

By: Middleton

S.B. No. 1708

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(d)(3)
13 and (e)(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 502.0024, Transportation Code, is
12 amended to read as follows:

13 Sec. 502.0024. EXTENDED REGISTRATION OF CERTAIN TRAILERS
14 [~~VEHICLES NOT SUBJECT TO INSPECTION~~]. (a) Notwithstanding Section
15 502.044(c), the department shall develop and implement a system of
16 registration to allow an owner of a trailer, semitrailer, or pole
17 trailer having an actual gross weight or registered gross weight of
18 7,500 pounds or less [~~vehicle described by Section 548.052(3) other~~
19 ~~than a mobile home~~] to register the vehicle for an extended
20 registration period of not more than five years. The owner may
21 select the number of years for registration under this section
22 within that range and register the vehicle for that period. Payment
23 for all applicable fees, including any optional fee imposed under
24 Subchapter H and other registration fees and the fee required by
25 Section 548.510, for the entire registration period selected is due
26 at the time of registration.

27 (b) The fee required by Section 548.510 shall be remitted to

1 the comptroller for deposit in the Texas mobility fund, the general
2 revenue fund, and the clean air account in amounts proportionate to
3 the allocation prescribed by Subsection (d) [~~(b)~~] of that section.

4 (c) The fees imposed under Subchapter H shall be collected
5 and remitted as prescribed by that subchapter.

6 SECTION 5. Sections 502.0025(d) and (e), Transportation
7 Code, are amended to read as follows:

8 (d) A motor vehicle, semitrailer, or trailer registered
9 under this section is subject to any applicable [~~the~~] inspection
10 requirements of Chapter 548 as if the vehicle, semitrailer, or
11 trailer were registered without an extended registration period.

12 (e) The department shall adopt rules to implement this
13 section, including rules:

14 (1) regarding the suspension of an exempt county
15 fleet's registration under this section if the owner of the exempt
16 county fleet fails to comply with this section or rules adopted
17 under this section; and

18 (2) establishing a method to enforce applicable [~~the~~]
19 inspection requirements of Chapter 548 for motor vehicles,
20 semitrailers, and trailers registered under this section.

21 SECTION 6. Section 502.047(a), Transportation Code, is
22 amended to read as follows:

23 (a) Except as provided by Chapter 548, the department and
24 the Department of Public Safety shall ensure compliance with [~~the~~]
25 motor vehicle inspection requirements under Chapter 548 [~~—~~
26 ~~including compliance with the motor vehicle emissions inspection~~
27 ~~and maintenance program under Subchapter F of that chapter,~~]

1 through a vehicle registration-based enforcement system.

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

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

5 (1) applying to the department in a manner prescribed
6 by the department;

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

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

12 (A) an insurance company or surety company
13 authorized to write motor vehicle liability insurance in this
14 state; or

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

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

22 SECTION 8. Section 502.094(e), Transportation Code, is
23 amended to read as follows:

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

26 (1) is registered in another state of the United
27 States, in a province of Canada, or in a state of the United Mexican

1 States; or

2 (2) is mobile drilling or servicing equipment used in
3 the production of gas, crude petroleum, or oil, including a mobile
4 crane or hoisting equipment, mobile lift equipment, forklift, or
5 tug.

6 SECTION 9. Section 502.146(d), Transportation Code, is
7 amended to read as follows:

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

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

13 Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle
14 [~~required by Chapter 548 to be inspected~~] shall be equipped with:

15 (1) front safety belts if safety belt anchorages were
16 part of the manufacturer's original equipment on the vehicle; or

17 (2) for a motor vehicle that is an assembled vehicle,
18 as defined by Section 731.001, front safety belts in vehicles that
19 contain safety belt anchorages.

20 SECTION 11. The heading to Chapter 548, Transportation
21 Code, is amended to read as follows:

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

23 SECTION 12. Section 548.001(10), Transportation Code, is
24 amended to read as follows:

25 (10) "Vehicle inspection report" means a report issued
26 by an inspector or an inspection station for a vehicle that
27 indicates whether the vehicle has passed an inspection [~~the safety~~

1 ~~and, if applicable, emissions inspections]~~ required by this
2 chapter.

