

SENATE AMENDMENTS

2nd Printing

By: Rodriguez of Travis

H.B. No. 2305

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.

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

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

(d) An inspection station or inspector may not issue an inspection certificate for a vehicle equipped with:

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

(2) a sunscreening device prohibited by Section 547.613, except that the department by rule shall provide procedures for issuance of an inspection certificate for a vehicle exempt under Section 547.613(c); or

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

(A) that:

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

(ii) the manufacturer's recommended service life for the container, as stated on the container label required by

1 49 C.F.R. Section 571.304, has not expired; or

2 (B) that the vehicle is a fleet vehicle for which
3 the fleet operator employs a technician certified to inspect the
4 container.

5 SECTION 2. (a) Not later than January 1, 2014, the
6 Department of Public Safety shall adopt rules relating to the proof
7 required by Section 548.104(d), Transportation Code, as amended by
8 this Act.

9 (b) The change in law made by Section 548.104(d),
10 Transportation Code, as amended by this Act, applies only to a
11 vehicle inspected on or after September 1, 2014.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.

ADOPTED

MAY 21 2013

Antony Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Roger W. N.*

1 Amend H.B. 2305 (senate committee report) as follows:

2 (1) In the recital to SECTION 1 of the bill (line 22), strike
3 "548.104(d)" and substitute "548.104".

4 (2) In SECTION 1 of the bill, strike amended Section
5 548.104(d), Transportation Code (lines 24-45), and substitute the
6 following:

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

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

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

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

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

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

28 (1) a carburetion device permitting the use of
29 liquefied gas alone or interchangeably with another fuel, unless a

1 valid liquefied gas tax decal issued by the comptroller is attached
2 to the lower right-hand corner of the front windshield of the
3 vehicle on the passenger side; ~~[or]~~

4 (2) a sunscreening device prohibited by Section
5 547.613, except that the department by rule shall provide
6 procedures for issuance of a passing vehicle ~~[an]~~ inspection report
7 ~~[certificate]~~ for a vehicle exempt under Section 547.613(c); or

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

10 (A) that:

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

13 (ii) the manufacturer's recommended service
14 life for the container, as stated on the container label required by
15 49 C.F.R. Section 571.304, has not expired; or

16 (B) that the vehicle is a fleet vehicle for which
17 the fleet operator employs a technician certified to inspect the
18 container.

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

22 (3) Strike SECTIONS 2 and 3 of the bill (lines 46-57) and
23 substitute the following appropriately numbered SECTION:

24 SECTION _____. (a) Except as provided by Subsection (c) of
25 this section, not later than March 1, 2014, the Texas Department of
26 Motor Vehicles, the Department of Public Safety of the State of
27 Texas, and the Texas Commission on Environmental Quality shall
28 adopt rules necessary to implement the changes in law made by this
29 Act.

30 (b) Not later than March 1, 2014, the Department of Public
31 Safety shall create the database described by Section 548.251,

1 Transportation Code, as amended by this Act, and require inspection
2 stations to submit to the database the information required by
3 Section 548.253, Transportation Code, as amended by this Act.

4 (c) Not later than January 1, 2014, the Department of Public
5 Safety shall adopt rules relating to the proof required by Section
6 548.104(d)(3), Transportation Code, as added by this Act.

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

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

11 (f) The change in law made by Section 548.104(d)(3),
12 Transportation Code, as added by this Act, takes effect September
13 1, 2014, and applies only to a vehicle inspected on or after that
14 date.

15 (4) Add the following appropriately numbered SECTIONS to
16 the bill and renumber subsequent SECTIONS accordingly:

17 SECTION _____. Article 45.003, Code of Criminal Procedure,
18 is amended to read as follows:

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

23 SECTION _____. Subsection (d), Section 51.207, Education
24 Code, is amended to read as follows:

25 (d) This subsection applies only to a public institution of
26 higher education campus that is not covered by Subsection (b). The
27 institution may not issue a permit to a student of the institution
28 for driving or parking a motor vehicle on institutional property
29 unless the institution provides written notice to the student that
30 failure to register the vehicle in this state [~~or to display a~~
31 ~~current and appropriate inspection certificate issued under~~

1 ~~Chapter 548, Transportation Code,~~] may violate state law if the
2 owner of the vehicle resides in this state.

