

AN ACT

relating to motor vehicle inspections; creating an offense;
changing the collection method for certain fees.

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

SECTION 1. Section 548.104, Transportation Code, is amended
to read as follows:

Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE
OF PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]. (a) The
commission shall adopt uniform standards of safety applicable to
each item required to be inspected by Section 548.051. The
standards and the list of items to be inspected shall be posted in
each inspection station.

(b) An inspection station or inspector may issue a passing
vehicle [~~an~~] inspection report [~~certificate~~] only if the vehicle is
inspected and found to be in proper and safe condition and to comply
with this chapter and the rules adopted under this chapter.

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

(1) falsely and fraudulently represent to an applicant
that equipment required to be inspected must be repaired, adjusted,
or replaced before the vehicle will pass inspection; or

(2) require an applicant to have another part of the
vehicle or other equipment inspected as a prerequisite for issuance
of a passing vehicle [~~an~~] inspection report [~~certificate~~].

1 (d) An inspection station or inspector may not issue a
2 passing vehicle [~~an~~] inspection report [~~certificate~~] for a vehicle
3 equipped with:

4 (1) a carburetion device permitting the use of
5 liquefied gas alone or interchangeably with another fuel, unless a
6 valid liquefied gas tax decal issued by the comptroller is attached
7 to the lower right-hand corner of the front windshield of the
8 vehicle on the passenger side; [~~or~~]

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

13 (3) a compressed natural gas container unless the
14 owner demonstrates in accordance with department rules proof:

15 (A) that:

16 (i) the container has met the inspection
17 requirements under 49 C.F.R. Section 571.304; and

18 (ii) the manufacturer's recommended service
19 life for the container, as stated on the container label required by
20 49 C.F.R. Section 571.304, has not expired; or

21 (B) that the vehicle is a fleet vehicle for which
22 the fleet operator employs a technician certified to inspect the
23 container.

24 (e) The department shall adopt rules relating to inspection
25 of and issuance of a vehicle [~~an~~] inspection report [~~certificate~~]
26 for a moped.

27 SECTION 2. Article 45.003, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 45.003. DEFINITION FOR CERTAIN PROSECUTIONS. For
3 purposes of dismissing a charge under Section 502.407 [~~or 548.605~~],
4 Transportation Code, "day" does not include Saturday, Sunday, or a
5 legal holiday.

6 SECTION 3. Section 51.207(d), Education Code, is amended to
7 read as follows:

8 (d) This subsection applies only to a public institution of
9 higher education campus that is not covered by Subsection (b). The
10 institution may not issue a permit to a student of the institution
11 for driving or parking a motor vehicle on institutional property
12 unless the institution provides written notice to the student that
13 failure to register the vehicle in this state [~~or to display a~~
14 ~~current and appropriate inspection certificate issued under~~
15 ~~Chapter 548, Transportation Code,~~] may violate state law if the
16 owner of the vehicle resides in this state.

17 SECTION 4. Section 103.0213, Government Code, is amended to
18 read as follows:

19 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
20 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
21 party to a civil suit, as applicable, shall pay the following fees
22 and costs under the Transportation Code if ordered by the court or
23 otherwise required:

24 (1) administrative fee on dismissal of charge of
25 driving with an expired motor vehicle registration (Sec. 502.407,
26 Transportation Code) . . . not to exceed \$20;

27 (2) administrative fee on dismissal of charge of

1 driving with an expired driver's license (Sec. 521.026,
2 Transportation Code) . . . not to exceed \$20;

3 (3) [~~administrative fee on remediation of charge of~~
4 ~~driving with an expired inspection certificate (Sec. 548.605,~~
5 ~~Transportation Code) . . . not to exceed \$20;~~

6 [(4)] administrative fee for failure to appear for a
7 complaint or citation on certain offenses (Sec. 706.006,
8 Transportation Code) . . . \$30 for each violation; and

9 (4) [(5)] administrative fee for failure to pay or
10 satisfy certain judgments (Sec. 706.006, Transportation Code)
11 . . . \$30.

12 SECTION 5. Section 382.0622(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) Clean Air Act fees consist of:

15 (1) fees collected by the commission under Sections
16 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
17 by law;

18 (2) \$2 of each fee [~~advance payment~~] collected for
19 inspections of [~~by the Department of Public Safety for inspection~~
20 ~~certificates for~~] vehicles other than mopeds under Section 548.501,
21 Transportation Code; and

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

24 SECTION 6. Sections 382.202(d) and (l), Health and Safety
25 Code, are amended to read as follows:

26 (d) On adoption of a resolution by the commission and after
27 proper notice, the Department of Public Safety of the State of Texas

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

13 (1) Except as provided by this subsection, a person who
14 sells or transfers ownership of a motor vehicle for which a passing
15 vehicle [~~emissions~~] inspection report [~~certificate~~] has been
16 issued is not liable for the cost of emission control system repairs
17 that are required for the vehicle subsequently to receive a passing
18 report [~~an emissions inspection certificate~~]. This subsection does
19 not apply to repairs that are required because emission control
20 equipment or devices on the vehicle were removed or tampered with
21 before the sale or transfer of the vehicle.

