

By: Huffines

S.B. No. 1675

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the repeal of mandatory periodic motor vehicle  
3 inspections.

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

5 SECTION 1. Section 382.202(d), Health and Safety Code, is  
6 amended to read as follows:

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

21 SECTION 2. Subchapter G, Chapter 382, Health and Safety  
22 Code, is amended by adding Section 382.221 to read as follows:

23 Sec. 382.221. REVIEW OF VEHICLE EMISSIONS INSPECTION AND  
24 MAINTENANCE PROGRAM. (a) Not later than October 1, 2017, the

1 commission shall determine whether the federal Clean Air Act (42  
2 U.S.C. Section 7401 et seq.) or its subsequent amendments require  
3 this state to operate a motor vehicle emissions inspection and  
4 maintenance program in any part of this state.

5 (b) If the commission determines that the federal Clean Air  
6 Act (42 U.S.C. Section 7401 et seq.) or a subsequent amendment does  
7 not require this state to operate a motor vehicle emissions  
8 inspection and maintenance program in any part of this state, the  
9 commission shall, not later than October 1, 2018, develop a plan to  
10 end the emissions inspection and maintenance program established  
11 under this chapter and Subchapter F, Chapter 548, Transportation  
12 Code.

13 (c) The plan must:

14 (1) provide for the revision of this state's air  
15 quality state implementation plan and any other state plans  
16 mandated by the federal Clean Air Act as necessary to account for  
17 the end of the emissions inspection and maintenance program; and

18 (2) establish a proposed timeline for:

19 (A) submitting revised state plans to the United  
20 States Environmental Protection Agency for approval; and

21 (B) ending the emissions inspection and  
22 maintenance program.

23 (d) The commission shall submit to the United States  
24 Environmental Protection Agency a request that the agency approve  
25 the plan described by Subsection (b).

26 (e) If the United States Environmental Protection Agency  
27 approves the plan described by Subsection (b):

1           (1) the commission shall implement the plan and amend  
2 or adopt rules necessary to implement the plan; and

3           (2) on a date determined by the commission by rule, the  
4 emissions inspection and maintenance program established under  
5 this chapter and Subchapter F, Chapter 548, Transportation Code, is  
6 abolished.

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

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

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

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

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

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

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

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

27           SECTION 4. Section 547.601, Transportation Code, is amended

1 to read as follows:

2           Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle  
3 described by Section 548.051 [~~required by Chapter 548 to be~~  
4 ~~inspected~~] shall be equipped with front safety belts if safety belt  
5 anchorages were part of the manufacturer's original equipment on  
6 the vehicle.

7           SECTION 5. Section 548.051(a), Transportation Code, is  
8 amended to read as follows:

9           (a) The following items installed on a [A] motor vehicle,  
10 trailer, semitrailer, pole trailer, or mobile home[~~r~~] registered in  
11 this state may be[~~r~~, must have the following items] inspected at an  
12 inspection station [~~or~~] by an inspector:

- 13           (1) tires;
- 14           (2) wheel assembly;
- 15           (3) safety guards or flaps, if required by Section  
16 547.606;
- 17           (4) brake system, including power brake unit;
- 18           (5) steering system, including power steering;
- 19           (6) lighting equipment;
- 20           (7) horns and warning devices;
- 21           (8) mirrors;
- 22           (9) windshield wipers;
- 23           (10) sunscreening devices, unless the vehicle is  
24 exempt from sunscreen device restrictions under Section 547.613;
- 25           (11) front seat belts in vehicles on which seat belt  
26 anchorages were part of the manufacturer's original equipment;
- 27           (12) tax decal, if required by Section 548.104(d)(1);

- 1 (13) exhaust system;
- 2 (14) exhaust emission system;
- 3 (15) fuel tank cap, using pressurized testing
- 4 equipment approved by department rule; and
- 5 (16) emissions control equipment as designated by
- 6 department rule.

7 SECTION 6. Subchapter B, Chapter 548, Transportation Code,  
8 is amended by adding Section 548.054 to read as follows:

9 Sec. 548.054. REGULAR INSPECTION NOT REQUIRED IN CERTAIN  
10 COUNTIES. Except as otherwise provided by Subchapter D, a vehicle  
11 described by Section 548.051 registered in a county that does not  
12 have a motor vehicle emissions inspection and maintenance program  
13 is not required to be regularly inspected at an inspection station  
14 under this chapter.

15 SECTION 7. Section 548.101, Transportation Code, is amended  
16 to read as follows:

17 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except  
18 as provided by Section 548.102, the department shall require an  
19 annual emissions inspection under the program described by  
20 Subchapter F. The department shall set the periods of inspection  
21 and may make rules with respect to those periods. The rules must  
22 provide that:

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

26 (2) a used motor vehicle sold by a dealer, as defined  
27 by Section 503.001, must be inspected in the 180 days preceding the

1 date the dealer sells the vehicle.

2 SECTION 8. Section 548.102(a), Transportation Code, is  
3 amended to read as follows:

4 (a) The initial emissions inspection period is two years for  
5 a passenger car or light truck that:

6 (1) is sold in this state;

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

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

11 SECTION 9. Sections 548.104(a) and (c), Transportation  
12 Code, are amended to read as follows:

13 (a) The commission shall adopt uniform standards of safety  
14 applicable to each item subject to inspection under [~~required to be~~  
15 ~~inspected by~~] Section 548.051. The standards and the list of items  
16 to be inspected shall be posted in each inspection station.

17 (c) An inspection station or inspector may inspect only the  
18 equipment subject to inspection under [~~required to be inspected by~~]  
19 Section 548.051 and may not:

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

23 (2) require an applicant to have another part of the  
24 vehicle or other equipment inspected as a prerequisite for issuance  
25 of a passing vehicle inspection report.

26 SECTION 10. Section 548.256, Transportation Code, is  
27 amended to read as follows:

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

9           SECTION 11. Section [548.053\(b\)](#), Transportation Code, is  
10 repealed.

11           SECTION 12. This Act takes effect September 1, 2017.