3 SECTION _____. Section 103.0213, Government Code, is amended
4 to read as follows:

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

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

13 (2) administrative fee on dismissal of charge of
14 driving with an expired driver's license (Sec. 521.026,
15 Transportation Code) . . . not to exceed \$20;

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

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

22 (4) ~~[(5)]~~ administrative fee for failure to pay or
23 satisfy certain judgments (Sec. 706.006, Transportation Code)
24 . . . \$30.

25 SECTION _____. Subsection (a), Section 382.0622, Health and
26 Safety Code, is amended to read as follows:

27 (a) Clean Air Act fees consist of:

28 (1) fees collected by the commission under Sections
29 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
30 by law;

31 (2) \$2 of each fee ~~[advance payment]~~ collected for

1 inspections of [~~by the Department of Public Safety for inspection~~
2 ~~certificates for~~] vehicles other than mopeds under Section 548.501,
3 Transportation Code; and

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

6 SECTION _____. Subsections (d) and (1), Section 382.202,
7 Health and Safety Code, are amended to read as follows:

8 (d) On adoption of a resolution by the commission and after
9 proper notice, the Department of Public Safety of the State of Texas
10 shall implement a system that requires, as a condition of obtaining
11 a passing vehicle [~~safety~~] inspection report [~~certificate~~] issued
12 under Subchapter C, Chapter 548, Transportation Code, in a county
13 that is included in a vehicle emissions inspection and maintenance
14 program under Subchapter F of that chapter, that the vehicle,
15 unless the vehicle is not covered by the system, be annually or
16 biennially inspected under the vehicle emissions inspection and
17 maintenance program as required by the state's air quality state
18 implementation plan. The Department of Public Safety shall
19 implement such a system when it is required by any provision of
20 federal or state law, including any provision of the state's air
21 quality state implementation plan.

22 (1) Except as provided by this subsection, a person who
23 sells or transfers ownership of a motor vehicle for which a passing
24 vehicle [~~emissions~~] inspection report [~~certificate~~] has been
25 issued is not liable for the cost of emission control system repairs
26 that are required for the vehicle subsequently to receive a passing
27 report [~~an emissions inspection certificate~~]. This subsection does
28 not apply to repairs that are required because emission control
29 equipment or devices on the vehicle were removed or tampered with
30 before the sale or transfer of the vehicle.

31 SECTION _____. Subsection (d), Section 382.205, Health and

1 Safety Code, is amended to read as follows:

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

4 (1) testing procedures in accordance with motor
5 vehicle emissions testing equipment specifications; and

6 (2) procedures for issuing a vehicle [~~or denying an~~
7 ~~emissions~~] inspection report following an emissions inspection and
8 submitting information to the inspection database described by
9 Section 548.251, Transportation Code, following an emissions
10 inspection [~~certificate~~].

11 SECTION _____. Subsections (b) and (d), Section 382.220,
12 Health and Safety Code, are amended to read as follows:

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

15 (1) expand and enhance the AirCheck Texas Repair and
16 Replacement Assistance Program;

17 (2) develop and implement programs or systems that
18 remotely determine vehicle emissions and notify the vehicle's
19 operator;

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

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

30 (5) develop and implement programs to enhance
31 transportation system improvements; or

1 (6) develop and implement new air control strategies
2 designed to assist local areas in complying with state and federal
3 air quality rules and regulations.

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

19 SECTION _____. Subsections (d) and (e), Section 2308.253,
20 Occupations Code, are amended to read as follows:

21 (d) Except as provided by a contract described by Subsection
22 (e), a parking facility owner may not have a vehicle removed from
23 the parking facility merely because the vehicle does not display[+
24 [~~(1)~~] an unexpired license plate or registration
25 insignia issued for the vehicle under Chapter 502, Transportation
26 Code, or the vehicle registration law of another state or country[+
27 ~~or~~

28 [~~(2)~~ a valid vehicle inspection certificate issued
29 under Chapter 548, Transportation Code, or the vehicle inspection
30 law of another state or country].