22 SECTION 7. Section 382.205(d), Health and Safety Code, is
23 amended to read as follows:

24 (d) The Department of Public Safety of the State of Texas by
25 rule shall adopt:

26 (1) testing procedures in accordance with motor
27 vehicle emissions testing equipment specifications; and

1 (2) procedures for issuing a vehicle [~~or denying an~~
2 ~~emissions~~] inspection report following an emissions inspection and
3 submitting information to the inspection database described by
4 Section 548.251, Transportation Code, following an emissions
5 inspection [~~certificate~~].

6 SECTION 8. Sections 382.220(b) and (d), Health and Safety
7 Code, are amended to read as follows:

8 (b) A program under this section must be implemented in
9 consultation with the commission and may include a program to:

10 (1) expand and enhance the AirCheck Texas Repair and
11 Replacement Assistance Program;

12 (2) develop and implement programs or systems that
13 remotely determine vehicle emissions and notify the vehicle's
14 operator;

15 (3) develop and implement projects to implement the
16 commission's smoking vehicle program;

17 (4) develop and implement projects in consultation
18 with the director of the Department of Public Safety for
19 coordinating with local law enforcement officials to reduce the use
20 of counterfeit registration insignia and vehicle inspection
21 reports [~~state inspection stickers~~] by providing local law
22 enforcement officials with funds to identify vehicles with
23 counterfeit registration insignia and vehicle inspection reports
24 [~~state inspection stickers~~] and to carry out appropriate actions;

25 (5) develop and implement programs to enhance
26 transportation system improvements; or

27 (6) develop and implement new air control strategies

1 designed to assist local areas in complying with state and federal
2 air quality rules and regulations.

3 (d) Fees collected under Sections 382.202 and 382.302 may be
4 used, in an amount not to exceed \$5 million per fiscal year, for
5 projects described by Subsection (b). The fees shall be made
6 available only to counties participating in the low-income vehicle
7 repair assistance, retrofit, and accelerated vehicle retirement
8 programs created under Section 382.209 and only on a matching
9 basis, whereby the commission provides money to a county in the same
10 amount that the county dedicates to a project authorized by
11 Subsection (b). The commission may reduce the match requirement
12 for a county that proposes to develop and implement independent
13 test facility fraud detection programs, including the use of remote
14 sensing technology for coordinating with law enforcement officials
15 to detect, prevent, and prosecute the use of counterfeit
16 registration insignia and vehicle inspection reports [~~state~~
17 ~~inspection stickers~~].

18 SECTION 9. Sections 2308.253(d) and (e), Occupations Code,
19 are amended to read as follows:

20 (d) Except as provided by a contract described by Subsection
21 (e), a parking facility owner may not have a vehicle removed from
22 the parking facility merely because the vehicle does not display[+]

23 [~~(1)~~] an unexpired license plate or registration
24 insignia issued for the vehicle under Chapter 502, Transportation
25 Code, or the vehicle registration law of another state or country[+]
26 ~~or~~

27 [~~(2) a valid vehicle inspection certificate issued~~

1 ~~under Chapter 548, Transportation Code, or the vehicle inspection~~
2 ~~law of another state or country].~~

3 (e) A contract provision providing for the removal from a
4 parking facility of a vehicle that does not display an unexpired
5 license plate or registration insignia [~~or a valid inspection~~
6 ~~certificate~~] is valid only if the provision requires the owner or
7 operator of the vehicle to be given at least 10 days' written notice
8 that the vehicle will be towed from the facility at the vehicle
9 owner's or operator's expense if it is not removed from the parking
10 facility. The notice must be:

11 (1) delivered in person to the owner or operator of the
12 vehicle; or

13 (2) sent by certified mail, return receipt requested,
14 to that owner or operator.

15 SECTION 10. Section 501.030(a), Transportation Code, is
16 amended to read as follows:

17 (a) Before a motor vehicle that was last registered or
18 titled in another state or country may be titled in this state, [~~the~~
19 ~~applicant must furnish~~] the county assessor-collector shall verify
20 that the vehicle has passed the inspections required by Chapter
21 548, as indicated in the Department of Public Safety's inspection
22 database under Section 548.251 [~~with a verification form under~~
23 ~~Section 548.256~~].

24 SECTION 11. Section 502.0023, Transportation Code, is
25 amended by adding Subsection (j) to read as follows:

26 (j) A motor vehicle, semitrailer, or trailer registered
27 under this section is subject to the inspection requirements of

1 Chapter 548 as if the vehicle, semitrailer, or trailer were
2 registered without extended registration. The department and the
3 Department of Public Safety shall by rule establish a method to
4 enforce the inspection requirements of Chapter 548 for motor
5 vehicles, semitrailers, and trailers registered under this
6 section. The department may assess a fee to cover the department's
7 administrative costs of implementing this subsection.

8 SECTION 12. Section 502.047, Transportation Code, is
9 amended to read as follows:

10 Sec. 502.047. REGISTRATION-BASED ENFORCEMENT OF MOTOR
11 VEHICLE [EMISSIONS] INSPECTION [AND MAINTENANCE] REQUIREMENTS.

