

By: Pickett

H.B. No. 3648

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle registration and safety inspections;
repealing certain fees and increasing certain fees.

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

SECTION 1. Section 382.0622(a), Health and Safety Code, is amended to read as follows:

(a) Clean Air Act fees consist of:

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

~~(2) [\$2 of each fee collected for inspections of vehicles other than mopeds under Section 548.501, Transportation Code; and~~

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

SECTION 2. Section 382.202(d), Health and Safety Code, is 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 a passing vehicle inspection report ~~[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, Chapter 548, Transportation Code ~~[of that chapter],~~

1 that the vehicle, unless the vehicle is not covered by the system,
2 be annually or biennially inspected under the vehicle emissions
3 inspection and maintenance program as required by the state's air
4 quality state implementation plan. The Department of Public Safety
5 shall implement such a system when it is required by any provision
6 of federal or state law, including any provision of the state's air
7 quality state implementation plan.

8 SECTION 3. Section 502.092(c), Transportation Code, is
9 amended to read as follows:

10 (c) A person may obtain a permit under this section by:

11 (1) applying to the department in a manner prescribed
12 by the department;

13 (2) paying a fee equal to 1/12 the registration fee
14 prescribed by this chapter for the vehicle;

15 (3) furnishing satisfactory evidence that the motor
16 vehicle is insured under an insurance policy that complies with
17 Section 601.072 and that is written by:

18 (A) an insurance company or surety company
19 authorized to write motor vehicle liability insurance in this
20 state; or

21 (B) with the department's approval, a surplus
22 lines insurer that meets the requirements of Chapter 981, Insurance
23 Code, and rules adopted by the commissioner of insurance under that
24 chapter, if the applicant is unable to obtain insurance from an
25 insurer described by Paragraph (A); and

26 (4) furnishing evidence that the vehicle has been
27 inspected if [~~as~~] required under Chapter 548.

1 SECTION 4. Section 502.251, Transportation Code, is amended
2 to read as follows:

3 Sec. 502.251. FEE: MOTORCYCLE OR MOPED. The fee for a
4 registration year for registration of a:

5 (1) motorcycle is \$42.50; or

6 (2) moped is \$35.75 [~~\$30~~].

7 SECTION 5. Section 502.252, Transportation Code, is amended
8 to read as follows:

9 Sec. 502.252. FEE: VEHICLES THAT WEIGH 6,000 POUNDS OR
10 LESS. (a) Except as provided by Subsection (b), the [~~The~~] fee for a
11 registration year for registration of a vehicle with a gross weight
12 of 6,000 pounds or less is \$63.75 [~~\$50.75~~], unless otherwise
13 provided in this chapter.

14 (b) The fee for a registration year for registration of a
15 vehicle described by Subsection (a) that is subject to a commercial
16 motor vehicle inspection under Subchapter D, Chapter 548, is
17 \$50.75, unless provided otherwise by this chapter.

18 SECTION 6. Section 502.253, Transportation Code, is amended
19 to read as follows:

20 Sec. 502.253. FEE: VEHICLES THAT WEIGH MORE THAN 6,000
21 POUNDS. (a) Except as provided by Subsection (b), the [~~The~~] fee
22 for a registration year for registration of a vehicle with a gross
23 weight of more than 6,000 pounds is as follows unless otherwise
24 provided in this chapter:

25 Weight Classification	Fee Schedule
26 in pounds	
27 6,001-10,000	<u>\$66.50</u> [\$54.00]

1	10,001-18,000	<u>\$122.50</u> [\$110.00]
2	18,001-25,999	<u>\$217.50</u> [\$205.00]
3	26,000-40,000	<u>\$352.50</u> [\$340.00]
4	40,001-54,999	<u>\$547.50</u> [\$535.00]
5	55,000-70,000	<u>\$752.50</u> [\$740.00]
6	70,001-80,000	<u>\$852.50</u> [\$840.00]

7 (b) The fee for a registration year for registration of a
8 vehicle described by Subsection (a) that is subject to a commercial
9 motor vehicle inspection under Subchapter D, Chapter 548, is \$12.50
10 less than the amount listed for the vehicle under Subsection (a).