31 (e) A contract provision providing for the removal from a

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

8 (1) delivered in person to the owner or operator of the
9 vehicle; or

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

12 SECTION _____. Subsection (a), Section 501.030,
13 Transportation Code, is amended to read as follows:

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

21 SECTION _____. The heading to Section 502.0023,
22 Transportation Code, is amended to read as follows:

23 Sec. 502.0023. [~~EXTENDED~~] REGISTRATION OF COMMERCIAL FLEET
24 VEHICLES.

25 SECTION _____. Subsections (a) and (b), Section 502.0023,
26 Transportation Code, are amended to read as follows:

27 (a) The [~~Notwithstanding Section 502.044(c), the~~]
28 department shall develop and implement a system of registration to
29 allow an owner of a commercial fleet to register the motor vehicles,
30 semitrailers, and trailers in the commercial fleet [~~for an extended~~
31 ~~registration period of not less than one year or more than eight~~

1 ~~years. The owner may select the number of years for registration~~
2 ~~under this section within that range and register the commercial~~
3 ~~fleet for that period. Payment for all registration fees for the~~
4 ~~entire registration period selected is due at the time of~~
5 ~~registration].~~

6 (b) A system of fleet [~~extended~~] registration under this
7 section must allow the owner of a commercial fleet to register:

8 (1) an entire commercial fleet in the county of the
9 owner's residence or principal place of business; or

10 (2) the motor vehicles in a commercial fleet that are
11 operated most regularly in the same county.

12 SECTION _____. Section 502.047, Transportation Code, is
13 amended to read as follows:

14 Sec. 502.047. REGISTRATION-BASED ENFORCEMENT OF MOTOR
15 VEHICLE [~~EMISSIONS~~] INSPECTION [~~AND MAINTENANCE~~] REQUIREMENTS.

16 (a) The department and the Department of Public Safety shall
17 ensure compliance with the motor vehicle inspection requirements
18 under Chapter 548, including compliance with the motor vehicle
19 emissions inspection and maintenance program under Subchapter F of
20 that chapter, through a vehicle registration-based enforcement
21 system [~~inspection sticker-based enforcement system except as~~
22 ~~provided by this section or Section 548.3011. Subsections (b)-(e)~~
23 ~~apply only if the United States Environmental Protection Agency~~
24 ~~determines that the state has not demonstrated, as required by~~
25 ~~C.F.R. Section 51.361, that sticker-based enforcement of the~~
26 ~~program is more effective than registration-based enforcement and~~
27 ~~gives the Texas Commission on Environmental Quality or the governor~~
28 ~~written notification that the reregistration-based enforcement of~~
29 ~~the program, as described by those subsections, will be required.~~
30 ~~If Subsections (b)-(e) are made applicable as provided by this~~
31 ~~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 ____ . Subsection (c), Section 502.059,
27 Transportation Code, is amended to read as follows:

28 (c) Except as provided by Subsection (f), the registration
29 insignia for validation of a license plate shall be attached to the
30 inside of the vehicle's windshield, if the vehicle has a
31 windshield, in the lower left corner in a manner that will not

1 obstruct the vision of the driver [~~within six inches of the place~~
2 ~~where the motor vehicle inspection sticker is required to be~~
3 ~~placed~~]. If the vehicle does not have a windshield, the owner, when
4 applying for registration or renewal of registration, shall notify
5 the department, and the department shall issue a distinctive device
6 for attachment to the rear license plate of the vehicle.

7 SECTION _____. The heading to Section 521.3465,
8 Transportation Code, is amended to read as follows:

9 Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF
10 CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE
11 PLATES, REGISTRATION INSIGNIA, OR VEHICLE [~~SAFETY~~] INSPECTION
12 REPORTS [~~CERTIFICATES~~].