12 (a) The department and the Department of Public Safety shall
13 ensure compliance with the motor vehicle inspection requirements
14 under Chapter 548, including compliance with the motor vehicle
15 emissions inspection and maintenance program under Subchapter F of
16 that chapter, through a vehicle registration-based enforcement
17 system [~~inspection sticker-based enforcement system except as~~
18 ~~provided by this section or Section 548.3011. Subsections (b)-(c)~~
19 ~~apply only if the United States Environmental Protection Agency~~
20 ~~determines that the state has not demonstrated, as required by~~
21 ~~C.F.R. Section 51.361, that sticker-based enforcement of the~~
22 ~~program is more effective than registration-based enforcement and~~
23 ~~gives the Texas Commission on Environmental Quality or the governor~~
24 ~~written notification that the reregistration-based enforcement of~~
25 ~~the program, as described by those subsections, will be required.~~
26 ~~If Subsections (b)-(c) are made applicable as provided by this~~
27 ~~subsection, the department shall terminate reregistration-based~~

1 ~~enforcement of the program under those subsections on the date the~~
2 ~~United States Environmental Protection Agency gives the Texas~~
3 ~~Commission on Environmental Quality or a person the commission~~
4 ~~designates written notification that reregistration-based~~
5 ~~enforcement is not required for the state implementation plan].~~

6 (b) A motor vehicle may not be registered if the department
7 receives from the Texas Commission on Environmental Quality or the
8 Department of Public Safety notification that the registered owner
9 of the vehicle has not complied with [~~Subchapter F,~~] Chapter 548.

10 (c) A motor vehicle may not be registered if the vehicle was
11 denied registration under Subsection (b) unless verification is
12 received that the registered vehicle owner is in compliance with
13 [~~Subchapter F,~~] Chapter 548.

14 (d) The department and the Department of Public Safety shall
15 enter into an agreement regarding the timely submission by the
16 Department of Public Safety of inspection compliance information to
17 the department.

18 (d-1) The department, the Texas Commission on Environmental
19 Quality, and the Department of Public Safety shall enter an
20 agreement regarding the responsibilities for costs associated with
21 implementing this section.

22 (e) A county tax assessor-collector is not liable to any
23 person for refusing to register a motor vehicle because of the
24 person's failure to provide verification of the person's compliance
25 with [~~Subchapter F,~~] Chapter 548.

26 SECTION 13. Section 502.059(c), Transportation Code, is
27 amended to read as follows:

1 (c) Except as provided by Subsection (f), the registration
2 insignia for validation of a license plate shall be attached to the
3 inside of the vehicle's windshield, if the vehicle has a
4 windshield, in the lower left corner in a manner that will not
5 obstruct the vision of the driver [~~within six inches of the place~~
6 ~~where the motor vehicle inspection sticker is required to be~~
7 ~~placed~~]. If the vehicle does not have a windshield, the owner, when
8 applying for registration or renewal of registration, shall notify
9 the department, and the department shall issue a distinctive device
10 for attachment to the rear license plate of the vehicle.

11 SECTION 14. The heading to Section 521.3465, Transportation
12 Code, is amended to read as follows:

13 Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF
14 CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE
15 PLATES, REGISTRATION INSIGNIA, OR VEHICLE [~~SAFETY~~]
16 REPORTS [~~CERTIFICATES~~].

17 SECTION 15. Section 521.3465(a), Transportation Code, is
18 amended to read as follows:

19 (a) A license is automatically suspended on final
20 conviction of the license holder of:

21 (1) an offense under Section 502.475(a)(4)
22 [~~502.409(a)(4)~~]; or

23 (2) an offense under Section 548.603(a)(1) that
24 involves a fictitious vehicle [~~safety~~] inspection report
25 [~~certificate~~].

26 SECTION 16. Section 521.3466(a), Transportation Code, is
27 amended to read as follows:

1 (a) A license is automatically revoked on final conviction
2 of the license holder of an offense under Section 37.10, Penal Code,
3 if the governmental record was a motor vehicle license plate or
4 registration insignia, within the meaning of Chapter 502, or a
5 vehicle [safety] inspection report [certificate], within the
6 meaning of Chapter 548.

7 SECTION 17. Section 548.001, Transportation Code, is
8 amended by adding Subdivision (10) to read as follows:

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

13 SECTION 18. Section 548.004(c), Transportation Code, is
14 amended to read as follows:

15 (c) The facility may inspect only a vehicle owned by the
16 political subdivision or state agency. [~~An officer, employee, or~~
17 ~~inspector of the subdivision or agency may not place an inspection~~
18 ~~certificate received from the department under this section on a~~
19 ~~vehicle not owned by the subdivision or agency.~~]

20 SECTION 19. Section 548.053(a), Transportation Code, is
21 amended to read as follows:

22 (a) If an inspection discloses the necessity for
23 adjustment, correction, or repair, an inspection station or
24 inspector may not issue a passing vehicle inspection report [~~an~~
25 ~~inspection certificate]~~ until the adjustment, correction, or
26 repair is made. The owner of the vehicle may have the adjustment,
27 correction, or repair made by a qualified person of the owner's

1 choice, subject to reinspection. The vehicle shall be reinspected
2 once free of charge within 15 days after the date of the original
3 inspection, not including the date the original inspection is made,
4 at the same inspection station after the adjustment, correction, or
5 repair is made.

