

Amend CSHB 2212 (house committee report) by adding the following appropriately numbered SECTIONS to Article 2 of the bill and renumbering the other SECTIONS of that article accordingly:

SECTION 2._____. Section 162.404, Tax Code, is amended to read as follows:

Sec. 162.404. CRIMINAL OFFENSES: SPECIAL PROVISIONS AND EXCEPTIONS. (a) A person does not commit an offense under Section 162.403 unless the person intentionally or knowingly engaged in conduct as the definition of the offense requires, except that no culpable mental state is required for an offense under Section 162.403(5) [~~162.403(6)~~].

(b) Each day that a refusal prohibited under Section 162.403(8), (9), or (10) [~~162.403(13), (14), or (15)~~] continues is a separate offense.

(c) The prohibition under Section 162.403(27) [~~162.403(32)~~] does not apply to the tax-free sale or distribution of diesel fuel authorized by Section 162.204(1), (2), or (3).

(d) The prohibition under Section 162.403(28) [~~162.403(33)~~] does not apply to the tax-free sale or distribution of gasoline under Section 162.104(1), (2), or (3).

SECTION 2._____. Section 162.405, Tax Code, is amended to read as follows:

Sec. 162.405. CRIMINAL PENALTIES. (a) An offense under Section 162.403(1), (2), (3), (4), (5), [~~(6)~~] or (7) [~~(8)~~] is a Class C misdemeanor.

(b) An offense under Section 162.403(8), (9) [~~162.403(9)~~], (10), (11), (12), (13), (35), or (36) [~~(14), (15), (16), (17), (18), (40), or (41)~~] is a Class B misdemeanor.

(c) An offense under Section 162.403(14), (15), or (16) [~~162.403(19), (20), or (21)~~] is a Class A misdemeanor.

(d) An offense under Section 162.403(6), (17), (18), (19), (20), (21) [~~162.403(7)~~], (22), (23), or (24) [~~(25), (26), (27), (28), or (29)~~] is a felony of the third degree.

(e) An offense under Section 162.403(25), (26), (27), (28), (29), (30) [~~162.403(30)~~], (31), (32), (33), or (34) [~~(35), (36), (37), (38), or (39)~~] is a felony of the second degree.

(f) Violations of three or more separate offenses under the

following sections committed pursuant to one scheme or continuous course of conduct may be considered as one offense and punished as a felony of the second degree:

- (1) Section 162.403(6) [~~162.403(7)~~];
- (2) Sections 162.403(8) [~~162.403(13)~~] through (11) [~~(16)~~]; or
- (3) Sections 162.403(17) [~~162.403(22)~~] through (24) [~~(29)~~].

SECTION 2.____. Section 548.051(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state, must have the following items inspected at an inspection station or by an inspector:

- (1) tires;
- (2) wheel assembly;
- (3) safety guards or flaps, if required by Section 547.606;
- (4) brake system, including power brake unit;
- (5) steering system, including power steering;
- (6) lighting equipment;
- (7) horns and warning devices;
- (8) mirrors;
- (9) windshield wipers;
- (10) sunscreening devices, unless the vehicle is exempt from sunscreen device restrictions under Section 547.613;
- (11) front seat belts in vehicles on which seat belt anchorages were part of the manufacturer's original equipment;
- (12) [~~tax decal, if required by Section 548.104(d)(1),~~
[~~(13)~~] exhaust system;
- (13) [~~(14)~~] exhaust emission system;
- (14) [~~(15)~~] fuel tank cap, using pressurized testing equipment approved by department rule; and
- (15) [~~(16)~~] emissions control equipment as designated by department rule.