13 SECTION _____. Subsection (a), Section 521.3465,
14 Transportation Code, is amended to read as follows:

15 (a) A license is automatically suspended on final
16 conviction of the license holder of:

17 (1) an offense under Section 502.475(a)(4)
18 [~~502.409(a)(4)~~]; or

19 (2) an offense under Section 548.603(a)(1) that
20 involves a fictitious vehicle [~~safety~~] inspection report
21 [~~certificate~~].

22 SECTION _____. Subsection (a), Section 521.3466,
23 Transportation Code, is amended to read as follows:

24 (a) A license is automatically revoked on final conviction
25 of the license holder of an offense under Section 37.10, Penal Code,
26 if the governmental record was a motor vehicle license plate or
27 registration insignia, within the meaning of Chapter 502, or a
28 vehicle [~~safety~~] inspection report [~~certificate~~], within the
29 meaning of Chapter 548.

30 SECTION _____. Section 548.001, Transportation Code, is
31 amended by adding Subdivision (10) to read as follows:

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

5 SECTION _____. Subsection (c), Section 548.004,
6 Transportation Code, is amended to read as follows:

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

12 SECTION _____. Subsection (a), Section 548.053,
13 Transportation Code, is amended to read as follows:

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

25 SECTION _____. The heading to Subchapter C, Chapter 548,
26 Transportation Code, is amended to read as follows:

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

29 SECTION _____. Section 548.101, Transportation Code, is
30 amended to read as follows:

31 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as

1 provided by Section 548.102, the department shall require an annual
2 inspection. The department shall set the periods of inspection and
3 may make rules with respect to those periods. The rules must provide
4 that a vehicle owner may obtain an inspection not earlier than 90
5 days before the date of expiration of the vehicle's registration.

6 SECTION _____. Section 548.103, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN
9 VEHICLES. The department may extend the time within which the
10 resident owner of a vehicle that is not in this state when an
11 inspection is required must obtain a vehicle [~~an~~] inspection report
12 [~~certificate~~] in this state.

13 SECTION _____. Section 548.105, Transportation Code, is
14 amended to read as follows:

15 Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS
16 PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT
17 [~~CERTIFICATE~~]. (a) An inspection station or inspector may not
18 issue a passing vehicle [~~an~~] inspection report [~~certificate~~] for a
19 vehicle unless the owner or operator furnishes evidence of
20 financial responsibility at the time of inspection. Evidence of
21 financial responsibility may be shown in the manner specified under
22 Section 601.053(a). A personal automobile insurance policy used as
23 evidence of financial responsibility must be written for a term of
24 30 days or more as required by Section 1952.054 [~~Article 5.06~~],
25 Insurance Code.

26 (b) An inspection station is not liable to a person,
27 including a third party, for issuing a passing vehicle [~~an~~]
28 inspection report [~~certificate~~] in reliance on evidence of
29 financial responsibility furnished to the station. An inspection
30 station that is the seller of a motor vehicle may rely on an oral
31 insurance binder.

1 SECTION _____. The heading to Subchapter E, Chapter 548,
2 Transportation Code, is amended to read as follows:

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

6 SECTION _____. Section 548.251, Transportation Code, is
7 amended to read as follows:

8 Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE~~
9 ~~INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department
10 shall maintain an electronic database to which inspection stations
11 may electronically submit the information required by Section
12 548.253 [~~provide serially numbered inspection certificates and~~
13 ~~verification forms to inspection stations. The department may~~
14 ~~issue a unique inspection certificate for:~~

15 [~~(1) a commercial motor vehicle inspected under~~
16 ~~Section 548.201; or~~

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

18 SECTION _____. Section 548.252, Transportation Code, is
19 amended to read as follows:

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

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

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

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

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

31 [~~(1) provide for~~] the format and safekeeping of the

1 reports [~~inspection certificates and verification forms,~~
2 [~~(2) safeguard the certificates and forms against~~
3 ~~theft, loss, or damage,~~
4 [~~(3) control the sequence of issuance of the~~
5 ~~certificates and forms, and~~
6 [~~(4) ensure that the certificates and forms are issued~~
7 ~~in accordance with department rules]~~].