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

8 SUBCHAPTER C. PERIODS OF INSPECTION; PREREQUISITES TO ISSUANCE OF
9 PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]

10 SECTION 21. Section 548.101, Transportation Code, is
11 amended to read as follows:

12 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as
13 provided by Section 548.102, the department shall require an annual
14 inspection. The department shall set the periods of inspection and
15 may make rules with respect to those periods. The rules must provide
16 that:

17 (1) a vehicle owner may obtain an inspection not
18 earlier than 90 days before the date of expiration of the vehicle's
19 registration; and

20 (2) a used motor vehicle sold by a dealer, as defined
21 by Section 503.001, must be inspected in the 180 days preceding the
22 date the dealer sells the vehicle.

23 SECTION 22. Section 548.103, Transportation Code, is
24 amended to read as follows:

25 Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN
26 VEHICLES. The department may extend the time within which the
27 resident owner of a vehicle that is not in this state when an

1 inspection is required must obtain a vehicle [~~an~~] inspection report
2 [~~certificate~~] in this state.

3 SECTION 23. Section 548.105, Transportation Code, is
4 amended to read as follows:

5 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS
6 PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT
7 [~~CERTIFICATE~~]. (a) An inspection station or inspector may not
8 issue a passing vehicle [~~an~~] inspection report [~~certificate~~] for a
9 vehicle unless the owner or operator furnishes evidence of
10 financial responsibility at the time of inspection. Evidence of
11 financial responsibility may be shown in the manner specified under
12 Section 601.053(a). A personal automobile insurance policy used as
13 evidence of financial responsibility must be written for a term of
14 30 days or more as required by Section 1952.054 [~~Article 5.06~~],
15 Insurance Code.

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

22 SECTION 24. The heading to Subchapter E, Chapter 548,
23 Transportation Code, is amended to read as follows:

24 SUBCHAPTER E. ISSUANCE [~~, RECORDING, AND PROOF~~] OF VEHICLE
25 INSPECTION REPORTS; SUBMISSION OF INFORMATION TO DEPARTMENT
26 DATABASE [~~CERTIFICATES AND VERIFICATION FORMS~~]

27 SECTION 25. Section 548.251, Transportation Code, is

1 amended to read as follows:

2 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~
3 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department
4 shall maintain an electronic database to which inspection stations
5 may electronically submit the information required by Section
6 548.253 [~~provide serially numbered inspection certificates and~~
7 ~~verification forms to inspection stations. The department may~~
8 ~~issue a unique inspection certificate for:~~

9 ~~[(1) a commercial motor vehicle inspected under~~
10 ~~Section 548.201; or~~

11 ~~[(2) a vehicle inspected under Subchapter F].~~

12 SECTION 26. Section 548.252, Transportation Code, is
13 amended to read as follows:

14 Sec. 548.252. ISSUANCE [~~SAFEKEEPING AND CONTROL~~] OF VEHICLE
15 INSPECTION REPORTS [~~CERTIFICATES AND VERIFICATION FORMS~~].

16 (a) The department by rule shall require an inspection station to:

17 (1) issue a vehicle inspection report to the owner or
18 operator of each vehicle inspected by the station; and

19 (2) issue a passing vehicle inspection report to the
20 owner or operator of each vehicle inspected by the station that
21 passes the inspections required by this chapter.

22 (b) The department may adopt rules regarding the issuance of
23 vehicle inspection reports, including rules providing for [~~On being~~
24 ~~licensed, an inspector or owner of an inspection station shall:~~

25 ~~[(1) provide for]~~ the format and safekeeping of the
26 reports [~~inspection certificates and verification forms,~~

27 ~~[(2) safeguard the certificates and forms against~~

1 ~~theft, loss, or damage,~~

2 ~~[(3) control the sequence of issuance of the~~
3 ~~certificates and forms; and~~

4 ~~[(4) ensure that the certificates and forms are issued~~
5 ~~in accordance with department rules].~~

6 SECTION 27. Section 548.253, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON
9 COMPLETION [~~ISSUANCE~~] OF INSPECTION [~~CERTIFICATE AND VERIFICATION~~
10 ~~FORM~~]. An inspection station or inspector, on completion of
11 [~~issuing~~] an inspection [~~certificate and verification form~~], shall
12 electronically submit to the department's inspection database:

13 (1) the vehicle identification number of the inspected
14 vehicle and an indication of whether the vehicle passed the
15 inspections required by this chapter [~~make a record and report as~~
16 ~~prescribed by the department of the inspection and certificate~~
17 ~~issued~~]; and

18 (2) any additional [~~include in the inspection~~
19 ~~certificate and verification form the~~] information required by rule
20 by the department for the type of vehicle inspected.

