

By: Pickett

H.B. No. 3683

A BILL TO BE ENTITLED

AN ACT

relating to periodic motor vehicle inspections; reducing a fee.

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

SECTION 1. Section 548.501, Transportation Code, is amended to read as follows:

Sec. 548.501. INSPECTION PROGRAM FEES [GENERALY].

~~[(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.~~

~~[(b) Out of each fee for an inspection, \$5.50] shall be remitted to the state under Section 548.509.~~

At the time of application for registration or renewal of registration of a motor vehicle, other than a commercial motor vehicle required to pay a fee under Section 548.504, the applicant shall pay a program fee of \$5.50, which shall be remitted to the state under Section 548.509.

SECTION 2. 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 from the portion of each fee collected for inspections of vehicles other than mopeds and remitted to the state

1 under Sections 548.501 [~~and 548.503~~], Transportation Code; and
2 [~~3~~] fees collected that are required under Section
3 185 of the federal Clean Air Act (42 U.S.C. Section 7511d).

4 SECTION 3. Section 382.202(d), Health and Safety Code, is
5 amended to read as follows:

6 (d) On adoption of a resolution by the commission and after
7 proper notice, the Department of Public Safety of the State of Texas
8 shall implement a system that requires, [~~as a condition of~~
9 ~~obtaining a passing vehicle inspection report issued under~~
10 ~~Subchapter C, Chapter 548, Transportation Code,~~] in a county that
11 is included in a vehicle emissions inspection and maintenance
12 program under Subchapter F, Chapter 548, Transportation Code [~~of~~
13 ~~that chapter~~], that a motor vehicle registered in this state [~~the~~
14 ~~vehicle~~], unless the vehicle is not covered by the system, be
15 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 4. Section 382.203(c), Health and Safety Code, is
22 amended to read as follows:

23 (c) The Department of Public Safety of the State of Texas by
24 rule may waive program requirements, in accordance with standards
25 adopted by the commission, for certain vehicles and vehicle owners,
26 including:

27 (1) the registered owner of a vehicle who cannot

1 afford to comply with the program, based on reasonable income
2 standards;

3 (2) a vehicle that cannot be brought into compliance
4 with emissions standards by performing repairs;

5 (3) a vehicle:

6 (A) on which at least \$100 has been spent to bring
7 the vehicle into compliance; and

8 (B) that the department[+]

9 [~~(i)~~] can verify is driven an average of
10 fewer than 5,000 miles each year [~~was driven fewer than 5,000 miles~~
11 ~~since the last safety inspection; and~~

12 [~~(ii) reasonably determines will be driven~~
13 ~~fewer than 5,000 miles during the period before the next safety~~
14 ~~inspection is required~~]; and

15 (4) a vehicle for which parts are not readily
16 available.

17 SECTION 5. Section 502.092(c), Transportation Code, is
18 amended to read as follows:

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

20 (1) applying to the department in a manner prescribed
21 by the department;

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

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

27 (A) an insurance company or surety company

1 authorized to write motor vehicle liability insurance in this
2 state; or

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

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

10 SECTION 6. Section 547.601, Transportation Code, is amended
11 to read as follows:

12 Sec. 547.601. SAFETY BELTS REQUIRED. (a) A motor vehicle
13 [~~required by Chapter 548 to be inspected~~] shall be equipped with
14 front safety belts if safety belt anchorages were part of the
15 manufacturer's original equipment on the vehicle.

16 (b) Subsection (a) does not apply to a vehicle described by
17 Section 548.052.

18 SECTION 7. Section 548.001(10), Transportation Code, is
19 amended to read as follows:

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

25 SECTION 8. The heading to Subchapter B, Chapter 548,
26 Transportation Code, is amended to read as follows:

27 SUBCHAPTER B. COMMERCIAL MOTOR VEHICLE INSPECTIONS: VEHICLES AND

EQUIPMENT SUBJECT TO SAFETY INSPECTION [~~AND REINSPECTION~~]

SECTION 9. Section 548.051(a), Transportation Code, is amended to read as follows:

(a) A commercial motor vehicle that is 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;
- (11) [~~(12)~~] exhaust system;
- (12) [~~(13)~~] exhaust emission system;
- (13) [~~(14)~~] fuel tank cap, using pressurized testing equipment approved by department rule; and
- (14) [~~(15)~~] emissions control equipment as designated by department rule.

