

1-1 By: West S.B. No. 1350  
1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read  
1-3 first time and referred to Committee on Transportation;  
1-4 April 30, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 30, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| 1-8  |          | Yea | Nay | Absent | PNV |
|------|----------|-----|-----|--------|-----|
| 1-9  | Nichols  | X   |     |        |     |
| 1-10 | Paxton   | X   |     |        |     |
| 1-11 | Campbell | X   |     |        |     |
| 1-12 | Davis    | X   |     |        |     |
| 1-13 | Ellis    | X   |     |        |     |
| 1-14 | Hancock  | X   |     |        |     |
| 1-15 | Patrick  | X   |     |        |     |
| 1-16 | Uresti   | X   |     |        |     |
| 1-17 | Watson   | X   |     |        |     |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1350 By: Watson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the motor vehicle inspection program; creating an  
1-22 offense; changing the collection method for certain fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 45.003, Code of Criminal Procedure, is  
1-25 amended to read as follows:

1-26 Art. 45.003. DEFINITION FOR CERTAIN PROSECUTIONS. For  
1-27 purposes of dismissing a charge under Section 502.407 [~~or 548.605~~],  
1-28 Transportation Code, "day" does not include Saturday, Sunday, or a  
1-29 legal holiday.

1-30 SECTION 2. Subsection (d), Section 51.207, Education Code,  
1-31 is amended to read as follows:

1-32 (d) This subsection applies only to a public institution of  
1-33 higher education campus that is not covered by Subsection (b). The  
1-34 institution may not issue a permit to a student of the institution  
1-35 for driving or parking a motor vehicle on institutional property  
1-36 unless the institution provides written notice to the student that  
1-37 failure to register the vehicle in this state [~~or to display a~~  
1-38 ~~current and appropriate inspection certificate issued under~~  
1-39 ~~Chapter 548, Transportation Code,~~] may violate state law if the  
1-40 owner of the vehicle resides in this state.

1-41 SECTION 3. Section 103.0213, Government Code, is amended to  
1-42 read as follows:

1-43 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
1-44 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a  
1-45 party to a civil suit, as applicable, shall pay the following fees  
1-46 and costs under the Transportation Code if ordered by the court or  
1-47 otherwise required:

1-48 (1) administrative fee on dismissal of charge of  
1-49 driving with an expired motor vehicle registration (Sec. 502.407,  
1-50 Transportation Code) . . . not to exceed \$20;

1-51 (2) administrative fee on dismissal of charge of  
1-52 driving with an expired driver's license (Sec. 521.026,  
1-53 Transportation Code) . . . not to exceed \$20;

1-54 (3) [~~administrative fee on remediation of charge of~~  
1-55 ~~driving with an expired inspection certificate (Sec. 548.605,~~  
1-56 ~~Transportation Code) . . . not to exceed \$20,~~

1-57 [(4)] administrative fee for failure to appear for a  
1-58 complaint or citation on certain offenses (Sec. 706.006,  
1-59 Transportation Code) . . . \$30 for each violation; and

1-60 (4) [(5)] administrative fee for failure to pay or

2-1 satisfy certain judgments (Sec. 706.006, Transportation Code)  
 2-2 . . . \$30.

2-3 SECTION 4. Subsection (a), Section 382.0622, Health and  
 2-4 Safety Code, is amended to read as follows:

2-5 (a) Clean Air Act fees consist of:

2-6 (1) fees collected by the commission under Sections  
 2-7 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided  
 2-8 by law;

2-9 (2) \$2 of each fee ~~[advance payment]~~ collected for  
 2-10 inspections of [by the Department of Public Safety for inspection  
 2-11 certificates for] vehicles other than mopeds under Section 548.501,  
 2-12 Transportation Code; and

2-13 (3) fees collected that are required under Section 185  
 2-14 of the federal Clean Air Act (42 U.S.C. Section 7511d).