21 SECTION 28. Section 548.254, Transportation Code, is
22 amended to read as follows:

23 Sec. 548.254. VALIDITY OF VEHICLE INSPECTION REPORT
24 [~~CERTIFICATE~~]. A vehicle [~~An~~] inspection report [~~certificate~~] is
25 invalid after the end of the 12th month following the month in which
26 the report [~~certificate~~] is issued. [~~An unused inspection~~
27 ~~certificate representing a previous inspection period may not be~~

1 ~~issued after the beginning of the next period.]~~

2 SECTION 29. Section 548.256, Transportation Code, is
3 amended to read as follows:

4 Sec. 548.256. PROOF OF INSPECTION [~~VERIFICATION FORM~~]
5 REQUIRED TO REGISTER VEHICLE. [~~(a)~~] Before a vehicle [~~that is~~
6 ~~brought into this state by a person other than a manufacturer or~~
7 ~~importer~~] may be registered, the Texas Department of Motor Vehicles
8 or the county assessor-collector registering the vehicle shall
9 verify that the vehicle has passed the inspections required by this
10 chapter, as indicated in the department's inspection database. If
11 the database information is not available, the owner of the vehicle
12 may present a vehicle inspection report issued for the vehicle[~~7~~
13 ~~the owner must have the vehicle inspected and have the inspection~~
14 ~~station record the following information on a verification form~~
15 ~~prescribed and provided by the department.~~

16 [~~(1) the vehicle identification number,~~

17 [~~(2) the number appearing on the odometer of the~~
18 ~~vehicle at the time of the inspection, if the vehicle has an~~
19 ~~odometer, and~~

20 [~~(3) other information the department requires].~~

21 [~~(b) An inspection station may not issue the verification~~
22 ~~form unless the vehicle complies with the inspection requirements~~
23 ~~of this chapter.]~~

24 SECTION 30. Section 548.258(b), Transportation Code, is
25 amended to read as follows:

26 (b) The department may adopt rules to require an inspection
27 station to use the state electronic Internet portal to[~~+~~

1 ~~[(1) purchase inspection certificates, or~~
2 ~~[(2)]~~ send to the department a record, report, or
3 other information required by the department.

4 SECTION 31. Section 548.301(c), Transportation Code, is
5 amended to read as follows:

6 (c) A program established under this section must
7 ~~[Subsection (b) or (b-1) may]~~ include registration and
8 reregistration-based enforcement.

9 SECTION 32. Section 548.302, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND
12 REQUIREMENTS. The commission shall:

13 (1) adopt standards for emissions-related inspection
14 criteria consistent with requirements of the United States and the
15 conservation commission applicable to a county in which a program
16 is established under this subchapter; and

17 (2) develop and impose requirements necessary to
18 ensure that a passing vehicle ~~[an]~~ inspection report ~~[certificate]~~
19 is not issued to a vehicle subject to a program established under
20 this subchapter and that information stating that a vehicle has
21 passed an inspection is not submitted to the department's database
22 unless the vehicle has passed a motor vehicle emissions inspection
23 at a facility authorized and certified by the department.

24 SECTION 33. Section 548.304, Transportation Code, is
25 amended to read as follows:

26 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
27 INSPECTIONS. ~~[(a)]~~ The department may authorize and certify

1 inspection stations as necessary to implement the
2 emissions-related inspection requirements of the motor vehicle
3 emissions inspection and maintenance program established under
4 this subchapter if the station meets the department's certification
5 requirements.

6 ~~[(b) The department shall provide inspection certificates
7 for distribution and issuance at inspection stations certified by
8 the department.]~~

9 SECTION 34. Section 548.401, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.401. CERTIFICATION GENERALLY. A person may
12 perform an inspection, ~~[or]~~ issue a vehicle [an] inspection report,
13 or submit inspection information to the department's inspection
14 database [certificate] only if certified to do so by the department
15 under rules adopted by the department.

16 SECTION 35. Section 548.407(d), Transportation Code, is
17 amended to read as follows:

18 (d) The department may provide that a revocation or
19 suspension takes effect on receipt of notice under Subsection (b)
20 if the department finds that the action is necessary to prevent or
21 remedy a threat to public health, safety, or welfare. Violations
22 that present a threat to public health, safety, or welfare include:

23 (1) issuing a passing vehicle [an] inspection report
24 or submitting inspection information to the department's database
25 [certificate] with knowledge that the issuance or submission is in
26 violation of this chapter or rules adopted under this chapter;

27 (2) falsely or fraudulently representing to the owner

1 or operator of a vehicle that equipment inspected or required to be
2 inspected must be repaired, adjusted, or replaced for the vehicle
3 to pass an inspection;

4 (3) issuing a vehicle [~~an~~] inspection report or
5 submitting inspection information to the department's database
6 [~~certificate~~]:

7 (A) without authorization to issue the report or
8 submit the information [~~certificate~~]; or

9 (B) without inspecting the vehicle;

10 (4) issuing a passing vehicle [~~an~~] inspection report
11 or submitting inspection information to the department's database
12 [~~certificate~~] for a vehicle with knowledge that the vehicle has not
13 been repaired, adjusted, or corrected after an inspection has shown
14 a repair, adjustment, or correction to be necessary;

15 (5) knowingly issuing a passing vehicle [~~an~~]
16 inspection report or submitting inspection information to the
17 department's database [~~certificate~~]:

18 (A) for a vehicle without conducting an
19 inspection of each item required to be inspected; or

20 (B) for a vehicle that is missing an item
21 required to be inspected or that has an item required to be
22 inspected that is not in compliance with state law or department
23 rules;

24 (6) refusing to allow a vehicle's owner to have a
25 qualified person of the owner's choice make a required repair,
26 adjustment, or correction;

27 (7) charging for an inspection an amount greater than

1 the authorized fee;

2 (8) a violation of Subchapter F;

3 (9) a violation of Section 548.603; or

4 (10) a conviction of a felony or a Class A or B
5 misdemeanor that directly relates to or affects the duties or
6 responsibilities of a vehicle inspection station or inspector or a
7 conviction of a similar crime under the jurisdiction of another
8 state or the federal government.