1 SECTION 10. Section 548.052, Transportation Code, is
2 amended to read as follows:

3 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This
4 subchapter [~~chapter~~] does not apply to:

5 (1) a trailer, semitrailer, pole trailer, or mobile
6 home moving under or bearing a current factory-delivery license
7 plate or current in-transit license plate;

8 (2) a vehicle moving under or bearing a paper dealer
9 in-transit tag, machinery license, disaster license, parade
10 license, prorated tab, one-trip permit, vehicle temporary transit
11 permit, antique license, custom vehicle license, street rod
12 license, temporary 24-hour permit, or permit license;

13 (3) a trailer, semitrailer, pole trailer, or mobile
14 home having an actual gross weight or registered gross weight of
15 4,500 pounds or less;

16 (4) farm machinery, road-building equipment, a farm
17 trailer, or a vehicle required to display a slow-moving-vehicle
18 emblem under Section 547.703;

19 (5) a former military vehicle, as defined by Section
20 504.502;

21 (6) a vehicle qualified for a tax exemption under
22 Section 152.092, Tax Code; or

23 (7) a vehicle for which a certificate of title has been
24 issued but that is not required to be registered.

25 SECTION 11. Section 548.053, Transportation Code, is
26 transferred to Subchapter E, Chapter 548, Transportation Code,
27 redesignated as Section 548.255, Transportation Code, and amended

1 to read as follows:

2 Sec. 548.255 [~~548.053~~]. REINSPECTION OF VEHICLE REQUIRING
3 ADJUSTMENT, CORRECTION, OR REPAIR. (a) If an inspection discloses
4 the necessity for adjustment, correction, or repair, an inspection
5 station or inspector may not issue a passing vehicle inspection
6 report until the adjustment, correction, or repair is made. The
7 owner of the vehicle may have the adjustment, correction, or repair
8 made by a qualified person of the owner's choice, subject to
9 reinspection. The vehicle shall be reinspected once free of charge
10 within 15 days after the date of the original inspection, not
11 including the date the original inspection is made, at the same
12 inspection station after the adjustment, correction, or repair is
13 made.

14 (b) A vehicle required to be inspected under Subchapter B
15 that is inspected and is subsequently involved in an accident
16 affecting the safe operation of an item of inspection must be
17 reinspected following repair. The reinspection must be at an
18 inspection station and shall be treated and charged as an initial
19 inspection.

20 SECTION 12. The heading to Subchapter C, Chapter 548,
21 Transportation Code, is amended to read as follows:

22 SUBCHAPTER C. COMMERCIAL MOTOR VEHICLE INSPECTIONS: PERIODS OF
23 SAFETY INSPECTION[~~, PREREQUISITES TO ISSUANCE OF PASSING VEHICLE~~
24 ~~INSPECTION REPORT]~~

25 SECTION 13. Section 548.101, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. The

1 ~~[Except as provided by Section 548.102, the]~~ department shall
2 require an ~~[annual]~~ inspection under Section 548.051 to be
3 conducted annually. The department shall set the periods of
4 inspection and may make rules with respect to those periods. ~~[The~~
5 ~~rules must provide that:~~

6 ~~[(1) a vehicle owner may obtain an inspection not~~
7 ~~earlier than 90 days before the date of expiration of the vehicle's~~
8 ~~registration; and~~

9 ~~[(2) a used motor vehicle sold by a dealer, as defined~~
10 ~~by Section 503.001, must be inspected in the 180 days preceding the~~
11 ~~date the dealer sells the vehicle.]~~

12 SECTION 14. Section 548.104, Transportation Code, is
13 transferred to Subchapter B, Chapter 548, Transportation Code,
14 redesignated as Section 548.054, and amended to read as follows:

15 Sec. 548.054 ~~[548.104]~~. EQUIPMENT-RELATED REQUIREMENTS
16 ~~[PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT]~~.

17 (a) The commission shall adopt uniform standards of safety
18 applicable to each item required to be inspected by Section
19 548.051. The standards and the list of items to be inspected shall
20 be posted in each inspection station.

21 (b) An inspection station or inspector may issue a passing
22 vehicle inspection report only if the vehicle is inspected and
23 found to be in proper and safe condition and to comply with this
24 chapter and the rules adopted under this chapter.