8 SECTION _____. Section 548.253, Transportation Code, is
9 amended to read as follows:

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

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

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

23 SECTION _____. Section 548.254, Transportation Code, is
24 amended to read as follows:

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

31 SECTION _____. Section 548.256, Transportation Code, is

1 amended to read as follows:

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

14 [~~(1) the vehicle identification number;~~

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

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

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

22 SECTION _____. Subsection (b), Section 548.258,
23 Transportation Code, is amended to read as follows:

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

26 [~~(1) purchase inspection certificates; or~~

27 [~~(2)~~] send to the department a record, report, or
28 other information required by the department.

29 SECTION _____. Subsection (c), Section 548.301,
30 Transportation Code, is amended to read as follows:

31 (c) A program established under this section must

1 [~~Subsection (b) or (b-1) may~~] include registration and
2 reregistration-based enforcement.

3 SECTION _____. Section 548.302, Transportation Code, is
4 amended to read as follows:

5 Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND
6 REQUIREMENTS. The commission shall:

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

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

18 SECTION _____. Section 548.304, Transportation Code, is
19 amended to read as follows:

20 Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS
21 INSPECTIONS. [~~(a)~~] The department may authorize and certify
22 inspection stations as necessary to implement the
23 emissions-related inspection requirements of the motor vehicle
24 emissions inspection and maintenance program established under
25 this subchapter if the station meets the department's certification
26 requirements.

27 [~~(b) The department shall provide inspection certificates~~
28 ~~for distribution and issuance at inspection stations certified by~~
29 ~~the department.]~~

30 SECTION _____. Section 548.401, Transportation Code, is
31 amended to read as follows:

1 Sec. 548.401. CERTIFICATION GENERALLY. A person may
2 perform an inspection, ~~[or]~~ issue a vehicle ~~[an]~~ inspection report,
3 or submit inspection information to the department's inspection
4 database ~~[certificate]~~ only if certified to do so by the department
5 under rules adopted by the department.

6 SECTION _____. Subsection (d), Section 548.407,
7 Transportation Code, is amended to read as follows:

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

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

17 (2) falsely or fraudulently representing to the owner
18 or operator of a vehicle that equipment inspected or required to be
19 inspected must be repaired, adjusted, or replaced for the vehicle
20 to pass an inspection;

21 (3) issuing a vehicle ~~[an]~~ inspection report or
22 submitting inspection information to the department's database
23 ~~[certificate]~~:

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

26 (B) without inspecting the vehicle;

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

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

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

6 (B) for a vehicle that is missing an item
7 required to be inspected or that has an item required to be
8 inspected that is not in compliance with state law or department
9 rules;

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

13 (7) charging for an inspection an amount greater than
14 the authorized fee;

15 (8) a violation of Subchapter F;

16 (9) a violation of Section 548.603; or

17 (10) a conviction of a felony or a Class A or B
18 misdemeanor that directly relates to or affects the duties or
19 responsibilities of a vehicle inspection station or inspector or a
20 conviction of a similar crime under the jurisdiction of another
21 state or the federal government.

22 SECTION _____. Section 548.501, Transportation Code, is
23 amended to read as follows:

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

29 (b) Out of each fee for an inspection, \$5.50 shall be
30 remitted to the state under Section 548.509. [~~An inspection~~
31 ~~station shall pay to the department \$5.50 of each fee for an~~

1 ~~inspection. The department may require the station to make an~~
2 ~~advance payment of \$5.50 for each inspection certificate provided~~
3 ~~to the station. If advance payment is made:~~

4 ~~[(1) no further payment may be required on issuance of~~
5 ~~a certificate;~~

6 ~~[(2) the inspection station may waive the fee due from~~
7 ~~the owner of an inspected vehicle who is issued a certificate to~~
8 ~~which the advance payment applies;~~