2-15 SECTION 5. Subsections (d), (i), and (l), Section 382.202,  
 2-16 Health and Safety Code, are amended to read as follows:

2-17 (d) On adoption of a resolution by the commission and after  
 2-18 proper notice, the Department of Public Safety of the State of Texas  
 2-19 shall implement a system that requires, as a condition of obtaining  
 2-20 a passing vehicle [safety] inspection report [certificate] issued  
 2-21 under Subchapter C, Chapter 548, Transportation Code, in a county  
 2-22 that is included in a vehicle emissions inspection and maintenance  
 2-23 program under Subchapter F of that chapter, that the vehicle,  
 2-24 unless the vehicle is not covered by the system, be annually or  
 2-25 biennially inspected under the vehicle emissions inspection and  
 2-26 maintenance program as required by the state's air quality state  
 2-27 implementation plan. The Department of Public Safety shall  
 2-28 implement such a system when it is required by any provision of  
 2-29 federal or state law, including any provision of the state's air  
 2-30 quality state implementation plan.

2-31 (i) The commission shall apply a vehicle emissions  
 2-32 inspection and maintenance program to [examine the efficacy of  
 2-33 annually inspecting] diesel vehicles for compliance with  
 2-34 applicable federal emission standards, compliance with an opacity  
 2-35 or other emissions-related standard established by commission  
 2-36 rule, or both ~~[and shall implement that inspection program if the~~  
 2-37 ~~commission determines the program would minimize emissions]~~. The  
 2-38 commission shall require annual inspections under this subsection.  
 2-39 The commission may use onboard diagnostic systems for inspections  
 2-40 under this subsection. For purposes of this subsection, a diesel  
 2-41 engine not used in a vehicle registered for use on public highways  
 2-42 is not a diesel vehicle.

2-43 (l) Except as provided by this subsection, a person who  
 2-44 sells or transfers ownership of a motor vehicle for which a passing  
 2-45 vehicle [emissions] inspection report [certificate] has been  
 2-46 issued is not liable for the cost of emission control system repairs  
 2-47 that are required for the vehicle subsequently to receive a passing  
 2-48 report [an emissions inspection certificate]. This subsection does  
 2-49 not apply to repairs that are required because emission control  
 2-50 equipment or devices on the vehicle were removed or tampered with  
 2-51 before the sale or transfer of the vehicle.

2-52 SECTION 6. Subsection (b), Section 382.203, Health and  
 2-53 Safety Code, is amended to read as follows:

2-54 (b) In addition to a vehicle described by Subsection (a),  
 2-55 the program applies to:

2-56 (1) a vehicle with United States governmental plates  
 2-57 primarily operated in an affected county;

2-58 (2) a vehicle operated on a federal facility in an  
 2-59 affected county; ~~[and]~~

2-60 (3) a vehicle primarily operated in an affected county  
 2-61 that is exempt from motor vehicle registration requirements or  
 2-62 eligible under Chapter 502, Transportation Code, to display an  
 2-63 "exempt" license plate; and

2-64 (4) a diesel vehicle to which Section 382.202(i)  
 2-65 applies.

2-66 SECTION 7. Subsection (d), Section 382.205, Health and  
 2-67 Safety Code, is amended to read as follows:

2-68 (d) The Department of Public Safety of the State of Texas by  
 2-69 rule shall adopt:

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

(2) procedures for issuing a vehicle inspection report following an emissions inspection and submitting information to the inspection database described by Section 548.251, Transportation Code, following an emissions inspection [certificate].

SECTION 8. Subsections (b) and (d), Section 382.220, Health and Safety Code, are amended to read as follows:

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

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

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

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

(4) develop and implement projects in consultation with the director of the Department of Public Safety for coordinating with local law enforcement officials to reduce the use of counterfeit registration insignia and vehicle inspection reports [state inspection stickers] by providing local law enforcement officials with funds to identify vehicles with counterfeit registration insignia and vehicle inspection reports [state inspection stickers] and to carry out appropriate actions;

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

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

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

SECTION 9. Subsections (d) and (e), Section 2308.253, Occupations Code, are amended to read as follows:

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

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

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

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

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

(2) sent by certified mail, return receipt requested,

to that owner or operator.

