

## **BILL ANALYSIS**

C.S.H.B. 3995  
By: Simmons  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to interested parties, vehicle safety inspection programs do not do enough to contribute to road safety to justify their existence. C.S.H.B. 3995 seeks to address this issue by eliminating regular mandatory vehicle safety inspections.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3995 amends, revises, and repeals Transportation Code provisions regarding certain mandatory vehicle safety inspections. The bill repeals provisions requiring a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in Texas, to have certain items inspected at an inspection station or by an inspector; establishing a general one-year inspection period and a two-year initial inspection period for a passenger car or light truck; establishing an extended inspection period for vehicles not in Texas when an inspection is required; relating to equipment-related prerequisites to the issuance of a passing vehicle inspection report; and setting vehicle inspection fees for the inspection of a motor vehicle and moped, for the collection and disposition of an inspection fee by a political subdivision or state agency, for the initial two-year inspection of a passenger car or light truck, and for the inspection of a commercial motor vehicle.

C.S.H.B. 3995 amends the Transportation Code to require an applicant for registration or renewal of registration of a motor vehicle to pay at the time of application, in addition to other fees imposed at the time of motor vehicle registration, an annual fee of \$9.25 for a noncommercial motor vehicle that is sold in Texas or purchased by a commercial fleet buyer for use in Texas, that has not been previously registered in Texas or any other state, and that on the date of sale is of the current model year or preceding model year; \$5.50 for each noncommercial motor vehicle that does not meet such conditions; and \$20 for each commercial motor vehicle. The bill requires the Texas Department of Motor Vehicles (TxDMV) or the county tax assessor-collector, as applicable, to remit the fee to the comptroller of public accounts at the time and in the manner prescribed by the comptroller. The bill requires the comptroller to deposit each \$9.25 fee received for certain noncommercial motor vehicles to the credit of the Texas mobility fund and to deposit out of each \$5.50 fee received for other noncommercial motor vehicles \$1.85 of each fee to the credit of the clean air account, 15 cents of each fee to the credit of the state highway fund to be used only by the Texas Department of Transportation for safety initiatives, and the remainder of each fee to the credit of the Texas mobility fund. The bill requires the

comptroller to deposit out of each \$20 fee received for a commercial motor vehicle \$10 of each fee to the credit of the Texas mobility fund and \$10 of each fee to the credit of the Texas emissions reduction plan fund. The bill requires TxDMV or the county tax assessor-collector, as applicable, that registers a motor vehicle that is subject to an emissions-related inspection fee to collect the fee at the time of registration of the motor vehicle. The bill requires TxDMV or the county tax assessor-collector to remit the fee to the comptroller at the time and in the manner prescribed by the comptroller.

C.S.H.B. 3995 authorizes the Department of Public Safety (DPS), as an exception to the requirement for a compulsory inspection to be made only by an inspection station, to authorize the acceptance in Texas of a certificate of inspection and approval issued by an inspector qualified under specified federal law acting as an employee or authorized agent of the owner of a commercial fleet and issued to a commercial motor vehicle that is part of the fleet and registered in Texas. The bill removes the specification that two of the four persons who represent inspection station owners and operators on the advisory committee established under statutory provisions relating to the inspection of vehicles be from counties conducting vehicle emissions testing and that two of those persons be from counties conducting safety only inspections. The bill revises a provision exempting certain vehicles from compulsory vehicle inspection requirements to instead exempt those vehicles from the requirement that they be equipped with front safety belts. The bill removes the requirement that a vehicle that is inspected and is subsequently involved in an accident affecting the safe operation of an item of inspection be reinspected following repair. The bill removes the requirement for the Public Safety Commission to establish an inspection program for commercial motor vehicles that meets the requirements of federal motor carrier safety regulations and that requires a commercial motor vehicle registered in Texas to pass an annual inspection of all safety equipment required by those regulations and removes provisions extending applicability of the program to certain vehicles. The bill instead authorizes the commission to establish an inspection program for commercial motor vehicles only if necessary to comply with the requirements of those federal regulations.

