial motor vehicle inspected under~~
6 ~~Section 548.201, or~~

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

8 SECTION 27. Section 548.252, Transportation Code, is
9 amended to read as follows:

10 Sec. 548.252. ISSUANCE ~~[SAFEKEEPING AND CONTROL]~~ OF VEHICLE
11 INSPECTION REPORTS ~~[CERTIFICATES AND VERIFICATION FORMS].~~

12 (a) The department by rule shall require an inspection station to:

13 (1) issue a vehicle inspection report to the owner or
14 operator of each vehicle inspected by the station; and

15 (2) issue a passing vehicle inspection report to the
16 owner or operator of each vehicle inspected by the station that
17 passes the inspections required by this chapter.

18 (b) The department may adopt rules regarding the issuance of
19 vehicle inspection reports, including rules providing for ~~[On being~~
20 ~~licensed, an inspector or owner of an inspection station shall:~~

21 ~~[(1) provide for]~~ the format and safekeeping of the
22 reports ~~[inspection certificates and verification forms,~~

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

25 ~~[(3) control the sequence of issuance of the~~
26 ~~certificates and forms, and~~

27 ~~[(4) ensure that the certificates and forms are issued~~

1 ~~in accordance with department rules~~].

2 SECTION 28. Section 548.253, Transportation Code, is
3 amended to read as follows:

4 Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON
5 COMPLETION [~~ISSUANCE~~] OF INSPECTION [~~CERTIFICATE AND VERIFICATION~~
6 ~~FORM~~]. An inspection station or inspector, on completion of
7 [~~issuing~~] an inspection [~~certificate and verification form~~], shall
8 electronically submit to the department's inspection database:

9 (1) the vehicle identification number of the inspected
10 vehicle and an indication of whether the vehicle passed the
11 inspections required by this chapter [~~make a record and report as~~
12 ~~prescribed by the department of the inspection and certificate~~
13 ~~issued~~]; and

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

17 SECTION 29. Section 548.254, Transportation Code, is
18 amended to read as follows:

19 Sec. 548.254. VALIDITY OF VEHICLE INSPECTION REPORT
20 [~~CERTIFICATE~~]. A vehicle [~~An~~] inspection report [~~certificate~~] is
21 invalid after the end of the 12th month following the month in which
22 the report [~~certificate~~] is issued. [~~An unused inspection~~
23 ~~certificate representing a previous inspection period may not be~~
24 ~~issued after the beginning of the next period.~~]

25 SECTION 30. Section 548.256, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.256. PROOF OF INSPECTION [~~VERIFICATION FORM~~]

REQUIRED TO REGISTER VEHICLE. ~~[(a)]~~ Before a vehicle ~~[that is brought into this state by a person other than a manufacturer or importer]~~ may be registered, the Texas Department of Motor Vehicles or the county assessor-collector registering the vehicle shall verify that the vehicle has passed the inspections required by this chapter, as indicated in the department's inspection database. If the database information is not available, the owner of the vehicle may present a vehicle inspection report issued for the vehicle~~[7 the owner must have the vehicle inspected and have the inspection station record the following information on a verification form prescribed and provided by the department.~~

- ~~[(1) the vehicle identification number,~~
- ~~[(2) the number appearing on the odometer of the vehicle at the time of the inspection, if the vehicle has an odometer, and~~
- ~~[(3) other information the department requires].~~

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

SECTION 31. Subsection (b), Section 548.258, Transportation Code, is amended to read as follows:

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

- ~~[(1) purchase inspection certificates, or~~
- ~~[(2)]~~ send to the department a record, report, or other information required by the department.

SECTION 32. Subsection (c), Section 548.301,

Transportation Code, is amended to read as follows:

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

SECTION 33. Section 548.302, Transportation Code, is
amended to read as follows:

Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND
REQUIREMENTS. The commission shall:

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

(2) develop and impose requirements necessary to
ensure that a passing vehicle ~~[an]~~ inspection report ~~[certificate]~~
is not issued to a vehicle subject to a program established under
this subchapter and that information stating that a vehicle has
passed an inspection is not submitted to the department's database
unless the vehicle has passed a motor vehicle emissions inspection
at a facility authorized and certified by the department.