SECTION 10. Subsection (a), Section 501.030, Transportation Code, is amended to read as follows:

(a) Before a motor vehicle that was last registered or titled in another state or country may be titled in this state, ~~[the applicant must furnish]~~ the county assessor-collector shall verify that the vehicle has passed the inspections required by Chapter 548, as indicated in the Department of Public Safety's inspection database under Section 548.251 ~~[with a verification form under Section 548.256]~~.

SECTION 11. Section 502.0023, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) A motor vehicle, semitrailer, or trailer registered under this section is subject to the inspection requirements of Chapter 548, as if the vehicle, semitrailer, or trailer were registered without extended registration. The department and the Department of Public Safety shall by rule establish a method to enforce the inspection requirements of Chapter 548 for motor vehicles, semitrailers, and trailers registered under this section.

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

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

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

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

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

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

(c) Except as provided by Subsection (f), the registration insignia for validation of a license plate shall be attached to the

inside of the vehicle's windshield, if the vehicle has a windshield, in the lower left corner in a manner that will not obstruct the vision of the driver ~~[within six inches of the place where the motor vehicle inspection sticker is required to be placed]~~. If the vehicle does not have a windshield, the owner, when 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]~~ 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:

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

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

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

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

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

SECTION 20. The heading to Subchapter C, Chapter 548, 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

6-1 registration.

6-2 SECTION 22. Section 548.103, Transportation Code, is  
6-3 amended to read as follows:

6-4 Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN  
6-5 VEHICLES. The department may extend the time within which the  
6-6 resident owner of a vehicle that is not in this state when an  
6-7 inspection is required must obtain a vehicle [an] inspection report  
6-8 [certificate] in this state.

6-9 SECTION 23. Section 548.104, Transportation Code, is  
6-10 amended to read as follows:

6-11 Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE  
6-12 OF PASSING VEHICLE INSPECTION REPORT [CERTIFICATE]. (a) The  
6-13 commission shall adopt uniform standards of safety applicable to  
6-14 each item required to be inspected by Section 548.051. The  
6-15 standards and the list of items to be inspected shall be posted in  
6-16 each inspection station.

6-17 (b) An inspection station or inspector may issue a passing  
6-18 vehicle [an] inspection report [certificate] only if the vehicle is  
6-19 inspected and found to be in proper and safe condition and to comply  
6-20 with this chapter and the rules adopted under this chapter.

6-21 (c) An inspection station or inspector may inspect only the  
6-22 equipment required to be inspected by Section 548.051 and may not:

6-23 (1) falsely and fraudulently represent to an applicant  
6-24 that equipment required to be inspected must be repaired, adjusted,  
6-25 or replaced before the vehicle will pass inspection; or

6-26 (2) require an applicant to have another part of the  
6-27 vehicle or other equipment inspected as a prerequisite for issuance  
6-28 of a passing vehicle [an] inspection report [certificate].

6-29 (d) An inspection station or inspector may not issue a  
6-30 passing vehicle [an] inspection report [certificate] for a vehicle  
6-31 equipped with:

6-32 (1) a carburetion device permitting the use of  
6-33 liquefied gas alone or interchangeably with another fuel, unless a  
6-34 valid liquefied gas tax decal issued by the comptroller is attached  
6-35 to the lower right-hand corner of the front windshield of the  
6-36 vehicle on the passenger side; or

6-37 (2) a sunscreening device prohibited by Section  
6-38 547.613, except that the department by rule shall provide  
6-39 procedures for issuance of a passing vehicle [an] inspection report  
6-40 [certificate] for a vehicle exempt under Section 547.613(c).

6-41 (e) The department shall adopt rules relating to inspection  
6-42 of and issuance of a vehicle [an] inspection report [certificate]  
6-43 for a moped.

6-44 SECTION 24. Section 548.105, Transportation Code, is  
6-45 amended to read as follows:

6-46 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS  
6-47 PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT  
6-48 [CERTIFICATE]. (a) An inspection station or inspector may not  
6-49 issue a passing vehicle [an] inspection report [certificate] for a  
6-50 vehicle unless the owner or operator furnishes evidence of  
6-51 financial responsibility at the time of inspection. Evidence of  
6-52 financial responsibility may be shown in the manner specified under  
6-53 Section 601.053(a). A personal automobile insurance policy used as  
6-54 evidence of financial responsibility must be written for a term of  
6-55 30 days or more as required by Section 1952.054 [Article 5.06],  
6-56 Insurance Code.

