

By: Toth

H.B. No. 3665

A BILL TO BE ENTITLED

AN ACT

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

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

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) the amount described by Section 548.510(c)(3) ~~[\$2 from the portion of each fee collected 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 by amending Subsection (d) and adding Subsection (e-1) to read as follows:

(d) On adoption of a resolution by the commission and after proper notice, the Department of Public Safety of the State of Texas shall implement a system that requires, ~~[as a condition of 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

the vehicle into compliance; and

(B) that the department[+]

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

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

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

SECTION 4. Section 502.047(a), Transportation Code, is amended to read as follows:

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

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

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

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

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

(3) furnishing satisfactory evidence that the motor vehicle is insured under an insurance policy that complies with

Section 601.072 and that is written by:

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

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

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

SECTION 6. Section 502.094(e), Transportation Code, is amended to read as follows:

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

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

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

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

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

SECTION 8. Section 547.601, Transportation Code, is amended to read as follows:

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

SECTION 9. The heading to Chapter 548, Transportation Code, is amended to read as follows:

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

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

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

SECTION 11. Section 548.006(b), Transportation Code, is amended to read as follows:

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

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

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

(3) one person to represent independent vehicle

1 equipment repair technicians; and

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

3 SECTION 12. Section 548.053, Transportation Code, is
4 transferred to Subchapter E, Chapter 548, Transportation Code,
5 redesignated as Section 548.255, Transportation Code, and amended
6 to read as follows:

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

19 ~~[(b) A vehicle that is inspected and is subsequently~~
20 ~~involved in an accident affecting the safe operation of an item of~~
21 ~~inspection must be reinspected following repair. The reinspection~~
22 ~~must be at an inspection station and shall be treated and charged as~~
23 ~~an initial inspection.]~~

24 SECTION 13. Section 548.105, Transportation Code, is
25 transferred to Subchapter E, Chapter 548, Transportation Code, and
26 redesignated as Section 548.2521, Transportation Code, to read as
27 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 14. Sections 548.203(a) and (b), Transportation
17 Code, are amended to read as follows:

18 (a) The commission by rule may exempt a type of commercial
19 motor vehicle from the application of this subchapter if the
20 vehicle:

- 21 (1) was manufactured before September 1, 1995;
- 22 (2) is operated only temporarily on a highway of this
23 state and at a speed of less than 30 miles per hour; and
- 24 (3) complies with [~~Section 548.051 and~~] each
25 applicable provision in Title 49, Code of Federal Regulations.

26 (b) A [~~Notwithstanding Subchapter B, a~~] commercial motor
27 vehicle is not subject to the inspection requirements of this

chapter if the vehicle:

(1) is not domiciled in this state;

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

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

SECTION 15. Subchapter E, Chapter 548, Transportation Code, is amended by adding Section 548.257 to read as follows:

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

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

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

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

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

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

(a) The department by rule may impose an inspection fee for a vehicle inspected under Section 548.301(a) in addition to a fee adopted under Section 382.202, Health and Safety Code ~~[the fee~~

1 ~~provided by Section 548.501, 548.502, 548.503, or 548.504~~]. A fee
2 imposed under this subsection must be based on the costs of:

3 (1) providing inspections; and

4 (2) administering the program.

5 SECTION 17. Section 548.508, Transportation Code, is
6 amended to read as follows:

7 Sec. 548.508. DISPOSITION OF FEES TO TEXAS MOBILITY FUND.
8 Except as provided by Sections 382.0622 and 382.202, Health and
9 Safety Code, and Sections [~~Section~~] 548.5055 and 548.510, each fee
10 remitted to the comptroller under this subchapter shall be
11 deposited to the credit of the Texas mobility fund.

12 SECTION 18. Section 548.509, Transportation Code, is
13 amended to read as follows:

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

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

23 SECTION 19. Section 548.510, Transportation Code, is
24 amended to read as follows:

25 Sec. 548.510. INSPECTION PROGRAM REPLACEMENT FEE [~~FOR~~
26 ~~CERTAIN VEHICLES NOT SUBJECT TO INSPECTION, COLLECTION OF FEE~~
27 ~~DURING REGISTRATION~~]. (a) In addition to other fees imposed at the

1 time of registration, at the time of application for initial
2 registration or renewal of registration of a motor vehicle,
3 trailer, semitrailer, pole trailer, or mobile home, the applicant
4 shall pay an annual fee of \$7.50.

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

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

11 (2) has not been previously registered in this or
12 another state; and

13 (3) on the date of sale is of the current model year or
14 preceding model year.

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

18 ~~[(b) The Texas Department of Motor Vehicles or a county~~
19 ~~assessor-collector that registers a vehicle described by~~
20 ~~Subsection (a) shall collect at the time of registration of the~~
21 ~~vehicle the fee prescribed by Subsection (a). The Texas Department~~
22 ~~of Motor Vehicles or the county assessor-collector, as applicable,~~
23 ~~shall remit the fee to the comptroller.]~~ Each fee remitted to the
24 comptroller under Subsection (a) ~~[this section]~~ shall be deposited
25 as follows:

26 (1) \$3.50 to the credit of the Texas mobility fund;

27 (2) \$2 to the credit of the general revenue fund; and

(3) \$2 to the credit of the clean air account.

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

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

SECTION 20. Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.511 to read as follows:

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

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

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

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

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

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

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

(7) a commercial motor vehicle that is required to be inspected under Subchapter D or that is subject to fees under

Section 548.203(c);

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

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

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

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

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

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

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

SECTION 21. Section 548.603(a), Transportation Code, is amended to read as follows:

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

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

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

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

(2) ~~[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 under Section 548.301, or~~

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

SECTION 22. Section 548.604(a), Transportation Code, is amended to read as follows:

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

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

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

SECTION 23. The following provisions of the Transportation Code are repealed:

- (1) the heading to Subchapter B, Chapter 548;
- (2) Sections 548.051 and 548.052;
- (3) the heading to Subchapter C, Chapter 548;
- (4) Sections 548.101, 548.102, 548.103, and 548.104;

1 (5) Sections 548.301(d) and 548.3045(b); and

2 (6) Sections 548.501, 548.502, and 548.503.

3 SECTION 24. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 25. This Act takes effect January 1, 2020.