3 SECTION 13. Section 548.006(b), Transportation Code, is
4 amended to read as follows:

5 (b) The members of the commission shall appoint seven
6 members of the committee as follows:

7 (1) four persons to represent inspection station
8 owners and operators[~~, with two of those persons from counties~~
9 ~~conducting vehicle emissions testing under Subchapter F and two of~~
10 ~~those persons from counties conducting safety only inspections];~~

11 (2) one person to represent manufacturers of motor
12 vehicle emissions inspection devices;

13 (3) one person to represent independent vehicle
14 equipment repair technicians; and

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

16 SECTION 14. Section 548.053, Transportation Code, is
17 transferred to Subchapter E, Chapter 548, Transportation Code,
18 redesignated as Section 548.255, Transportation Code, and amended
19 to read as follows:

20 Sec. 548.255 [~~548.053~~]. REINSPECTION OF VEHICLE REQUIRING
21 ADJUSTMENT, CORRECTION, OR REPAIR. [~~(a)~~] If an inspection
22 discloses the necessity for adjustment, correction, or repair, an
23 inspection station or inspector may not issue a passing vehicle
24 inspection report until the adjustment, correction, or repair is
25 made. The owner of the vehicle may have the adjustment, correction,
26 or repair made by a qualified person of the owner's choice, subject
27 to reinspection. The vehicle shall be reinspected once free of

1 charge within 15 days after the date of the original inspection, not
2 including the date the original inspection is made, at the same
3 inspection station after the adjustment, correction, or repair is
4 made.

5 ~~[(b) A vehicle that is inspected and is subsequently~~
6 ~~involved in an accident affecting the safe operation of an item of~~
7 ~~inspection must be reinspected following repair. The reinspection~~
8 ~~must be at an inspection station and shall be treated and charged as~~
9 ~~an initial inspection.]~~

10 SECTION 15. Section [548.105](#), Transportation Code, is
11 transferred to Subchapter [E](#), Chapter [548](#), Transportation Code, and
12 redesignated as Section [548.2521](#), Transportation Code, to read as
13 follows:

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

24 (b) An inspection station is not liable to a person,
25 including a third party, for issuing a passing vehicle inspection
26 report in reliance on evidence of financial responsibility
27 furnished to the station. An inspection station that is the seller

1 of a motor vehicle may rely on an oral insurance binder.

2 SECTION 16. Sections 548.203(a) and (b), Transportation
3 Code, are amended to read as follows:

4 (a) The commission by rule may exempt a type of commercial
5 motor vehicle from the application of this subchapter if the
6 vehicle:

7 (1) was manufactured before September 1, 1995;

8 (2) is operated only temporarily on a highway of this
9 state and at a speed of less than 30 miles per hour; and

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

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

15 (1) is not domiciled in this state;

16 (2) is registered in this state or under the
17 International Registration Plan as authorized by Section 502.091;
18 and

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

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

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

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

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

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

6 (4) if the vehicle is subject to the federal motor
7 carrier safety regulations, in a period that complies with those
8 regulations.

9 SECTION 18. Section 548.505(a), Transportation Code, is
10 amended to read as follows:

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

- 16 (1) providing inspections; and
- 17 (2) administering the program.

18 SECTION 19. Section 548.508, Transportation Code, is
19 amended to read as follows:

20 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
21 Sections 382.0622 and 382.202, Health and Safety Code, and Sections
22 [~~Section~~] 548.5055 and 548.510 of this code, each fee remitted to
23 the comptroller under this subchapter shall be deposited to the
24 credit of the Texas mobility fund.

25 SECTION 20. Section 548.509, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. (a)

1 The Texas Department of Motor Vehicles or a county
2 assessor-collector that registers a motor vehicle that is subject
3 to an inspection fee under this chapter or Section 382.202, Health
4 and Safety Code, or a replacement fee under Section 548.510 of this
5 code shall collect at the time of registration of the motor vehicle
6 the portion of the inspection fee that is required to be remitted to
7 the state.

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

10 SECTION 21. Section 548.510, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.510. INSPECTION PROGRAM REPLACEMENT FEE [~~FOR~~
13 ~~CERTAIN VEHICLES NOT SUBJECT TO INSPECTION, COLLECTION OF FEE~~
14 ~~DURING REGISTRATION~~]. (a) Except as provided by Subsections (b)
15 and (c), in addition to other fees imposed at the time of
16 registration, at the time of application for initial registration
17 or renewal of registration of a motor vehicle, trailer,
18 semitrailer, pole trailer, or mobile home, the applicant shall pay
19 an annual fee of \$7.50.

20 (b) Instead of the fee provided by Subsection (a), an
21 applicant shall pay a one-time fee of \$16.75 if the application is
22 for the initial registration of a passenger car or light truck that:

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

26 (2) has not been previously registered in this or
27 another state; and

1 (3) on the date of sale is of the current model year or
2 preceding model year.

3 (c) An applicant who pays a fee under Subsection (b) for a
4 registration year is not required to pay a fee under Subsection (a)
5 for the next registration year for the same vehicle.

6 (d) [A vehicle described by Section 548.052(3) that has an
7 actual gross weight or registered gross weight of more than 4,500
8 pounds is subject to a fee in the amount of \$7.50.

