

By: Schaefer

H.B. No. 2696

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the elimination of regular mandatory vehicle safety
3 inspections for noncommercial vehicles and the imposition of
4 replacement fees.

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

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

8 (a) Clean Air Act fees consist of:

9 (1) fees collected by the commission under Sections
10 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
11 by law;

12 (2) each amount described by Sections 548.510(c)(3)
13 and (d)(3) [\$2 from the portion of each fee collected for
14 inspections of vehicles other than mopeds and remitted to the state
15 under Sections 548.501 and 548.503], Transportation Code; and

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

18 SECTION 2. Section 382.202, Health and Safety Code, is
19 amended by amending Subsection (d) and adding Subsection (e-1) to
20 read as follows:

21 (d) On adoption of a resolution by the commission and after
22 proper notice, the Department of Public Safety of the State of Texas
23 shall implement a system that requires, ~~[as a condition of~~
24 ~~obtaining a passing vehicle inspection report issued under~~

1 ~~Subchapter C, Chapter 548, Transportation Code,~~ in a county that
2 is included in a vehicle emissions inspection and maintenance
3 program under Subchapter F, Chapter 548, Transportation Code [~~of~~
4 ~~that chapter~~], that a motor vehicle registered in this state [~~the~~
5 ~~vehicle~~], unless the vehicle is not covered by the system, be
6 annually or biennially inspected under the vehicle emissions
7 inspection and maintenance program as required by the state's air
8 quality state implementation plan. The Department of Public Safety
9 shall implement such a system when it is required by any provision
10 of federal or state law, including any provision of the state's air
11 quality state implementation plan.

12 (e-1) The portion of a fee imposed under Subsection (e) that
13 is not authorized to be retained by an inspection station must be
14 collected as provided by Section 548.509, Transportation Code.

15 SECTION 3. Section 382.203(c), Health and Safety Code, is
16 amended to read as follows:

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

21 (1) the registered owner of a vehicle who cannot
22 afford to comply with the program, based on reasonable income
23 standards;

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

26 (3) a vehicle:

27 (A) on which at least \$100 has been spent to bring

1 the vehicle into compliance; and

2 (B) that the department[+]

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

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

9 (4) a vehicle for which parts are not readily
10 available.

11 SECTION 4. Section 780.003(b), Health and Safety Code, is
12 amended to read as follows:

13 (b) The account is composed of money deposited to the credit
14 of the account under Sections 542.406, 548.510, and 707.008,
15 Transportation Code, and under Section 780.002 of this code.

16 SECTION 5. Section 502.047(a), Transportation Code, is
17 amended to read as follows:

18 (a) Except as provided by Chapter 548, the department and
19 the Department of Public Safety shall ensure compliance with [the]
20 motor vehicle inspection requirements under Chapter 548[
21 ~~including compliance with the motor vehicle emissions inspection~~
22 ~~and maintenance program under Subchapter F of that chapter,~~
23 through a vehicle registration-based enforcement system.

24 SECTION 6. Section 502.092(c), Transportation Code, is
25 amended to read as follows:

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

27 (1) applying to the department in a manner prescribed

1 by the department;

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

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

7 (A) an insurance company or surety company
8 authorized to write motor vehicle liability insurance in this
9 state; or

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

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

17 SECTION 7. Section 502.094(e), Transportation Code, is
18 amended to read as follows:

19 (e) A vehicle issued a permit under this section is subject
20 to [~~Subchapters B and F,~~] Chapter 548, unless the vehicle:

21 (1) is registered in another state of the United
22 States, in a province of Canada, or in a state of the United Mexican
23 States; or

24 (2) is mobile drilling or servicing equipment used in
25 the production of gas, crude petroleum, or oil, including a mobile
26 crane or hoisting equipment, mobile lift equipment, forklift, or
27 tug.

1 SECTION 8. Section 502.146(d), Transportation Code, is
2 amended to read as follows:

3 (d) A vehicle described by Subsection (b) is exempt from the
4 inspection requirements of Subchapter [~~Subchapters B and~~] F,
5 Chapter 548.

6 SECTION 9. Section 547.601, Transportation Code, is amended
7 to read as follows:

8 Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle
9 [~~required by Chapter 548 to be inspected~~] shall be equipped with
10 front safety belts if safety belt anchorages were part of the
11 manufacturer's original equipment on the vehicle.

12 SECTION 10. The heading to Chapter 548, Transportation
13 Code, is amended to read as follows:

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

15 SECTION 11. Section 548.001(10), Transportation Code, is
16 amended to read as follows:

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

22 SECTION 12. Section 548.006(b), Transportation Code, is
23 amended to read as follows:

24 (b) The members of the commission shall appoint seven
25 members of the committee as follows:

26 (1) four persons to represent inspection station
27 owners and operators [~~with two of those persons from counties~~

1 ~~conducting vehicle emissions testing under Subchapter F and two of~~
2 ~~those persons from counties conducting safety only inspections];~~

3 (2) one person to represent manufacturers of motor
4 vehicle emissions inspection devices;

5 (3) one person to represent independent vehicle
6 equipment repair technicians; and

7 (4) one person to represent the public interest.

8 SECTION 13. Section 548.053, Transportation Code, is
9 transferred to Subchapter E, Chapter 548, Transportation Code,
10 redesignated as Section 548.255, Transportation Code, and amended
11 to read as follows:

12 Sec. 548.255 [~~548.053~~]. REINSPECTION OF VEHICLE REQUIRING
13 ADJUSTMENT, CORRECTION, OR REPAIR. [~~(a)~~] If an inspection
14 discloses the necessity for adjustment, correction, or repair, an
15 inspection station or inspector may not issue a passing vehicle
16 inspection report until the adjustment, correction, or repair is
17 made. The owner of the vehicle may have the adjustment, correction,
18 or repair made by a qualified person of the owner's choice, subject
19 to reinspection. The vehicle shall be reinspected once free of
20 charge within 15 days after the date of the original inspection, not
21 including the date the original inspection is made, at the same
22 inspection station after the adjustment, correction, or repair is
23 made.

24 [~~(b)~~] ~~A vehicle that is inspected and is subsequently~~
25 ~~involved in an accident affecting the safe operation of an item of~~
26 ~~inspection must be reinspected following repair. The reinspection~~
27 ~~must be at an inspection station and shall be treated and charged as~~

1 ~~an initial inspection.]~~

2 SECTION 14. Section 548.105, Transportation Code, is
3 transferred to Subchapter E, Chapter 548, Transportation Code, and
4 redesignated as Section 548.2521, Transportation Code, to read as
5 follows:

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

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

21 SECTION 15. Sections 548.203(a) and (b), Transportation
22 Code, are amended to read as follows:

23 (a) The commission by rule may exempt a type of commercial
24 motor vehicle from the application of this subchapter if the
25 vehicle:

- 26 (1) was manufactured before September 1, 1995;
27 (2) is operated only temporarily on a highway of this

1 state and at a speed of less than 30 miles per hour; and

2 (3) complies with [~~Section 548.051 and~~] each
3 applicable provision in Title 49, Code of Federal Regulations.

4 (b) A [~~Notwithstanding Subchapter B, a~~] commercial motor
5 vehicle is not subject to the inspection requirements of this
6 chapter if the vehicle:

7 (1) is not domiciled in this state;

8 (2) is registered in this state or under the
9 International Registration Plan as authorized by Section 502.091;
10 and

11 (3) has been issued a certificate of inspection in
12 compliance with federal motor carrier safety regulations.

13 SECTION 16. Subchapter E, Chapter 548, Transportation Code,
14 is amended by adding Section 548.257 to read as follows:

15 Sec. 548.257. TIMING OF INSPECTION FOR REGISTRATION-BASED
16 ENFORCEMENT. The department shall require a vehicle required to be
17 inspected under this chapter to pass the required inspection:

18 (1) for initial registration, not earlier than 90 days
19 before the date of registration;

20 (2) for a renewal of registration, not earlier than 90
21 days before the date of expiration of the vehicle's registration;

22 (3) if the vehicle is a used motor vehicle sold by a
23 dealer, as defined by Section 503.001, in the 180 days preceding the
24 date the dealer sells the vehicle; or

25 (4) if the vehicle is subject to the federal motor
26 carrier safety regulations, in a period that complies with those
27 regulations.

1 SECTION 17. Section 548.505(a), Transportation Code, is
2 amended to read as follows:

3 (a) The department by rule may impose an inspection fee for
4 a vehicle inspected under Section 548.301(a) in addition to a fee
5 adopted under Section 382.202, Health and Safety Code [~~the fee~~
6 ~~provided by Section 548.501, 548.502, 548.503, or 548.504~~]. A fee
7 imposed under this subsection must be based on the costs of:

8 (1) providing inspections; and

9 (2) administering the program.

10 SECTION 18. Section 548.508, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
13 Sections 382.0622 and 382.202, Health and Safety Code, and Sections
14 [~~Section~~] 548.5055 and 548.510, each fee remitted to the
15 comptroller under this subchapter shall be deposited to the credit
16 of the Texas mobility fund.

17 SECTION 19. Section 548.509, Transportation Code, is
18 amended to read as follows:

19 Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. (a)
20 The Texas Department of Motor Vehicles or a county
21 assessor-collector that registers a motor vehicle that is subject
22 to an inspection fee under this chapter or Section 382.202, Health
23 and Safety Code, or a replacement fee under Section 548.510 shall
24 collect at the time of registration of the motor vehicle the portion
25 of the inspection fee that is required to be remitted to the state.

26 (b) The Texas Department of Motor Vehicles or the county
27 assessor-collector shall remit the fee to the comptroller.

1 SECTION 20. Section [548.510](#), Transportation Code, is
2 amended to read as follows:

3 Sec. 548.510. INSPECTION PROGRAM REPLACEMENT FEE [~~FOR~~
4 ~~CERTAIN VEHICLES NOT SUBJECT TO INSPECTION; COLLECTION OF FEE~~
5 ~~DURING REGISTRATION~~]. (a) In addition to other fees imposed at the
6 time of registration, at the time of application for initial
7 registration or renewal of registration of a motor vehicle,
8 trailer, semitrailer, pole trailer, or mobile home, the applicant
9 shall pay an annual fee of \$7.50.

10 (b) Instead of the fee provided by Subsection (a), an
11 applicant shall pay a one-time fee of \$9.25 if the application is
12 for the initial registration of a passenger car or light truck that:

13 (1) is sold in this state or purchased by a commercial
14 fleet buyer described by Section [501.0234](#)(b)(4) for use in this
15 state;

16 (2) has not been previously registered in this or
17 another state; and

18 (3) on the date of sale is of the current model year or
19 preceding model year.

20 (c) [A vehicle described by Section [548.052](#)(3) that has an
21 actual gross weight or registered gross weight of more than 4,500
22 pounds is subject to a fee in the amount of \$7.50.

23 ~~[(b) The Texas Department of Motor Vehicles or a county~~
24 ~~assessor-collector that registers a vehicle described by~~
25 ~~Subsection (a) shall collect at the time of registration of the~~
26 ~~vehicle the fee prescribed by Subsection (a). The Texas Department~~
27 ~~of Motor Vehicles or the county assessor-collector, as applicable,~~

1 ~~shall remit the fee to the comptroller.]~~ Each fee remitted to the
2 comptroller under Subsection (a) for a trailer, semitrailer, pole
3 trailer, or mobile home having an actual gross weight or registered
4 gross weight of more than 4,500 pounds and less than 7,501 pounds
5 ~~[this section]~~ shall be deposited as follows:

- 6 (1) \$3.50 to the credit of the Texas mobility fund;
- 7 (2) \$2 to the credit of the general revenue fund; and
- 8 (3) \$2 to the credit of the clean air account.

9 (d) Each fee remitted to the comptroller under Subsection
10 (a) for a vehicle not described by Subsection (c) shall be deposited
11 as follows:

- 12 (1) \$3.50 to the credit of the Texas mobility fund;
- 13 (2) \$2 to the credit of the designated trauma facility
14 and emergency medical services account established under Section
15 780.003, Health and Safety Code; and
- 16 (3) \$2 to the credit of the clean air account.

17 (e) Each fee remitted to the comptroller under Subsection
18 (b) shall be deposited to the credit of the Texas mobility fund.

19 (f) A [(c) — The] fee collected under this section
20 ~~[Subsection (a)]~~ is not a motor vehicle registration fee and the
21 revenue collected from the fee is not required to be used for a
22 purpose specified by Section 7-a, Article VIII, Texas Constitution.

23 SECTION 21. Subchapter H, Chapter 548, Transportation Code,
24 is amended by adding Section 548.511 to read as follows:

25 Sec. 548.511. VEHICLES NOT SUBJECT TO INSPECTION PROGRAM
26 REPLACEMENT FEE. Section 548.510 does not apply to:

- 27 (1) a vehicle that is being registered under the

- 1 International Registration Plan as authorized by Section 502.091;
2 (2) a token trailer that is being registered under
3 Section 502.255, including a token trailer that is being registered
4 for an extended period under Section 502.0023;
5 (3) a vehicle that is issued a permit under Section
6 502.094 and is described by Section 502.094(e)(1) or (2);
7 (4) a former military vehicle that is issued a
8 specialty license plate under Section 504.502;
9 (5) a log loader vehicle that is issued a specialty
10 license plate under Section 504.506;
11 (6) farm machinery, road-building equipment, a farm
12 trailer, or a vehicle required to display a slow-moving-vehicle
13 emblem under Section 547.703;
14 (7) a commercial motor vehicle that is required to be
15 inspected under Subchapter D or that is subject to fees under
16 Section 548.203(c);
17 (8) a vehicle that is being registered under Section
18 548.256(b);
19 (9) a neighborhood electric vehicle, as defined by
20 Section 551.301;
21 (10) a trailer, semitrailer, pole trailer, or mobile
22 home that:
23 (A) has an actual gross weight or registered
24 gross weight of 4,500 pounds or less; or
25 (B) will move under or bear a factory-delivery
26 license plate or in-transit license plate;
27 (11) a vehicle that will move under or bear a paper

1 dealer in-transit tag, machinery license, disaster license, parade
2 license, prorate tab, one-trip permit, vehicle temporary transit
3 permit, antique license, custom vehicle license, street rod
4 license, temporary 24-hour permit, or permit license; or

5 (12) a vehicle qualified for a tax exemption under
6 Section 152.092, Tax Code.

7 SECTION 22. Section 548.603(a), Transportation Code, is
8 amended to read as follows:

9 (a) A person commits an offense if the person:

10 (1) presents to an official of this state or a
11 political subdivision of this state a vehicle inspection report or
12 insurance document knowing that the report or document is
13 counterfeit, tampered with, altered, fictitious, issued for
14 another vehicle, issued for a vehicle failing to meet all emissions
15 inspection requirements, or issued in violation of:

16 (A) this chapter, rules adopted under this
17 chapter, or other law of this state; or

18 (B) a law of another state, the United States,
19 the United Mexican States, a state of the United Mexican States,
20 Canada, or a province of Canada; or

21 (2) ~~[with intent to circumvent the emissions~~
22 ~~inspection requirements seeks an inspection of a vehicle at a~~
23 ~~station not certified to perform an emissions inspection if the~~
24 ~~person knows that the vehicle is required to be inspected under~~
25 ~~Section 548.301, or~~

26 [~~3~~] knowingly does not comply with an emissions
27 inspection requirement for a vehicle.

1 SECTION 23. Section 548.604(a), Transportation Code, is
2 amended to read as follows:

3 (a) A person commits an offense if the person operates or
4 moves a motor vehicle, trailer, semitrailer, pole trailer, or
5 mobile home, or a combination of those vehicles, that is[+]

6 [~~(1)~~] equipped in violation of this chapter or a rule
7 adopted under this chapter[~~+~~or

8 [~~(2) in a mechanical condition that endangers a~~
9 ~~person, including the operator or an occupant, or property]~~.

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

- 12 (1) the heading to Subchapter B, Chapter 548;
- 13 (2) Sections 548.051 and 548.052;
- 14 (3) the heading to Subchapter C, Chapter 548;
- 15 (4) Sections 548.101, 548.102, 548.103, and 548.104;
- 16 (5) Sections 548.301(d) and 548.3045(b); and
- 17 (6) Sections 548.501, 548.502, and 548.503.

18 SECTION 25. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 26. This Act takes effect January 1, 2020.