9 ~~[(3) the department shall refund to the inspection~~
10 ~~station \$5.50 for each unissued certificate that the station~~
11 ~~returns to the department in accordance with department rules; and~~

12 ~~[(4) the conservation commission shall pay to the~~
13 ~~department \$2 for each unissued certificate that the station~~
14 ~~returns to the department.]~~

15 SECTION _____. Section 548.502, Transportation Code, is
16 amended to read as follows:

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

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

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

25 SECTION _____. Section 548.503, Transportation Code, is
26 amended to read as follows:

27 Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR
28 OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or
29 light truck under Section 548.102 shall be set by the department by
30 rule on or before September 1 of each year. A fee set by the
31 department under this subsection must be based on the costs of

1 ~~[producing certificates,]~~ providing inspections~~[7]~~ and
2 administering the program, but may not be less than \$21.75.

3 (b) Out of each fee for an inspection under this section,
4 \$14.75 shall be remitted to the state under Section 548.509. ~~[The~~
5 ~~department shall require an inspection station to make an advance~~
6 ~~payment of \$14.75 for a certificate to be issued under this section.~~
7 ~~Additional payment may not be required of the station for the~~
8 ~~certificate. The inspection station may waive the fee due from the~~
9 ~~owner of the vehicle inspected. A refund for an unissued~~
10 ~~certificate shall be made in the same manner as provided for other~~
11 ~~certificate refunds.]~~

12 SECTION _____. Subsection (b), Section 548.504,
13 Transportation Code, is amended to read as follows:

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

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

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

25 SECTION _____. Subsection (a), Section 548.505,
26 Transportation Code, is amended to read as follows:

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

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

1 ~~[(2)]~~ providing inspections; and
2 (2) ~~[(3)]~~ administering the program.

3 SECTION _____. Section 548.508, Transportation Code, is
4 amended to read as follows:

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

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

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

20 SECTION _____. Subsection (a), Section 548.601,
21 Transportation Code, is amended to read as follows:

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

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

28 (2) falsely or fraudulently represents to the owner or
29 operator of a vehicle that equipment inspected or required to be
30 inspected must be repaired, adjusted, or replaced for the vehicle
31 to pass an inspection;

1 (3) misrepresents:

2 (A) material information in an application in
3 violation of Section 548.402 or 548.403; or

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

6 (4) submits information to the department's inspection
7 database or issues a vehicle inspection report [~~an inspection~~
8 ~~certificate~~]:

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

11 (B) without inspecting the vehicle;

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

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

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

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

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

30 (8) charges for an inspection an amount greater than
31 the authorized fee; or

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

4 SECTION _____. Subsections (a), (b), and (c), Section
5 548.603, Transportation Code, are amended to read as follows:

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

7 (1) presents to an official of this state or a
8 political subdivision of this state a vehicle inspection report
9 ~~[displays or causes or permits to be displayed an inspection~~
10 ~~certificate]~~ or insurance document knowing that the report
11 ~~[certificate]~~ or document is counterfeit, tampered with, altered,
12 fictitious, issued for another vehicle, issued for a vehicle
13 failing to meet all emissions inspection requirements, or issued in
14 violation of:

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

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

20 (2) ~~[transfers an inspection certificate from a~~
21 ~~windshield or location to another windshield or location,~~

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

27 (3) ~~[(4)]~~ knowingly does not comply with an emissions
28 inspection requirement for a vehicle~~[, or~~

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

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

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

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

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

13 SECTION _____. Subsection (f), Section 548.603,
14 Transportation Code, as added by Chapter 851 (H.B. 1048), Acts of
15 the 75th Legislature, Regular Session, 1997, is amended to read as
16 follows:

17 (f) Notwithstanding Subsection (c), an offense under
18 Subsection (a)(1) that involves a fictitious vehicle inspection
19 report [~~certificate~~] is a Class B misdemeanor.