9 ~~[(b) The Texas Department of Motor Vehicles or a county~~
10 ~~assessor-collector that registers a vehicle described by~~
11 ~~Subsection (a) shall collect at the time of registration of the~~
12 ~~vehicle the fee prescribed by Subsection (a). The Texas Department~~
13 ~~of Motor Vehicles or the county assessor-collector, as applicable,~~
14 ~~shall remit the fee to the comptroller.] Each fee paid [remitted to~~
15 ~~the comptroller] under Subsection (a) [this section] shall be~~
16 ~~deposited by the comptroller after receipt under Section 548.509 as~~
17 ~~follows:~~

- 18 (1) \$3.50 to the credit of the Texas mobility fund;
19 (2) \$2 to the credit of the general revenue fund; and
20 (3) \$2 to the credit of the clean air account.

21 (e) Each fee paid under Subsection (b) shall be deposited by
22 the comptroller after receipt under Section 548.509 as follows:

- 23 (1) \$12.75 to the credit of the Texas mobility fund;
24 (2) \$2 to the credit of the general revenue fund; and
25 (3) \$2 to the credit of the clean air account.

26 (f) A [(c) — The] fee collected under this section
27 [Subsection (a)] is not a motor vehicle registration fee and the

1 revenue collected from the fee is not required to be used for a
2 purpose specified by Section 7-a, Article VIII, Texas Constitution.

3 SECTION 22. Subchapter H, Chapter 548, Transportation Code,
4 is amended by adding Section 548.511 to read as follows:

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

7 (1) a vehicle that is being registered under the
8 International Registration Plan as authorized by Section 502.091;

9 (2) a token trailer that is being registered under
10 Section 502.255, including a token trailer that is being registered
11 for an extended period under Section 502.0023;

12 (3) a vehicle that is issued a permit under Section
13 502.094 and is described by Section 502.094(e)(1) or (2);

14 (4) a former military vehicle that is issued a
15 specialty license plate under Section 504.502;

16 (5) a log loader vehicle that is issued a specialty
17 license plate under Section 504.506;

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

21 (7) a commercial motor vehicle that is required to be
22 inspected under Subchapter D or that is subject to fees under
23 Section 548.203(c);

24 (8) a vehicle that is being registered under Section
25 548.256(b);

26 (9) a neighborhood electric vehicle, as defined by
27 Section 551.301;

1 (10) a trailer, semitrailer, pole trailer, or mobile
2 home that:

3 (A) has an actual gross weight or registered
4 gross weight of 4,500 pounds or less; or

5 (B) will move under or bear a factory-delivery
6 license plate or in-transit license plate;

7 (11) a vehicle that will move under or bear a paper
8 dealer in-transit tag, machinery license, disaster license, parade
9 license, prorated tab, one-trip permit, vehicle temporary transit
10 permit, antique license, custom vehicle license, street rod
11 license, temporary 24-hour permit, or permit license; or

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

14 SECTION 23. Section 548.603(a), Transportation Code, is
15 amended to read as follows:

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

17 (1) presents to an official of this state or a
18 political subdivision of this state a vehicle inspection report or
19 insurance document knowing that the report or document is
20 counterfeit, tampered with, altered, fictitious, issued for
21 another vehicle, issued for a vehicle failing to meet all emissions
22 inspection requirements, or issued in violation of:

23 (A) this chapter, rules adopted under this
24 chapter, or other law of this state; or

25 (B) a law of another state, the United States,
26 the United Mexican States, a state of the United Mexican States,
27 Canada, or a province of Canada; or

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

6 ~~(3)~~ knowingly does not comply with an emissions
7 inspection requirement for a vehicle.

8 SECTION 24. Section 548.604(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person commits an offense if the person operates or
11 moves a motor vehicle, trailer, semitrailer, pole trailer, or
12 mobile home, or a combination of those vehicles, that is~~+~~

13 ~~(1)~~ equipped in violation of this chapter or a rule
14 adopted under this chapter~~+, or~~

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

17 SECTION 25. Section 731.101(a), Transportation Code, is
18 amended to read as follows:

19 (a) In addition to any ~~the~~ inspection required under
20 Chapter 548, an assembled vehicle must pass an inspection conducted
21 by a master technician for the type of assembled vehicle being
22 inspected. The inspection must be conducted before issuance of a
23 title for the assembled vehicle.

24 SECTION 26. The following provisions of the Transportation
25 Code are repealed:

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

27 (2) Sections 548.051 and 548.052;

- 1 (3) the heading to Subchapter C, Chapter 548;
- 2 (4) Sections 548.101, 548.102, 548.103, and 548.104;
- 3 (5) Sections 548.301(d) and 548.3045(b); and
- 4 (6) Sections 548.501, 548.502, and 548.503.

5 SECTION 27. Not later than January 1, 2025, the Department
6 of Public Safety shall submit to the lieutenant governor and the
7 speaker of the house of representatives a report on changes in the
8 department's expenses and income that result from implementing the
9 changes in law required by this Act, including the increase or
10 decrease, if any, of the number of full-time equivalent employees
11 needed to administer Chapters 547 and 548, Transportation Code,
12 between September 1, 2023, and the date the report is prepared.

13 SECTION 28. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 29. This Act takes effect September 1, 2023.