11 SECTION 7. Section [502.254](#)(a), Transportation Code, is
12 amended to read as follows:

13 (a) The fee for a registration year for registration of a
14 trailer, travel trailer, or semitrailer with a gross weight of
15 6,000 pounds or less is:

- 16 (1) \$57.50; or
17 (2) \$45.00 if the vehicle is subject to a commercial
18 motor vehicle inspection under Subchapter D, Chapter 548.

19 SECTION 8. Section [547.601](#), Transportation Code, is amended
20 to read as follows:

21 Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle
22 described by Section [548.051](#) [~~required by Chapter 548 to be~~
23 inspected] shall be equipped with front safety belts if safety belt
24 anchorages were part of the manufacturer's original equipment on
25 the vehicle.

26 SECTION 9. The heading to Chapter 548, Transportation Code,
27 is amended to read as follows:

CHAPTER 548. [~~COMPULSORY~~] INSPECTION OF VEHICLES

SECTION 10. Section 548.001(10), Transportation Code, is amended 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 11. The heading to Subchapter B, Chapter 548, Transportation Code, is amended to read as follows:

SUBCHAPTER B. VEHICLES AND EQUIPMENT SUBJECT TO SAFETY STANDARDS

~~[INSPECTION AND REINSPECTION]~~

SECTION 12. Section 548.051, Transportation Code, is amended to read as follows:

Sec. 548.051. VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION BY PEACE OFFICER; STANDARDS. The commission shall adopt uniform standards of safety for the following items installed on a [(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;

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

15 ~~[(b) A moped is subject to inspection in the same manner as a~~

16 ~~motorcycle, except that the only items of equipment required to be~~

17 ~~inspected are the brakes, headlamps, rear lamps, and reflectors,~~

18 ~~which must comply with the standards prescribed by Sections [547.408](#)~~

19 ~~and [547.801](#).]~~

20 SECTION 13. Section [548.053](#), Transportation Code, is

21 transferred to Subchapter C, Chapter 548, Transportation Code,

22 redesignated as Section 548.106, Transportation Code, and amended

23 to read as follows:

24 Sec. [548.106](#) [~~[548.053](#)~~]. REINSPECTION OF VEHICLE REQUIRING

25 ADJUSTMENT, CORRECTION, OR REPAIR. [~~(a)~~] If an inspection

26 discloses the necessity for adjustment, correction, or repair, an

27 inspection station or inspector may not issue a passing vehicle

1 inspection report until the adjustment, correction, or repair is
2 made. The owner of the vehicle may have the adjustment,
3 correction, or repair made by a qualified person of the owner's
4 choice, subject to reinspection. The vehicle shall be reinspected
5 once free of charge within 15 days after the date of the original
6 inspection, not including the date the original inspection is made,
7 at the same inspection station after the adjustment, correction, or
8 repair is made.

9 ~~[(b) A vehicle that is inspected and is subsequently
10 involved in an accident affecting the safe operation of an item of
11 inspection must be reinspected following repair. The reinspection
12 must be at an inspection station and shall be treated and charged as
13 an initial inspection.]~~

14 SECTION 14. Subchapter B, Chapter 548, Transportation Code,
15 is amended by adding Sections 548.054 and 548.055 to read as
16 follows:

17 Sec. 548.054. INSPECTION BY PEACE OFFICER. A peace officer
18 may inspect a vehicle for a suspected violation of a provision of
19 Chapter 547 or this chapter or a rule adopted under Chapter 547 or
20 this chapter.

21 Sec. 548.055. REGULAR INSPECTION NOT REQUIRED IN CERTAIN
22 COUNTIES. Except as otherwise provided by Subchapter D, a vehicle
23 described by Section 548.051 registered in a county that does not
24 have a motor vehicle emissions inspection and maintenance program
25 is not required to be regularly inspected at an inspection station
26 under this chapter.