6-57 (b) An inspection station is not liable to a person,  
6-58 including a third party, for issuing a passing vehicle [an]  
6-59 inspection report [certificate] in reliance on evidence of  
6-60 financial responsibility furnished to the station. An inspection  
6-61 station that is the seller of a motor vehicle may rely on an oral  
6-62 insurance binder.

6-63 SECTION 25. The heading to Subchapter E, Chapter 548,  
6-64 Transportation Code, is amended to read as follows:

6-65 SUBCHAPTER E. ISSUANCE[, RECORDING, AND PROOF] OF VEHICLE  
6-66 INSPECTION REPORTS; SUBMISSION OF INFORMATION TO DEPARTMENT  
6-67 DATABASE [CERTIFICATES AND VERIFICATION FORMS]

6-68 SECTION 26. Section 548.251, Transportation Code, is  
6-69 amended to read as follows:

7-1 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~  
 7-2 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department  
 7-3 shall maintain an electronic database to which inspection stations  
 7-4 may electronically submit the information required by Section  
 7-5 548.253 [~~provide serially numbered inspection certificates and~~  
 7-6 ~~verification forms to inspection stations. The department may~~  
 7-7 ~~issue a unique inspection certificate for:~~

7-8 [~~(1) a commercial motor vehicle inspected under~~  
 7-9 ~~Section 548.201, or~~

7-10 [~~(2) a vehicle inspected under Subchapter F~~].

7-11 SECTION 27. Section 548.252, Transportation Code, is  
 7-12 amended to read as follows:

7-13 Sec. 548.252. ISSUANCE [~~SAFEKEEPING AND CONTROL~~] OF VEHICLE  
 7-14 INSPECTION REPORTS [~~CERTIFICATES AND VERIFICATION FORMS~~].

7-15 (a) The department by rule shall require an inspection station to:

7-16 (1) issue a vehicle inspection report to the owner or  
 7-17 operator of each vehicle inspected by the station; and

7-18 (2) issue a passing vehicle inspection report to the  
 7-19 owner or operator of each vehicle inspected by the station that  
 7-20 passes the inspections required by this chapter.

7-21 (b) The department may adopt rules regarding the issuance of  
 7-22 vehicle inspection reports, including rules providing for [~~On being~~  
 7-23 ~~licensed, an inspector or owner of an inspection station shall:~~

7-24 [~~(1) provide for~~] the format and safekeeping of the  
 7-25 reports [~~inspection certificates and verification forms;~~

7-26 [~~(2) safeguard the certificates and forms against~~  
 7-27 ~~theft, loss, or damage;~~

7-28 [~~(3) control the sequence of issuance of the~~  
 7-29 ~~certificates and forms; and~~

7-30 [~~(4) ensure that the certificates and forms are issued~~  
 7-31 ~~in accordance with department rules~~].

7-32 (c) The department shall provide to inspection stations  
 7-33 equipment and supplies necessary to comply with this section.

7-34 SECTION 28. Section 548.253, Transportation Code, is  
 7-35 amended to read as follows:

7-36 Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON  
 7-37 COMPLETION [~~ISSUANCE~~] OF INSPECTION [~~CERTIFICATE AND VERIFICATION~~  
 7-38 ~~FORM~~]. An inspection station or inspector, on completion of  
 7-39 [~~issuing~~] an inspection [~~certificate and verification form~~], shall  
 7-40 electronically submit to the department's inspection database:

7-41 (1) the vehicle identification number of the inspected  
 7-42 vehicle and an indication of whether the vehicle passed the  
 7-43 inspections required by this chapter [~~make a record and report as~~  
 7-44 ~~prescribed by the department of the inspection and certificate~~  
 7-45 ~~issued~~]; and

7-46 (2) any additional [~~include in the inspection~~  
 7-47 ~~certificate and verification form the~~] information required by rule  
 7-48 by the department for the type of vehicle inspected.