9 SECTION 36. Section 548.501, Transportation Code, is
10 amended to read as follows:

11 Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as
12 provided by Sections 548.503 and 548.504, the fee for inspection of
13 a motor vehicle other than a moped is \$12.50. The fee for
14 inspection of a moped is \$5.75. [~~The fee for a verification form
15 issued as required by Section 548.256 is \$1.~~]

16 (b) Out of each fee for an inspection, \$5.50 shall be
17 remitted to the state under Section 548.509. [~~An inspection
18 station shall pay to the department \$5.50 of each fee for an
19 inspection. The department may require the station to make an
20 advance payment of \$5.50 for each inspection certificate provided
21 to the station. If advance payment is made:~~

22 [~~(1) no further payment may be required on issuance of
23 a certificate,~~

24 [~~(2) the inspection station may waive the fee due from
25 the owner of an inspected vehicle who is issued a certificate to
26 which the advance payment applies,~~

27 [~~(3) the department shall refund to the inspection~~

1 ~~station \$5.50 for each unissued certificate that the station~~
2 ~~returns to the department in accordance with department rules, and~~
3 ~~(4) the conservation commission shall pay to the~~
4 ~~department \$2 for each unissued certificate that the station~~
5 ~~returns to the department.]~~

6 SECTION 37. Section 548.502, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE
9 AGENCY. A political subdivision or state agency for which the
10 department certifies an inspection station under Section 548.004:

11 (1) shall pay to the state ~~[department an advance~~
12 ~~payment of]~~ \$5.50 for each inspection under Section 548.509
13 ~~[certificate provided to it]~~; and

14 (2) may not be required to pay the remainder of the
15 ~~[compulsory]~~ inspection fee.

16 SECTION 38. Section 548.503, Transportation Code, is
17 amended to read as follows:

18 Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR
19 OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or
20 light truck under Section 548.102 shall be set by the department by
21 rule on or before September 1 of each year. A fee set by the
22 department under this subsection must be based on the costs of
23 ~~[producing certificates,]~~ providing inspections~~[,]~~ and
24 administering the program, but may not be less than \$21.75.

25 (b) Out of each fee for an inspection under this section,
26 \$14.75 shall be remitted to the state under Section 548.509. ~~[The~~
27 ~~department shall require an inspection station to make an advance~~

1 ~~payment of \$14.75 for a certificate to be issued under this section.~~
2 ~~Additional payment may not be required of the station for the~~
3 ~~certificate. The inspection station may waive the fee due from the~~
4 ~~owner of the vehicle inspected. A refund for an unissued~~
5 ~~certificate shall be made in the same manner as provided for other~~
6 ~~certificate refunds.]~~

7 SECTION 39. Section 548.504(b), Transportation Code, is
8 amended to read as follows:

9 (b) Out of each fee for inspection of a commercial motor
10 vehicle, \$10 shall be remitted to the state under Section 548.509.
11 ~~[The inspection station shall pay to the department \$10 of each fee~~
12 ~~for inspection of a commercial motor vehicle. The department may~~
13 ~~require the station to make an advance payment of \$10 for a~~
14 ~~certificate to be issued under this section. If advance payment is~~
15 ~~made:~~

16 ~~[(1) no additional payment may be required of the~~
17 ~~station for the certificate, and~~

18 ~~[(2) a refund for an unissued certificate shall be~~
19 ~~made in the same manner as provided for other certificate refunds.]~~

20 SECTION 40. Section 548.505(a), Transportation Code, is
21 amended to read as follows:

22 (a) The department by rule may impose an inspection fee for
23 a vehicle inspected under Section 548.301(a) in addition to the fee
24 provided by Section 548.501, 548.502, 548.503, or 548.504. A fee
25 imposed under this subsection must be based on the costs of:

26 (1) ~~[producing certificates,~~

27 ~~[(2)] providing inspections; and~~

1 (2) [~~(3)~~] administering the program.

2 SECTION 41. Section 548.508, Transportation Code, is
3 amended to read as follows:

4 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
5 Sections 382.0622 and 382.202, Health and Safety Code, and Section
6 548.5055, each fee remitted to the comptroller [~~collected by the~~
7 ~~department~~] under this subchapter shall be deposited to the credit
8 of the Texas mobility fund.

9 SECTION 42. Subchapter H, Chapter 548, Transportation Code,
10 is amended by adding Section 548.509 to read as follows:

11 Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. The
12 Texas Department of Motor Vehicles or a county assessor-collector
13 that registers a motor vehicle that is subject to an inspection fee
14 under this chapter shall collect at the time of registration of the
15 motor vehicle the portion of the inspection fee that is required to
16 be remitted to the state. The Texas Department of Motor Vehicles or
17 the county assessor-collector shall remit the fee to the
18 comptroller.