SECTION 34. Section 548.304, Transportation Code, is
amended to read as follows:

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

1 requirements.

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

5 SECTION 35. Section 548.401, Transportation Code, is
6 amended to read as follows:

7 Sec. 548.401. CERTIFICATION GENERALLY. A person may
8 perform an inspection, ~~[or]~~ issue a vehicle [an] inspection report,
9 or submit inspection information to the department's inspection
10 database [certificate] only if certified to do so by the department
11 under rules adopted by the department.

12 SECTION 36. Subsection (d), Section 548.407,
13 Transportation Code, is amended to read as follows:

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

19 (1) issuing a passing vehicle [an] inspection report
20 or submitting inspection information to the department's database
21 [certificate] with knowledge that the issuance or submission is in
22 violation of this chapter or rules adopted under this chapter;

23 (2) falsely or fraudulently representing to the owner
24 or operator of a vehicle that equipment inspected or required to be
25 inspected must be repaired, adjusted, or replaced for the vehicle
26 to pass an inspection;

27 (3) issuing a vehicle [an] inspection report or

1 submitting inspection information to the department's database
2 [certificate]:

3 (A) without authorization to issue the report or
4 submit the information ~~[certificate]~~; or

5 (B) without inspecting the vehicle;

6 (4) issuing a passing vehicle ~~[an]~~ inspection report
7 or submitting inspection information to the department's database
8 ~~[certificate]~~ for a vehicle with knowledge that the vehicle has not
9 been repaired, adjusted, or corrected after an inspection has shown
10 a repair, adjustment, or correction to be necessary;

11 (5) knowingly issuing a passing vehicle ~~[an]~~
12 inspection report or submitting inspection information to the
13 department's database ~~[certificate]:~~

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

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

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

23 (7) charging for an inspection an amount greater than
24 the authorized fee;

25 (8) a violation of Subchapter F;

26 (9) a violation of Section 548.603; or

27 (10) a conviction of a felony or a Class A or B

1 misdemeanor that directly relates to or affects the duties or
2 responsibilities of a vehicle inspection station or inspector or a
3 conviction of a similar crime under the jurisdiction of another
4 state or the federal government.

5 SECTION 37. Section 548.501, Transportation Code, is
6 amended to read as follows:

7 Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as
8 provided by Sections 548.503 and 548.504, the fee for inspection of
9 a motor vehicle other than a moped is \$12.50. The fee for
10 inspection of a moped is \$5.75. [~~The fee for a verification form
11 issued as required by Section 548.256 is \$1.~~]

12 (b) Out of each fee for an inspection, \$5.50 shall be
13 remitted to the state under Section 548.509. [~~An inspection
14 station shall pay to the department \$5.50 of each fee for an
15 inspection. The department may require the station to make an
16 advance payment of \$5.50 for each inspection certificate provided
17 to the station. If advance payment is made:~~

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

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

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

26 [~~(4) the conservation commission shall pay to the
27 department \$2 for each unissued certificate that the station~~

~~returns to the department.]~~

SECTION 38. Section 548.502, Transportation Code, is amended to read as follows:

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

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

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

SECTION 39. Section 548.503, Transportation Code, is amended to read as follows:

Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or light truck under Section 548.102 shall be set by the department by rule on or before September 1 of each year. A fee set by the department under this subsection must be based on the costs of ~~[producing certificates]~~ providing inspections~~[7]~~ and administering the program, but may not be less than \$21.75.

(b) Out of each fee for an inspection under this section, \$14.75 shall be remitted to the state under Section 548.509. ~~[The department shall require an inspection station to make an advance payment of \$14.75 for a certificate to be issued under this section. Additional payment may not be required of the station for the certificate. The inspection station may waive the fee due from the owner of the vehicle inspected. A refund for an unissued~~

~~certificate shall be made in the same manner as provided for other
certificate refunds.]~~

SECTION 40. Subsection (b), Section 548.504,
Transportation Code, is amended to read as follows:

(b) Out of each fee for inspection of a commercial motor
vehicle, \$10 shall be remitted to the state under Section 548.509.