25 (c) An inspection station or inspector may inspect only the
26 equipment required to be inspected by Section 548.051 and may not:

27 (1) falsely and fraudulently represent to an applicant

1 that equipment required to be inspected must be repaired, adjusted,
2 or replaced before the vehicle will pass inspection; or

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

6 (d) An inspection station or inspector may not issue a
7 passing vehicle inspection report for a vehicle equipped with[+]

8 [~~(1)~~ a sunscreening device prohibited by Section
9 [547.613](#), except that the department by rule shall provide
10 procedures for issuance of a passing vehicle inspection report for
11 a vehicle exempt under Section [547.613\(c\)](#); or

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

14 (1) [~~(A)~~] that:

15 (A) [~~(i)~~] the container has met the inspection
16 requirements under 49 C.F.R. Section 571.304; and

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

20 (2) [~~(B)~~] that the vehicle is a fleet vehicle for
21 which the fleet operator employs a technician certified to inspect
22 the container.

23 (e) The department shall adopt rules relating to inspection
24 of and issuance of a vehicle inspection report for a moped.

25 SECTION 15. Section [548.105](#), Transportation Code, is
26 transferred to Subchapter E, Chapter [548](#), Transportation Code, and
27 redesignated as Section 548.2521 to read as follows:

1 Sec. 548.2521 [~~548.105~~]. EVIDENCE OF FINANCIAL
2 RESPONSIBILITY AS PREREQUISITE TO ISSUANCE OF PASSING VEHICLE
3 INSPECTION REPORT. (a) An inspection station or inspector may not
4 issue a passing vehicle inspection report for a vehicle unless the
5 owner or operator furnishes evidence of financial responsibility at
6 the time of inspection. Evidence of financial responsibility may
7 be shown in the manner specified under Section 601.053(a). A
8 personal automobile insurance policy used as evidence of financial
9 responsibility must be written for a term of 30 days or more as
10 required by Section 1952.054, Insurance Code.

11 (b) An inspection station is not liable to a person,
12 including a third party, for issuing a passing vehicle inspection
13 report in reliance on evidence of financial responsibility
14 furnished to the station. An inspection station that is the seller
15 of a motor vehicle may rely on an oral insurance binder.

16 SECTION 16. The heading to Subchapter D, Chapter 548,
17 Transportation Code, is amended to read as follows:

18 SUBCHAPTER D. [~~INSPECTION OF~~] COMMERCIAL MOTOR VEHICLE
19 INSPECTIONS: FEDERAL MOTOR CARRIER SAFETY REGULATIONS [~~VEHICLES~~]

20 SECTION 17. Subchapter E, Chapter 548, Transportation Code,
21 is amended by adding Section 548.257 to read as follows:

22 Sec. 548.257. TIMING OF INSPECTION FOR REGISTRATION-BASED
23 ENFORCEMENT. The commission shall require a vehicle required to be
24 regularly inspected under this chapter to pass the required
25 inspection:

26 (1) not earlier than 90 days before the date of
27 expiration of the vehicle's registration; or

1 (2) if the vehicle is a used motor vehicle sold by a
2 dealer, as defined by Section 503.001, in the 180 days preceding the
3 date the dealer sells the vehicle.

4 SECTION 18. Section 548.501, Transportation Code, is
5 amended to read as follows:

6 Sec. 548.501. ~~INSPECTION PROGRAM FEES [GENERALLY].~~ At the
7 time of application for registration or renewal of registration of
8 a motor vehicle, other than a commercial motor vehicle required to
9 pay a fee under Section 548.504, the applicant shall pay a program
10 fee of \$5.50, which [(a) ~~Except as provided by Sections 548.503 and~~
11 ~~548.504, the fee for inspection of a motor vehicle other than a~~
12 ~~moped is \$12.50. The fee for inspection of a moped is \$5.75.~~

13 [(b) ~~Out of each fee for an inspection, \$5.50]~~ shall be
14 remitted to the state under Section 548.509.

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

17 (a) The department by rule may impose an inspection fee for
18 a vehicle inspected under Section 548.301(a) in addition to other
19 fees required by this subchapter [~~the fee provided by Section~~
20 ~~548.501, 548.502, 548.503, or 548.504~~]. A fee imposed under this
21 subsection must be based on the costs of:

22 (1) providing inspections; and

23 (2) administering the program.

24 SECTION 20. Sections 548.102, 548.502, and 548.503,
25 Transportation Code, are repealed.

26 SECTION 21. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 22. This Act takes effect September 1, 2017.