C.S.H.B. 3995 requires the Public Safety Commission to require a vehicle required to be inspected to pass the required inspection not earlier than 90 days before the date of expiration of the vehicle's registration or, if the vehicle is a used motor vehicle sold by a dealer, in the 180 days preceding the date the dealer sells the vehicle. The bill specifies that the inspection fee imposed by DPS for a vehicle inspected under the motor vehicle emissions inspection and maintenance program established by the commission is in addition to a fee adopted by the commission under the vehicle emissions inspection and maintenance program under the Health and Safety Code. The bill requires the fee to be collected as provided by the bill's provisions relating to the collection of an emissions-related inspection fee. The bill removes the authorization for DPS to provide a maximum vehicle inspection fee and the prohibition against DPS setting a minimum vehicle inspection fee. The bill removes as conduct constituting an offense involving a fictitious or counterfeit inspection certificate or insurance document that a person, 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. The bill removes as conduct constituting an offense of violating certain vehicle inspection requirements the operation or movement of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, or a combination of those vehicles, that is in a mechanical condition that endangers a person, including the operator or an occupant, or property. The bill repeals provisions relating to the authorization for a decentralized facility to perform certain vehicle inspections, an authorization of vehicle emissions inspection facilities to conduct safety inspections under certain circumstances, and the applicability of provisions relating to the compulsory inspection of vehicles.

C.S.H.B. 3995 amends the Health and Safety Code to require the portion of a fee imposed for vehicle emissions-related inspections performed at inspection or reinspection facilities authorized and licensed by the Texas Commission on Environmental Quality that is not authorized to be retained by an inspection station to be collected as provided by the bill's

provisions relating to the collection of an emissions-related inspection fee. The bill revises the criteria for a waiver from vehicle emissions inspection and maintenance program requirements for a vehicle on which at least \$100 has been spent to bring the vehicle into compliance under the program from a vehicle that DPS can verify was driven fewer than 5,000 miles since the last safety inspection and reasonably determines will be driven fewer than 5,000 miles during the period before the next required safety inspection to a vehicle that DPS can verify is driven an average of fewer than 5,000 miles each year. The bill requires DPS, not later than March 1, 2019, to submit to the lieutenant governor and the speaker of the house of representatives a report on certain changes in expenses and income of DPS that result from implementing the bill's provisions.

C.S.H.B. 3995 repeals the following Transportation Code provisions:

- the heading to Subchapter B, Chapter 548
- Section 548.051
- the heading to Subchapter C, Chapter 548
- Sections 548.101, 548.102, 548.103, and 548.104
- Sections 548.202 and 548.203
- Sections 548.301(d) and 548.3045(b)
- Sections 548.501, 548.502, 548.503, 548.504, 548.5055, 548.508, and 548.509

#### **EFFECTIVE DATE**

March 1, 2018.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3995 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

##### INTRODUCED

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;
  - (2) [~~\$2 from the portion of~~] each fee collected under Section 502.360(c)(1) [~~for inspections of vehicles other than mopeds and remitted to the state under Sections 548.501 and 548.503~~], 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, Health and Safety Code, is amended.

##### HOUSE COMMITTEE SUBSTITUTE

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;
  - (2) [~~\$2 from the portion of~~] each fee collected under Section 502.360 [~~for inspections of vehicles other than mopeds and remitted to the state under Sections 548.501 and 548.503~~], 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. Same as introduced version.

SECTION 3. Section 382.203(c), Health and Safety Code, is amended.

SECTION 4. Section 386.251(c), Health and Safety Code, is amended.

SECTION 5. Section 502.092(c), Transportation Code, is amended.

SECTION 6. Section 502.094(e), Transportation Code, is amended.

SECTION 7. Section 502.146(d), Transportation Code, is amended.

SECTION 8. Subchapter G, Chapter 502, Transportation Code, is amended by adding Sections 502.360 and 502.361 to read as follows:

Sec. 502.360. FEES RELATED TO FORMER INSPECTION PROGRAM. (a) In addition to other fees imposed at the time of registration of a motor vehicle, at the time of application for registration or renewal of registration of a motor vehicle, the applicant shall pay a fee of:

(1) \$5.50 for each noncommercial motor vehicle; and

(2) \$10 for each commercial motor vehicle.  
(b) The department or the county tax assessor-collector, as applicable, shall remit the fee collected under Subsection (a) to the comptroller at the time and in the manner prescribed by the comptroller.

(c) Out of fees received under Subsection (a), the comptroller shall deposit:

(1) \$1.50 of each fee to the credit of the clean air account;

(2) 50 cents of each fee to the credit of the state highway fund to be used only by the Department of Public Safety for the mobile safety inspection program under Section

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Subchapter G, Chapter 502, Transportation Code, is amended by adding Sections 502.360 and 502.361 to read as follows:

Sec. 502.360. INSPECTION PROGRAM REPLACEMENT FEES. (a) In addition to other fees imposed at the time of registration of a motor vehicle, at the time of application for registration or renewal of registration of a motor vehicle, the applicant shall pay an annual fee of:

(1) \$9.25 for a noncommercial motor vehicle that:

(A) is sold in this state or purchased by a commercial fleet buyer described by Section 501.0234(b)(4) for use in this state;

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

(C) on the date of sale is of the current model year or preceding model year;

(2) \$5.50 for a noncommercial motor vehicle that is not a vehicle described by Subdivision (1); and

(3) \$20 for a commercial motor vehicle.