~~[The inspection station shall pay to the department \$10 of each fee
for inspection of a commercial motor vehicle. The department may
require the station to make an advance payment of \$10 for a
certificate to be issued under this section. If advance payment is
made:~~

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

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

SECTION 41. Subsection (a), Section 548.505,
Transportation Code, is amended to read as follows:

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

(1) ~~[producing certificates,~~

~~[(2)]~~ providing inspections; and

(2) ~~[(3)]~~ administering the program.

SECTION 42. Section 548.508, Transportation Code, is
amended to read as follows:

Sec. 548.508. DISPOSITION OF FEES. Except as provided by

Sections 382.0622 and 382.202, Health and Safety Code, and Section 548.5055, each fee remitted to the comptroller [~~collected by the department~~] under this subchapter shall be deposited to the credit of the Texas mobility fund.

SECTION 43. Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.509 to read as follows:

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

SECTION 44. Subsection (a), Section 548.601, Transportation Code, is amended to read as follows:

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

(1) submits information to the department's inspection database or issues a vehicle inspection report [~~an inspection certificate~~] with knowledge that the submission or issuance is in violation of this chapter or rules adopted under this chapter;

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

(3) misrepresents:

1 (A) material information in an application in
2 violation of Section 548.402 or 548.403; or

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

5 (4) submits information to the department's inspection
6 database or issues a vehicle inspection report [~~an inspection~~
7 ~~certificate~~]:

8 (A) without authorization to issue the report or
9 submit the information [~~certificate~~]; or

10 (B) without inspecting the vehicle;

11 (5) submits information to the department's inspection
12 database indicating that a vehicle has passed the applicable
13 inspections or issues a passing vehicle [~~an~~] inspection report
14 [~~certificate~~] for a vehicle with knowledge that the vehicle has not
15 been repaired, adjusted, or corrected after an inspection has shown
16 a repair, adjustment, or correction to be necessary;

17 (6) knowingly submits information to the department's
18 inspection database or issues a vehicle inspection report [~~an~~
19 ~~inspection certificate~~]:

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

22 (B) for a vehicle that is missing an item
23 required to be inspected or that has an item required to be
24 inspected that is not in compliance with state law or department
25 rules;

26 (7) refuses to allow a vehicle's owner to have a
27 qualified person of the owner's choice make a required repair,

adjustment, or correction;

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

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

SECTION 45. Subsections (a), (b), and (c), Section 548.603, Transportation Code, are amended to read as follows:

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

(1) presents to an official of this state or a political subdivision of this state a vehicle inspection report ~~[displays or causes or permits to be displayed an inspection certificate]~~ or insurance document knowing that the report ~~[certificate]~~ or document is counterfeit, tampered with, altered, fictitious, issued for another vehicle, issued for a vehicle failing to meet all emissions inspection requirements, or issued in violation of:

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

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

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

~~(3)]~~ with intent to circumvent the emissions inspection requirements seeks an inspection of a vehicle at a station not certified to perform an emissions inspection if the

1 person knows that the vehicle is required to be inspected under
2 Section 548.301; or

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

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

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

9 (1) makes or possesses, with the intent to sell,
10 circulate, or pass, a counterfeit vehicle inspection report
11 ~~[certificate]~~ or insurance document; or

12 (2) possesses any part of a stamp, dye, plate,
13 negative, machine, or other device that is used or designated for
14 use in making a counterfeit vehicle inspection report ~~[certificate]~~
15 or insurance document.

16 (c) The owner of a vehicle commits an offense if the owner
17 knowingly allows the vehicle to be registered using a vehicle
18 inspection report ~~[or operated while the vehicle displays an~~
19 ~~inspection certificate]~~ in violation of Subsection (a).

20 SECTION 46. Subsection (f), Section 548.603,
21 Transportation Code, as added by Chapter 851 (H.B. 1048), Acts of
22 the 75th Legislature, Regular Session, 1997, is amended to read as
23 follows:

24 (f) Notwithstanding Subsection (c), an offense under
25 Subsection (a)(1) that involves a fictitious vehicle inspection
26 report ~~[certificate]~~ is a Class B misdemeanor.