19 SECTION 43. Section 548.601(a), Transportation Code, is
20 amended to read as follows:

21 (a) A person, including an inspector or an inspection
22 station, commits an offense if the person:

23 (1) submits information to the department's inspection
24 database or issues a vehicle inspection report [~~an inspection~~
25 ~~certificate~~] with knowledge that the submission or issuance is in
26 violation of this chapter or rules adopted under this chapter;

27 (2) falsely or fraudulently represents to the owner or

1 operator of a vehicle that equipment inspected or required to be
2 inspected must be repaired, adjusted, or replaced for the vehicle
3 to pass an inspection;

4 (3) misrepresents:

5 (A) material information in an application in
6 violation of Section 548.402 or 548.403; or

7 (B) information filed with the department under
8 this chapter or as required by department rule;

9 (4) submits information to the department's inspection
10 database or issues a vehicle inspection report [~~an inspection~~
11 ~~certificate~~]:

12 (A) without authorization to issue the report or
13 submit the information [~~certificate~~]; or

14 (B) without inspecting the vehicle;

15 (5) submits information to the department's inspection
16 database indicating that a vehicle has passed the applicable
17 inspections or issues a passing vehicle [~~an~~] inspection report
18 [~~certificate~~] for a vehicle with knowledge that the vehicle has not
19 been repaired, adjusted, or corrected after an inspection has shown
20 a repair, adjustment, or correction to be necessary;

21 (6) knowingly submits information to the department's
22 inspection database or issues a vehicle inspection report [~~an~~
23 ~~inspection certificate~~]:

24 (A) for a vehicle without conducting an
25 inspection of each item required to be inspected; or

26 (B) for a vehicle that is missing an item
27 required to be inspected or that has an item required to be

1 inspected that is not in compliance with state law or department
2 rules;

3 (7) refuses to allow a vehicle's owner to have a
4 qualified person of the owner's choice make a required repair,
5 adjustment, or correction;

6 (8) charges for an inspection an amount greater than
7 the authorized fee; or

8 (9) performs an act prohibited by or fails to perform
9 an act required by this chapter or a rule adopted under this
10 chapter.

11 SECTION 44. Sections 548.603(a), (b), and (c),
12 Transportation Code, are amended to read as follows:

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

14 (1) presents to an official of this state or a
15 political subdivision of this state a vehicle inspection report
16 ~~[displays or causes or permits to be displayed an inspection~~
17 ~~certificate]~~ or insurance document knowing that the report
18 ~~[certificate]~~ or document is counterfeit, tampered with, altered,
19 fictitious, issued for another vehicle, issued for a vehicle
20 failing to meet all emissions inspection requirements, or issued in
21 violation of:

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

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

27 (2) ~~[transfers an inspection certificate from a~~

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

7 (3) ~~[(4)]~~ knowingly does not comply with an emissions
8 inspection requirement for a vehicle~~;~~ ~~or~~

9 ~~[(5) displays on a vehicle an inspection certificate~~
10 ~~that was obtained knowing that the vehicle does not meet all~~
11 ~~emissions inspection requirements for the vehicle].~~

12 (b) A person commits an offense if the person:

13 (1) makes or possesses, with the intent to sell,
14 circulate, or pass, a counterfeit vehicle inspection report
15 ~~[certificate]~~ or insurance document; or

16 (2) possesses any part of a stamp, dye, plate,
17 negative, machine, or other device that is used or designated for
18 use in making a counterfeit vehicle inspection report ~~[certificate]~~
19 or insurance document.

20 (c) The owner of a vehicle commits an offense if the owner
21 knowingly allows the vehicle to be registered using a vehicle
22 inspection report ~~[or operated while the vehicle displays an~~
23 ~~inspection certificate]~~ in violation of Subsection (a).

24 SECTION 45. Section 548.603(f), Transportation Code, as
25 added by Chapter 851 (H.B. 1048), Acts of the 75th Legislature,
26 Regular Session, 1997, is amended to read as follows:

27 (f) Notwithstanding Subsection (c), an offense under

1 Subsection (a)(1) that involves a fictitious vehicle inspection
2 report [~~certificate~~] is a Class B misdemeanor.

3 SECTION 46. Section 548.6035(a), Transportation Code, is
4 amended to read as follows:

5 (a) A person commits an offense if, in connection with a
6 required emissions inspection of a motor vehicle, the person
7 knowingly:

8 (1) submits information to the department's inspection
9 database stating that a vehicle has passed the applicable
10 inspections or issues a passing vehicle inspection report [~~places~~
11 ~~or causes to be placed on a motor vehicle an inspection~~
12 ~~certificate~~], if:

13 (A) the vehicle does not meet the emissions
14 requirements established by the department; or

15 (B) the person has not inspected the vehicle;

16 (2) manipulates an emissions test result;

17 (3) uses or causes to be used emissions data from
18 another motor vehicle as a substitute for the motor vehicle being
19 inspected; or

20 (4) bypasses or circumvents a fuel cap test.

21 SECTION 47. Section 623.011(d), Transportation Code, is
22 amended to read as follows:

23 (d) When the department issues a permit under this section,
24 the department shall issue a sticker to be placed on the front
25 windshield of the vehicle [~~above the inspection certificate issued~~
26 ~~to the vehicle~~]. The department shall design the form of the
27 sticker to aid in the enforcement of weight limits for vehicles.