(b) The department or the county tax assessor-collector, as applicable, shall remit the fee collected under Subsection (a) to the comptroller at the time and in the manner prescribed by the comptroller.

(c) The comptroller shall deposit fees received under Subsection (a)(1) to the credit of the Texas mobility fund.

(d) Out of fees received under Subsection (a)(2), the comptroller shall deposit:

(1) \$1.85 of each fee to the credit of the clean air account;

(2) 15 cents of each fee to the credit of the state highway fund to be used only by the Texas Department of Transportation for safety initiatives; and

547.006; and

(3) the remainder of each fee to the credit of the Texas mobility fund.

Sec. 502.361. COLLECTION OF EMISSIONS-RELATED INSPECTION FEE. The department or a county tax assessor-collector, as applicable, that registers a motor vehicle that is subject to an emissions-related inspection fee under Section 382.202, Health and Safety Code, or Section 548.505 of this code shall collect the fee at the time of registration of the motor vehicle. The department or county tax assessor-collector shall remit the fee to the comptroller at the time and in the manner prescribed by the comptroller.

SECTION 9. Section 545.352(b), Transportation Code, is amended.

SECTION 10. Subchapter A, Chapter 547, Transportation Code, is amended by adding Section 547.006 to read as follows:

Sec. 547.006. MOBILE SAFETY INSPECTION PROGRAM. The department shall establish a program to employ, train, and equip officers of the Texas Highway Patrol to detect moving motor vehicles that are in violation of this chapter.

SECTION 11. Section 547.601, Transportation Code, is amended.

SECTION 12. The heading to Chapter 548, Transportation Code, is amended.

SECTION 13. Section 548.001(10), Transportation Code, is amended.

SECTION 14. Section 548.005, Transportation Code, is amended to read as follows:

(3) the remainder of each fee to the credit of the Texas mobility fund.

(e) Out of fees received under Subsection (a)(3), the comptroller shall deposit:

(1) \$10 of each fee to the credit of the Texas mobility fund; and

(2) \$10 of each fee to the credit of the Texas emissions reduction plan fund.

Sec. 502.361. COLLECTION OF EMISSIONS-RELATED INSPECTION FEE. The department or a county tax assessor-collector, as applicable, that registers a motor vehicle that is subject to an emissions-related inspection fee under Section 382.202, Health and Safety Code, or Section 548.505 of this code shall collect the fee at the time of registration of the motor vehicle. The department or county tax assessor-collector shall remit the fee to the comptroller at the time and in the manner prescribed by the comptroller.

SECTION 9. Same as introduced version.

No equivalent provision.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Section 548.005, Transportation Code, is amended to read as follows:

Sec. 548.005. INSPECTION ONLY BY CERTAIN [STATE-CERTIFIED—AND SUPERVISED] INSPECTION STATIONS [STATION]. A compulsory inspection under this chapter may be made only by an inspection station, except that the

(4) authorize the acceptance in this state of a certificate of inspection and approval issued on vehicles specified in, and in compliance with, Section 548.201 by an inspector, with qualifications as specified in 49 C.F.R. 396.19, acting as an employee or authorized agent of the owner of a commercial fleet, as defined in Section 502.001, that is registered in this state.

SECTION 15. Section 548.006(b), Transportation Code, is amended.

SECTION 16. Section 548.052, Transportation Code, is transferred to Subchapter K, Chapter 547, Transportation Code, redesignated as Section 547.6011, Transportation Code, and amended.

SECTION 17. Section 548.053, Transportation Code, is transferred to Subchapter E, Chapter 548, Transportation Code, redesignated as Section 548.255, Transportation Code, and amended.

SECTION 18. Section 548.105, Transportation Code, is transferred to Subchapter E, Chapter 548, Transportation Code, and redesignated as Section 548.2521, Transportation Code.

