

By: West

S.B. No. 1350

A BILL TO BE ENTITLED

AN ACT

relating to the motor vehicle inspection program; creating an offense; amending the amount of 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. Section 51.207(d), 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. 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

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

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

SECTION 5. Sections 382.202(d) and (i), Health and Safety Code, are amended to read as follows:

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

(i) The commission shall apply a vehicle emissions inspection and maintenance program to ~~[examine the efficacy of annually inspecting]~~ diesel vehicles for compliance with applicable federal emission standards, compliance with an opacity or other emissions-related standard established by commission rule, or both ~~[and shall implement that inspection program if the commission determines the program would minimize emissions]~~. The

1 commission shall require annual inspections under this subsection.
2 The commission may use onboard diagnostic systems for inspections
3 under this subsection. For purposes of this subsection, a diesel
4 engine not used in a vehicle registered for use on public highways
5 is not a diesel vehicle.

6 SECTION 6. Section 382.203(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) In addition to a vehicle described by Subsection (a),
9 the program applies to:

10 (1) a vehicle with United States governmental plates
11 primarily operated in an affected county;

12 (2) a vehicle operated on a federal facility in an
13 affected county; ~~and~~

14 (3) a vehicle primarily operated in an affected county
15 that is exempt from motor vehicle registration requirements or
16 eligible under Chapter 502, Transportation Code, to display an
17 "exempt" license plate; and

18 (4) a diesel vehicle to which Section 382.202(i)
19 applies.

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

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

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

26 (2) develop and implement programs or systems that
27 remotely determine vehicle emissions and notify the vehicle's

1 operator;

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

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

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

12 (5) ~~[(6)]~~ develop and implement new air control
13 strategies designed to assist local areas in complying with state
14 and federal air quality rules and regulations.

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

1 ~~inspection stickers.]~~

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

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

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

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

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

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

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

26 SECTION 9. Section 502.047, Transportation Code, is amended
27 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 of the vehicle has not complied with ~~[Subchapter F,]~~ Chapter 548.

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

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

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

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

17 SECTION 10. Section 502.059(c), Transportation Code, is
18 amended to read as follows:

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

for attachment to the rear license plate of the vehicle.

SECTION 11. 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 [~~SAFETY~~] INSPECTION CERTIFICATES.

SECTION 12. Section 521.3465(a), 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 [~~safety~~] inspection certificate.

SECTION 13. Section 521.3466(a), 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 an [~~a safety~~] inspection certificate, within the meaning of Chapter 548.

SECTION 14. Section 548.001, Transportation Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Inspection certificate" means a report printed, manufactured, or made by the department or an authorized agent of the department and issued by an inspector or an inspection

1 station for a vehicle that passes the safety and, if applicable,
2 emissions inspections required by this chapter.

3 SECTION 15. Section 548.004(c), Transportation Code, is
4 amended to read as follows:

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

10 SECTION 16. Section 548.101, Transportation Code, is
11 amended to read as follows:

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

20 SECTION 17. The heading to Section 548.102, Transportation
21 Code, is amended to read as follows:

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

24 SECTION 18. Section 548.102(a), Transportation Code, is
25 amended to read as follows:

26 (a) The initial inspection period is three ~~[two]~~ years for a
27 passenger car or light truck that:

(1) is sold in this state;

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

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

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

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

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

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

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

(2) a vehicle inspected under Subchapter F.

SECTION 20. Section 548.253, Transportation Code, is amended to read as follows:

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

(1) electronically submit to the department's

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

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

8 SECTION 21. Section 548.254, Transportation Code, is
9 amended to read as follows:

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

15 SECTION 22. Section 548.301(c), Transportation Code, is
16 amended to read as follows:

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

20 SECTION 23. Section 548.304, Transportation Code, is
21 amended to read as follows:

22 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
23 INSPECTIONS. ~~[(a)]~~ The department may authorize and certify
24 inspection stations as necessary to implement the
25 emissions-related inspection requirements of the motor vehicle
26 emissions inspection and maintenance program established under
27 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 24. Section 548.501(b), Transportation Code, is
6 amended to read as follows:

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

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

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

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

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

25 SECTION 25. Section 548.502, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE

1 AGENCY. A political subdivision or state agency for which the
2 department certifies an inspection station under Section 548.004:

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

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

8 SECTION 26. Section 548.503, Transportation Code, is
9 amended to read as follows:

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

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

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

27 (b) The inspection station shall pay to the department a

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

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

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

11 SECTION 28. Subchapter H, Chapter 548, Transportation Code,
12 is amended by adding Section 548.5045 to read as follows:

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

17 (1) producing certificates; and

18 (2) administering the inspection program.

19 SECTION 29. Section 548.601(a), Transportation Code, is
20 amended to read as follows:

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

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

27 (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:

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

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

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

(A) without authorization to issue the certificate; or

(B) without inspecting the vehicle;

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

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

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

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

1 rules;

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

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

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

10 SECTION 30. Sections 548.603(a) and (c), Transportation
11 Code, are amended to read as follows:

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

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

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

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

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

26 ~~[(3)]~~ with intent to circumvent the emissions
27 inspection requirements seeks an inspection of a vehicle at a

station not certified to perform an emissions inspection if the person knows that the vehicle is required to be inspected under Section 548.301; or

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

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

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

SECTION 31. Section 548.6035(a), 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 an inspection certificate number to the department's inspection database or issues ~~[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

1 inspected; or

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

3 SECTION 32. Section 623.011(d), Transportation Code, is
4 amended to read as follows:

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

10 SECTION 33. Section 683.051, Transportation Code, is
11 amended to read as follows:

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

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

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

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

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

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

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

27 (A) the abandoned motor vehicle:

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

2 (ii) is more than eight years old;

3 (iii) either has no motor or is otherwise
4 totally inoperable or does not comply with all applicable air
5 pollution emissions control related requirements included in[+
6 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
7 ~~evidenced by a current inspection certificate affixed to the~~
8 ~~vehicle windshield; or (bb)] the vehicle emissions inspection and
9 maintenance requirements contained in the Public Safety
10 Commission's motor vehicle emissions inspection and maintenance
11 program under Subchapter F, Chapter 548, or the state's air quality
12 state implementation plan; and~~

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

15 (B) the law enforcement agency approves the
16 application.

17 SECTION 34. Section 683.071, Transportation Code, as
18 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the
19 82nd Legislature, Regular Session, 2011, is reenacted and amended
20 to read as follows:

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

23 (1) is self-propelled and:

24 (2) is:

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

27 (B) inoperable and has remained inoperable for

1 more than:

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

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

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

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

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

16 (3) a watercraft that:

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

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

21 SECTION 35. The following statutes are repealed:

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

23 (2) Section 548.255, Transportation Code;

24 (3) Section 548.257, Transportation Code;

25 (4) Section 548.602, Transportation Code;

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

27 (6) Section 548.603(f), Transportation Code, as added

1 by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular
2 Session, 1997; and

3 (7) Section 548.605, Transportation Code.

4 SECTION 36. (a) Except as otherwise provided by this
5 section, this Act takes effect January 1, 2015.

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

10 (c) Sections 382.202 and 382.203, Health and Safety Code,
11 and 548.251 and 548.253, Transportation Code, as amended by this
12 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.