7-49 SECTION 29. Section 548.254, Transportation Code, is  
 7-50 amended to read as follows:

7-51 Sec. 548.254. VALIDITY OF VEHICLE INSPECTION REPORT  
 7-52 [~~CERTIFICATE~~]. A vehicle [~~An~~] inspection report [~~certificate~~] is  
 7-53 invalid after the end of the 12th month following the month in which  
 7-54 the report [~~certificate~~] is issued. [~~An unused inspection~~  
 7-55 ~~certificate representing a previous inspection period may not be~~  
 7-56 ~~issued after the beginning of the next period.~~]

7-57 SECTION 30. Section 548.256, Transportation Code, is  
 7-58 amended to read as follows:

7-59 Sec. 548.256. PROOF OF INSPECTION [~~VERIFICATION FORM~~]  
 7-60 REQUIRED TO REGISTER VEHICLE. [~~(a)~~] Before a vehicle [~~that is~~  
 7-61 ~~brought into this state by a person other than a manufacturer or~~  
 7-62 ~~importer~~] may be registered, the Texas Department of Motor Vehicles  
 7-63 or the county assessor-collector registering the vehicle shall  
 7-64 verify that the vehicle has passed the inspections required by this  
 7-65 chapter, as indicated in the department's inspection database. If  
 7-66 the database information is not available, the owner of the vehicle  
 7-67 may present a vehicle inspection report issued for the vehicle[~~7~~  
 7-68 ~~the owner must have the vehicle inspected and have the inspection~~  
 7-69 ~~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 requirements.

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

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

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

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

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

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

(2) falsely or fraudulently representing 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) issuing a vehicle [an] inspection report or submitting inspection information to the department's database [certificate]:

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

(B) without inspecting the vehicle;

(4) issuing a passing vehicle [an] inspection report or submitting inspection information to the department's database [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;

(5) knowingly issuing a passing vehicle [an] inspection report or submitting inspection information to the department's database [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 rules;

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

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

(8) a violation of Subchapter F;

(9) a violation of Section 548.603; or

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

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

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

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

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

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

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

~~[(4) the conservation commission shall pay to the 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:

10-1       Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR  
 10-2 OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or  
 10-3 light truck under Section 548.102 shall be set by the department by  
 10-4 rule on or before September 1 of each year. A fee set by the  
 10-5 department under this subsection must be based on the costs of  
 10-6 ~~[producing certificates,]~~ providing inspections~~[,]~~ and  
 10-7 administering the program, but may not be less than \$21.75.

10-8       (b) Out of each fee for an inspection under this section  
 10-9 \$14.75 shall be remitted to the state under Section 548.509. ~~[The~~  
 10-10 ~~department shall require an inspection station to make an advance~~  
 10-11 ~~payment of \$14.75 for a certificate to be issued under this section.~~  
 10-12 ~~Additional payment may not be required of the station for the~~  
 10-13 ~~certificate. The inspection station may waive the fee due from the~~  
 10-14 ~~owner of the vehicle inspected. A refund for an unissued~~  
 10-15 ~~certificate shall be made in the same manner as provided for other~~  
 10-16 ~~certificate refunds.]~~

10-17       SECTION 40. Subsection (b), Section 548.504,  
 10-18 Transportation Code, is amended to read as follows:

10-19       (b) Out of each fee for inspection of a commercial motor  
 10-20 vehicle \$10 shall be remitted to the department under Section  
 10-21 548.509. ~~[The inspection station shall pay to the department \$10 of~~  
 10-22 ~~each fee for inspection of a commercial motor vehicle. The~~  
 10-23 ~~department may require the station to make an advance payment of \$10~~  
 10-24 ~~for a certificate to be issued under this section. If advance~~  
 10-25 ~~payment is made:~~

10-26       ~~[(1) no additional payment may be required of the~~  
 10-27 ~~station for the certificate, and~~

10-28       ~~[(2) a refund for an unissued certificate shall be~~  
 10-29 ~~made in the same manner as provided for other certificate refunds.]~~

10-30       SECTION 41. Subsection (a), Section 548.505,  
 10-31 Transportation Code, is amended to read as follows:

10-32       (a) The department by rule may impose an inspection fee for  
 10-33 a vehicle inspected under Section 548.301(a) in addition to the fee  
 10-34 provided by Section 548.501, 548.502, 548.503, or 548.504. A fee  
 10-35 imposed under this subsection must be based on the costs of:

10-36       (1) ~~[producing certificates,~~

10-37       ~~[(2)]~~ providing inspections; and

10-38       (2) ~~[(3)]~~ administering the program.