SECTION 19. Section 548.201, Transportation Code, is amended to read as follows:

Sec. 548.201. COMMERCIAL MOTOR VEHICLE INSPECTION PROGRAM. [(a)] The commission may [~~shall~~] establish an inspection program for commercial motor vehicles if necessary to comply with

department may:

(1) permit inspection to be made by an inspector under terms and conditions the department prescribes;

(2) authorize the acceptance in this state of a certificate of inspection and approval issued in another state having a similar inspection law; [~~and~~]

(3) authorize the acceptance in this state of a certificate of inspection and approval issued in compliance with 49 C.F.R. Part 396 to a motor bus, as defined by Section 502.001, that is registered in this state but is not domiciled in this state; and

(4) authorize the acceptance in this state of a certificate of inspection and approval issued:

(A) by an inspector qualified under 49 C.F.R. Part 396 acting as an employee or authorized agent of the owner of a commercial fleet, as defined in Section 502.001; and

(B) to a commercial motor vehicle that is:

(i) part of the fleet; and

(ii) registered in this state.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

SECTION 18. Section 548.201, Transportation Code, is amended to read as follows:

Sec. 548.201. COMMERCIAL MOTOR VEHICLE INSPECTION PROGRAM. [(a)] The commission may [~~shall~~] establish an inspection program for commercial motor vehicles only if necessary to comply

[that:

~~[(1) meets] the requirements of federal motor carrier safety regulations[; and~~

~~[(2) requires a commercial motor vehicle registered in this state to pass an annual inspection of all safety equipment required by the federal motor carrier safety regulations].~~

~~[(b) A program under this section also applies to any:~~

~~[(1) vehicle or combination of vehicles with a gross weight rating of more than 10,000 pounds that is operated in interstate commerce and registered in this state;~~

~~[(2) school activity bus, as defined in Section 541.201, that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds, or is designed to transport more than 15 passengers, including the driver; and~~

~~[(3) school bus that will operate at a speed authorized by Section 545.352(b)(5)(A).]~~

SECTION 20. Subchapter E, Chapter 548, Transportation Code, is amended.

SECTION 21. Section 548.505, Transportation Code, is amended.

SECTION 22. Section 548.603(a), Transportation Code, is amended.

SECTION 23. Section 548.604(a), Transportation Code, is amended.

SECTION 24. The following provisions of the Transportation Code are repealed:

(1) the heading to Subchapter B, Chapter 548;

(2) Section 548.051;

(3) the heading to Subchapter C, Chapter 548;

(4) Sections 548.101, 548.102, 548.103, and 548.104;

(5) Sections 548.202 and 548.203;

(6) Sections 548.301(d) and 548.3045(b); and

(7) Sections 548.501, 548.502, 548.503, 548.504, 548.5055, 548.508, and 548.509.

SECTION 25 Not later than January 1, 2019, the Department of Public Safety shall submit to the lieutenant governor and the speaker of the house of representatives a

with [that:

~~[(1) meets] the requirements of federal motor carrier safety regulations[; and~~

~~[(2) requires a commercial motor vehicle registered in this state to pass an annual inspection of all safety equipment required by the federal motor carrier safety regulations].~~

~~[(b) A program under this section also applies to any:~~

~~[(1) vehicle or combination of vehicles with a gross weight rating of more than 10,000 pounds that is operated in interstate commerce and registered in this state;~~

~~[(2) school activity bus, as defined in Section 541.201, that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds, or is designed to transport more than 15 passengers, including the driver; and~~

~~[(3) school bus that will operate at a speed authorized by Section 545.352(b)(5)(A).]~~

SECTION 19. Same as introduced version.

SECTION 20. Same as introduced version.

SECTION 21. Same as introduced version.

SECTION 22. Same as introduced version.

SECTION 23. Same as introduced version.

SECTION 24. Not later than March 1, 2019, the Department of Public Safety shall submit to the lieutenant governor and the speaker of the house of representatives a

report on changes in the department's expenses and income that result from implementing the changes in law required by this Act, including the increase or decrease, if any, of the number of full-time equivalent employees needed to administer Chapters 547 and 548, Transportation Code, between September 1, 2017, and the date the report is prepared.

SECTION 26. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 the effective date of this Act if any element of the offense occurred before that date.

SECTION 27. This Act takes effect September 1, 2017.

report on changes in the department's expenses and income that result from implementing the changes in law required by this Act, including the increase or decrease, if any, of the number of full-time equivalent employees needed to administer Chapters 547 and 548, Transportation Code, between September 1, 2017, and the date the report is prepared.

SECTION 25. Same as introduced version.

SECTION 26. This Act takes effect March 1, 2018.