27 SECTION 47. Subsection (a), Section 548.6035,

Transportation Code, is amended to read as follows:

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

(1) submits information to the department's inspection database stating that a vehicle has passed the applicable inspections or issues a passing vehicle inspection report ~~[places or causes to be placed on a motor vehicle an inspection certificate]~~, if:

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

(B) the person has not inspected the vehicle;

(2) manipulates an emissions test result;

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

(4) bypasses or circumvents a fuel cap test.

SECTION 48. Subsection (d), Section 623.011, Transportation Code, is amended to read as follows:

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

SECTION 49. Section 683.051, Transportation Code, is amended to read as follows:

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF

1 CERTAIN MOTOR VEHICLES. A person may apply to the department for
2 authority:

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

5 (A) the person owns the motor vehicle and the
6 certificate of title to the vehicle is lost, destroyed, or faulty;
7 or

8 (B) the vehicle is an abandoned motor vehicle and
9 is:

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

11 (ii) located on property owned by the
12 person; or

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

15 (A) the abandoned motor vehicle:

16 (i) is in the possession of the person;

17 (ii) is more than eight years old;

18 (iii) either has no motor or is otherwise
19 totally inoperable or does not comply with all applicable air
20 pollution emissions control related requirements included in[+]

21 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
22 ~~evidenced by a current inspection certificate affixed to the~~
23 ~~vehicle windshield, or (bb)]~~ the vehicle emissions inspection and

24 maintenance requirements contained in the Public Safety
25 Commission's motor vehicle emissions inspection and maintenance
26 program under Subchapter F, Chapter 548, or the state's air quality
27 state implementation plan; and

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

(B) the law enforcement agency approves the application.

SECTION 50. Section 683.071, Transportation Code, as amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

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

(1) is self-propelled; and

(2) is:

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

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

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

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

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

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

(2) an aircraft that does not have lawfully printed on

1 the aircraft an unexpired federal aircraft identification number
2 registered under Federal Aviation Administration aircraft
3 registration regulations in 14 C.F.R. Part 47; or

4 (3) a watercraft that:

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

7 (B) is not a watercraft described by Section
8 31.055, Parks and Wildlife Code.

9 SECTION 51. The following statutes are repealed:

10 (1) Subsection (c), Section 548.053, Transportation
11 Code;

12 (2) Section 548.255, Transportation Code;

13 (3) Section 548.257, Transportation Code;

14 (4) Section 548.602, Transportation Code;

15 (5) Subdivision (2), Subsection (e), Section 548.603,
16 Transportation Code;

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

20 (7) Section 548.605, Transportation Code.

21 SECTION 52. Article 45.003, Code of Criminal Procedure,
22 Section 103.0213, Government Code, and Sections 521.3465,
23 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as
24 amended by this Act, and the repeal by this Act of Sections 548.602
25 and 548.605, Transportation Code, apply only to an offense
26 committed on or after March 1, 2015. An offense committed before
27 March 1, 2015, is governed by the law in effect on the date the

1 offense was committed, and the former law is continued in effect for
2 that purpose. For purposes of this section, an offense was
3 committed before March 1, 2015, if any element of the offense
4 occurred before that date.

5 SECTION 53. (a) Not later than March 1, 2014, the Texas
6 Department of Motor Vehicles, the Department of Public Safety of
7 the State of Texas, and the Texas Commission on Environmental
8 Quality shall adopt rules necessary to implement the changes in law
9 made by this Act.

10 (b) Not later than March 1, 2014, the Department of Public
11 Safety shall create the database described by Section 548.251,
12 Transportation Code, as amended by this Act, and require inspection
13 stations to submit to the database the information required by
14 Section 548.253, Transportation Code, as amended by this Act.

15 SECTION 54. To the extent of any conflict, this Act prevails
16 over another Act of the 83rd Legislature, Regular Session, 2013,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 55. (a) Except as otherwise provided by Subsection
20 (b) of this section, this Act takes effect March 1, 2015.

21 (b) Section 53 of this Act takes effect September 1, 2013.