10-39       SECTION 42. Section 548.508, Transportation Code, is  
 10-40 amended to read as follows:

10-41       Sec. 548.508. DISPOSITION OF FEES. Except as provided by  
 10-42 Sections 382.0622 and 382.202, Health and Safety Code, and Section  
 10-43 548.5055, each fee remitted to the comptroller ~~[collected by the~~  
 10-44 ~~department]~~ under this subchapter shall be deposited to the credit  
 10-45 of the Texas mobility fund.

10-46       SECTION 43. Subchapter H, Chapter 548, Transportation Code,  
 10-47 is amended by adding Section 548.509 to read as follows:

10-48       Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. The  
 10-49 Texas Department of Motor Vehicles or a county assessor-collector  
 10-50 that registers a motor vehicle that is subject to an inspection fee  
 10-51 under this chapter shall collect at the time of registration of the  
 10-52 motor vehicle the portion of the inspection fee that is required to  
 10-53 be remitted to the state. The Texas Department of Motor Vehicles or  
 10-54 the county assessor-collector shall remit the fee to the  
 10-55 comptroller.

10-56       SECTION 44. Subsection (a), Section 548.601,  
 10-57 Transportation Code, is amended to read as follows:

10-58       (a) A person, including an inspector or an inspection  
 10-59 station, commits an offense if the person:

10-60       (1) submits information to the department's inspection  
 10-61 database or issues a vehicle inspection report ~~[an inspection~~  
 10-62 ~~certificate]~~ with knowledge that the submission or issuance is in  
 10-63 violation of this chapter or rules adopted under this chapter;

10-64       (2) falsely or fraudulently represents to the owner or  
 10-65 operator of a vehicle that equipment inspected or required to be  
 10-66 inspected must be repaired, adjusted, or replaced for the vehicle  
 10-67 to pass an inspection;

10-68       (3) misrepresents:

10-69       (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 information to the department's inspection database or issues a vehicle inspection report ~~[an inspection certificate]~~:

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

(B) without inspecting the vehicle;

(5) submits information to the department's inspection database indicating that a vehicle has passed the applicable inspections or issues a passing vehicle ~~[an]~~ inspection report ~~[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 information to the department's inspection database or issues a vehicle inspection report ~~[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 rules;

(7) refuses to allow a vehicle's owner to have a 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 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].~~

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

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

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

(c) The owner of a vehicle commits an offense if the owner

12-1 knowingly allows the vehicle to be registered using a vehicle  
 12-2 inspection report ~~[or operated while the vehicle displays an~~  
 12-3 ~~inspection certificate]~~ in violation of Subsection (a).

12-4 SECTION 46. Subsection (f), Section 548.603,  
 12-5 Transportation Code, as added by Chapter 851 (H.B. 1048), Acts of  
 12-6 the 75th Legislature, Regular Session, 1997, is amended to read as  
 12-7 follows:

12-8 (f) Notwithstanding Subsection (c), an offense under  
 12-9 Subsection (a)(1) that involves a fictitious vehicle inspection  
 12-10 report ~~[certificate]~~ is a Class B misdemeanor.

12-11 SECTION 47. Subsection (a), Section 548.6035,  
 12-12 Transportation Code, is amended to read as follows:

12-13 (a) A person commits an offense if, in connection with a  
 12-14 required emissions inspection of a motor vehicle, the person  
 12-15 knowingly:

12-16 (1) submits information to the department's inspection  
 12-17 database stating that a vehicle has passed the applicable  
 12-18 inspections or issues a passing vehicle inspection report ~~[places~~  
 12-19 ~~or causes to be placed on a motor vehicle an inspection~~  
 12-20 ~~certificate]~~, if:

12-21 (A) the vehicle does not meet the emissions  
 12-22 requirements established by the department; or

12-23 (B) the person has not inspected the vehicle;

12-24 (2) manipulates an emissions test result;

12-25 (3) uses or causes to be used emissions data from  
 12-26 another motor vehicle as a substitute for the motor vehicle being  
 12-27 inspected; or

12-28 (4) bypasses or circumvents a fuel cap test.

12-29 SECTION 48. Subsection (d), Section 623.011,  
 12-30 Transportation Code, is amended to read as follows:

12-31 (d) When the department issues a permit under this section,  
 12-32 the department shall issue a sticker to be placed on the front  
 12-33 windshield of the vehicle ~~[above the inspection certificate issued~~  
 12-34 ~~to the vehicle]~~. The department shall design the form of the  
 12-35 sticker to aid in the enforcement of weight limits for vehicles.

12-36 SECTION 49. Section 683.051, Transportation Code, is  
 12-37 amended to read as follows:

12-38 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF  
 12-39 CERTAIN MOTOR VEHICLES. A person may apply to the department for  
 12-40 authority:

12-41 (1) to sell, give away, or dispose of a motor vehicle  
 12-42 to a motor vehicle demolisher if:

12-43 (A) the person owns the motor vehicle and the  
 12-44 certificate of title to the vehicle is lost, destroyed, or faulty;  
 12-45 or

12-46 (B) the vehicle is an abandoned motor vehicle and  
 12-47 is:

12-48 (i) in the possession of the person; or

12-49 (ii) located on property owned by the  
 12-50 person; or

12-51 (2) to dispose of a motor vehicle to a motor vehicle  
 12-52 demolisher for demolition, wrecking, or dismantling if:

12-53 (A) the abandoned motor vehicle:

12-54 (i) is in the possession of the person;

12-55 (ii) is more than eight years old;

12-56 (iii) either has no motor or is otherwise  
 12-57 totally inoperable or does not comply with all applicable air  
 12-58 pollution emissions control related requirements included in~~+~~  
 12-59 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~  
 12-60 ~~evidenced by a current inspection certificate affixed to the~~  
 12-61 ~~vehicle windshield, or (bb)]~~ the vehicle emissions inspection and  
 12-62 maintenance requirements contained in the Public Safety  
 12-63 Commission's motor vehicle emissions inspection and maintenance  
 12-64 program under Subchapter F, Chapter 548, or the state's air quality  
 12-65 state implementation plan; and

12-66 (iv) was authorized to be towed by a law  
 12-67 enforcement agency; and

12-68 (B) the law enforcement agency approves the  
 12-69 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 the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
- (3) a watercraft that:
  - (A) does not have lawfully on board an unexpired certificate of number; and
  - (B) is not a watercraft described by Section 31.055, Parks and Wildlife Code.

SECTION 51. The following statutes are repealed:

- (1) Subsection (c), Section 548.053, Transportation Code;
- (2) Section 548.255, Transportation Code;
- (3) Section 548.257, Transportation Code;
- (4) Section 548.602, Transportation Code;
- (5) Subdivision (2), Subsection (e), Section 548.603, Transportation Code;
- (6) Subsection (f), Section 548.603, Transportation Code, as added by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular Session, 1997; and
- (7) Section 548.605, Transportation Code.

SECTION 52. Article 45.003, Code of Criminal Procedure, Section 103.0213, Government Code, and Sections 521.3465, 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as amended by this Act, and the repeal by this Act of Sections 548.602 and 548.605, Transportation Code, apply only to an offense committed on or after January 1, 2015. An offense committed before January 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before January 1, 2015, if any element of the offense occurred before that date.

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

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

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

SECTION 55. (a) Except as otherwise provided by Subsection

14-1 (b) of this section, this Act takes effect January 1, 2015.

14-2 (b) Section 53 of this Act takes effect September 1, 2013.

14-3 \* \* \* \* \*