1 SECTION 48. Section 683.051, Transportation Code, is
2 amended to read as follows:

3 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
4 CERTAIN MOTOR VEHICLES. A person may apply to the department for
5 authority:

6 (1) to sell, give away, or dispose of a motor vehicle
7 to a motor vehicle demolisher if:

8 (A) the person owns the motor vehicle and the
9 certificate of title to the vehicle is lost, destroyed, or faulty;
10 or

11 (B) the vehicle is an abandoned motor vehicle and
12 is:

13 (i) in the possession of the person; or
14 (ii) located on property owned by the
15 person; or

16 (2) to dispose of a motor vehicle to a motor vehicle
17 demolisher for demolition, wrecking, or dismantling if:

18 (A) the abandoned motor vehicle:

19 (i) is in the possession of the person;
20 (ii) is more than eight years old;

21 (iii) either has no motor or is otherwise
22 totally inoperable or does not comply with all applicable air
23 pollution emissions control related requirements included in[+
24 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
25 ~~evidenced by a current inspection certificate affixed to the~~
26 ~~vehicle windshield, or (bb)] the vehicle emissions inspection and~~

27 maintenance requirements contained in the Public Safety

1 Commission's motor vehicle emissions inspection and maintenance
2 program under Subchapter F, Chapter 548, or the state's air quality
3 state implementation plan; and

4 (iv) was authorized to be towed by a law
5 enforcement agency; and

6 (B) the law enforcement agency approves the
7 application.

8 SECTION 49. Section 683.071, Transportation Code, as
9 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the
10 82nd Legislature, Regular Session, 2011, is reenacted and amended
11 to read as follows:

12 Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this
13 subchapter, "junked vehicle" means a vehicle that:

14 (1) is self-propelled; and

15 (2) is:

16 (A) wrecked, dismantled or partially dismantled,
17 or discarded; or

18 (B) inoperable and has remained inoperable for
19 more than:

20 (i) 72 consecutive hours, if the vehicle is
21 on public property; or

22 (ii) 30 consecutive days, if the vehicle is
23 on private property.

24 (b) For purposes of this subchapter, "junked vehicle"
25 includes a motor vehicle, aircraft, or watercraft. This subchapter
26 applies only to:

27 (1) a motor vehicle that displays an expired license

1 plate [~~or invalid motor vehicle inspection certificate~~] or does not
2 display a license plate [~~or motor vehicle inspection certificate~~];

3 (2) an aircraft that does not have lawfully printed on
4 the aircraft an unexpired federal aircraft identification number
5 registered under Federal Aviation Administration aircraft
6 registration regulations in 14 C.F.R. Part 47; or

7 (3) a watercraft that:

8 (A) does not have lawfully on board an unexpired
9 certificate of number; and

10 (B) is not a watercraft described by Section
11 31.055, Parks and Wildlife Code.

12 SECTION 50. The following statutes are repealed:

13 (1) Section 548.053(c), Transportation Code;

14 (2) Section 548.255, Transportation Code;

15 (3) Section 548.257, Transportation Code;

16 (4) Section 548.602, Transportation Code;

17 (5) Section 548.603(e)(2), Transportation Code;

18 (6) Section 548.603(f), Transportation Code, as added
19 by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular
20 Session, 1997; and

21 (7) Section 548.605, Transportation Code.

22 SECTION 51. Article 45.003, Code of Criminal Procedure,
23 Section 103.0213, Government Code, and Sections 521.3465,
24 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as
25 amended by this Act, and the repeal by this Act of Sections 548.602
26 and 548.605, Transportation Code, apply only to an offense
27 committed on or after March 1, 2015. An offense committed before

1 March 1, 2015, is governed by the law in effect on the date the
2 offense was committed, and the former law is continued in effect for
3 that purpose. For purposes of this section, an offense was
4 committed before March 1, 2015, if any element of the offense
5 occurred before that date.

6 SECTION 52. To the extent of any conflict, this Act prevails
7 over another Act of the 83rd Legislature, Regular Session, 2013,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 53. (a) Except as provided by Subsection (c) of
11 this section, not later than March 1, 2014, the Texas Department of
12 Motor Vehicles, the Department of Public Safety of the State of
13 Texas, and the Texas Commission on Environmental Quality shall
14 adopt rules necessary to implement the changes in law made by this
15 Act.

16 (b) Not later than March 1, 2014, the Department of Public
17 Safety shall create the database described by Section 548.251,
18 Transportation Code, as amended by this Act, and require inspection
19 stations to submit to the database the information required by
20 Section 548.253, Transportation Code, as amended by this Act.

21 (c) Not later than January 1, 2014, the Department of Public
22 Safety shall adopt rules relating to the proof required by Section
23 548.104(d)(3), Transportation Code, as added by this Act.

24 (d) Except as otherwise provided by Subsections (e) and (f)
25 of this section, this Act takes effect March 1, 2015.

26 (e) Subsections (a), (b), and (c) of this section take
27 effect September 1, 2013.

1 (f) The change in law made by Section 548.104(d)(3),
2 Transportation Code, as added by this Act, takes effect September
3 1, 2014, and applies only to a vehicle inspected on or after that
4 date.

President of the Senate

Speaker of the House

I certify that H.B. No. 2305 was passed by the House on May 8, 2013, by the following vote: Yeas 144, Nays 3, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2305 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2305 on May 26, 2013, by the following vote: Yeas 126, Nays 20, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2305

I certify that H.B. No. 2305 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2305 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor