

BILL ANALYSIS

C.S.H.B. 5081
By: Wilson
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As a result of the negative price margin between the cost of conducting a motor vehicle safety inspection and the price that may be charged for the inspection as set out in state law, state inspectors often lose money on the inspection. Thus, automobile shops have incurred staffing issues, resulting in extreme wait lines for those wishing to have their vehicle inspected. In some cases, automobile shops have begun refusing to conduct inspections altogether. C.S.H.B. 5081 seeks to address these costs issues by granting the Department of Public Safety the authority to set the fee that an inspection station may charge for a safety inspection conducted for a motor vehicle other than a moped.

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 rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 5081 amends the Transportation Code to grant the Department of Public Safety (DPS) the authority to set the general fee for a safety inspection for a motor vehicle other than a moped by removing the statutorily prescribed \$12.50 inspection fee and requiring DPS instead to adopt rules on or before September 1 of each year setting the inspection fee. The bill requires the inspection fee set by DPS to be calculated so that an inspection station may retain for each inspection an amount equal to one hour's pay at the minimum hourly wage prescribed by the General Appropriations Act for salary group A6 of the position classification salary schedule. The bill's provisions apply only to an inspection performed on or after the effective date of the rules DPS adopts.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5081 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute grant DPS certain authority in setting the fees charged for a motor vehicle safety inspection, the scope of that authority differs. The introduced required DPS to adopt rules annually setting the maximum inspection fee that may be charged for motor vehicles, including mopeds, and retained the current statutorily prescribed inspection fees of \$12.50 and \$5.75 as the minimum amounts at which DPS could set the maximum fees for a motor vehicle or moped, respectively. The substitute instead grants DPS authority to set only the fee for motor vehicles other than mopeds and retains the statutory \$5.75 inspection fee for mopeds. Moreover, the substitute grants DPS the authority to directly set the fee to be charged, rather than setting only the maximum fee, as in the introduced, and accordingly omits the provisions from the introduced relating to the basis on which DPS must determine the maximum fee. The substitute removes entirely the current \$12.50 non-moped motor vehicle inspection fee and includes a requirement not present in the introduced that the fee set by DPS be calculated so that an inspection station may retain for each inspection an amount equal to one hour's pay at the minimum hourly wage prescribed for salary group A6.