27 SECTION 15. Section 548.101, Transportation Code, is

1 amended to read as follows:

2 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. (a)
3 Except as provided by Section 548.102, the department shall require
4 an annual:

5 (1) commercial motor vehicle inspection under
6 Subchapter D; and

7 (2) emissions inspection under the program described
8 by Subchapter F.

9 (b) The department shall set the periods of inspection and
10 may make rules with respect to those periods. The rules must
11 provide that:

12 (1) a vehicle owner may obtain an inspection not
13 earlier than 90 days before the date of expiration of the vehicle's
14 registration; and

15 (2) a used motor vehicle sold by a dealer, as defined
16 by Section 503.001, must be inspected in the 180 days preceding the
17 date the dealer sells the vehicle.

18 SECTION 16. Section 548.102, Transportation Code, is
19 amended to read as follows:

20 Sec. 548.102. TWO-YEAR INITIAL INSPECTION PERIOD FOR
21 PASSENGER CAR OR LIGHT TRUCK. (a) The initial emissions inspection
22 period is two years for a passenger car or light truck that:

23 (1) is sold in this state;

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

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

1 (b) An [~~This section does not affect a requirement that a~~
2 ~~motor vehicle emission inspection be conducted during an initial~~
3 ~~inspection period in a county covered by an~~] inspection and
4 maintenance program approved by the United States Environmental
5 Protection Agency under Section 548.301 and the Clean Air Act (42
6 U.S.C. Section 7401 et seq.) may provide for a different initial
7 emissions inspection period than the period established in
8 Subsection (a).

9 SECTION 17. Section 548.104, Transportation Code, is
10 amended to read as follows:

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

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

20 (b) [~~(c)~~] An inspection station or inspector may inspect
21 only the equipment required to be inspected by this chapter
22 [~~Section 548.051~~] and may not:

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

26 (2) require an applicant to have another part of the
27 vehicle or other equipment inspected as a prerequisite for issuance

1 of a passing vehicle inspection report.

2 (c) [~~(d)~~] An inspection station or inspector may not issue a
3 passing vehicle inspection report for a vehicle equipped with:

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

9 (2) [~~a suncreening device prohibited by Section~~
10 ~~547.613, except that the department by rule shall provide~~
11 ~~procedures for issuance of a passing vehicle inspection report for~~
12 ~~a vehicle exempt under Section 547.613(c); or~~

13 [~~(3)~~] a compressed natural gas container unless the
14 owner demonstrates in accordance with department rules proof:

15 (A) that:

16 (i) the container has met the inspection
17 requirements under 49 C.F.R. Section 571.304; and

18 (ii) the manufacturer's recommended service
19 life for the container, as stated on the container label required by
20 49 C.F.R. Section 571.304, has not expired; or

21 (B) that the vehicle is a fleet vehicle for which
22 the fleet operator employs a technician certified to inspect the
23 container.

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

27 SECTION 18. Section 548.256, Transportation Code, is

1 amended to read as follows:

2 Sec. 548.256. PROOF OF INSPECTION REQUIRED TO REGISTER
3 VEHICLE. Before a vehicle may be registered, the Texas Department
4 of Motor Vehicles or the county assessor-collector registering the
5 vehicle shall verify that the vehicle has passed any [~~the~~]
6 inspections required by this chapter, as indicated in the
7 department's inspection database. If the database information is
8 not available, the owner of the vehicle may present a vehicle
9 inspection report issued for the vehicle.

10 SECTION 19. Section 548.505(a), Transportation Code, is
11 amended to read as follows:

12 (a) The department by rule may impose an inspection fee for
13 a vehicle inspected under Section 548.301(a). A fee established
14 under this subsection is in addition to any applicable [~~the~~]
15 provided by Section [~~548.501, 548.502, 548.503, or~~] 548.504. A fee
16 imposed under this subsection must be based on the costs of:

- 17 (1) providing inspections; and
18 (2) administering the program.

19 SECTION 20. Sections 548.3045(b), 548.501, 548.502, and
20 548.503, Transportation Code, are repealed.

21 SECTION 21. This Act takes effect September 1, 2015.