20 SECTION _____. Subsection (a), Section 548.6035,
21 Transportation Code, is amended to read as follows:

22 (a) A person commits an offense if, in connection with a
23 required emissions inspection of a motor vehicle, the person
24 knowingly:

25 (1) submits information to the department's inspection
26 database stating that a vehicle has passed the applicable
27 inspections or issues a passing vehicle inspection report [~~places~~
28 ~~or causes to be placed on a motor vehicle an inspection~~
29 ~~certificate~~], if:

30 (A) the vehicle does not meet the emissions
31 requirements established by the department; or

- 1 (B) the person has not inspected the vehicle;
2 (2) manipulates an emissions test result;
3 (3) uses or causes to be used emissions data from
4 another motor vehicle as a substitute for the motor vehicle being
5 inspected; or
6 (4) bypasses or circumvents a fuel cap test.

7 SECTION _____. Subsection (d), Section 623.011,
8 Transportation Code, is amended to read as follows:

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

14 SECTION _____. Section 683.051, Transportation Code, is
15 amended to read as follows:

16 Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
17 CERTAIN MOTOR VEHICLES. A person may apply to the department for
18 authority:

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

21 (A) the person owns the motor vehicle and the
22 certificate of title to the vehicle is lost, destroyed, or faulty;
23 or

24 (B) the vehicle is an abandoned motor vehicle and
25 is:

26 (i) in the possession of the person; or
27 (ii) located on property owned by the
28 person; or

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

31 (A) the abandoned motor vehicle:

- 1 (i) is in the possession of the person;
- 2 (ii) is more than eight years old;
- 3 (iii) either has no motor or is otherwise
- 4 totally inoperable or does not comply with all applicable air
- 5 pollution emissions control related requirements included in[+
- 6 ~~(aa) the vehicle inspection requirements under Chapter 548, as~~
- 7 ~~evidenced by a current inspection certificate affixed to the~~
- 8 ~~vehicle windshield; or (bb)] the vehicle emissions inspection and~~
- 9 maintenance requirements contained in the Public Safety
- 10 Commission's motor vehicle emissions inspection and maintenance
- 11 program under Subchapter F, Chapter 548, or the state's air quality
- 12 state implementation plan; and
- 13 (iv) was authorized to be towed by a law
- 14 enforcement agency; and
- 15 (B) the law enforcement agency approves the
- 16 application.

17 SECTION _____. Section 683.071, Transportation Code, as
18 amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the
19 82nd Legislature, Regular Session, 2011, is reenacted and amended
20 to read as follows:

- 21 Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this
22 subchapter, "junked vehicle" means a vehicle that:
- 23 (1) is self-propelled; and
 - 24 (2) is:
 - 25 (A) wrecked, dismantled or partially dismantled,
 - 26 or discarded; or
 - 27 (B) inoperable and has remained inoperable for
 - 28 more than:
 - 29 (i) 72 consecutive hours, if the vehicle is
 - 30 on public property; or
 - 31 (ii) 30 consecutive days, if the vehicle is

1 on private property.

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

5 (1) a motor vehicle that displays an expired license
6 plate [~~or invalid motor vehicle inspection certificate~~] or does not
7 display a license plate [~~or motor vehicle inspection certificate~~];

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

12 (3) a watercraft that:

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

15 (B) is not a watercraft described by Section
16 31.055, Parks and Wildlife Code.

17 SECTION _____. The following statutes are repealed:

18 (1) Subsection (c), Section 548.053, Transportation
19 Code;

20 (2) Section 548.255, Transportation Code;

21 (3) Section 548.257, Transportation Code;

22 (4) Section 548.602, Transportation Code;

23 (5) Subdivision (2), Subsection (e), Section 548.603,
24 Transportation Code;

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

28 (7) Section 548.605, Transportation Code.

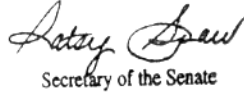
29 SECTION _____. Article 45.003, Code of Criminal Procedure,
30 Section 103.0213, Government Code, and Sections 521.3465,
31 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as

1 amended by this Act, and the repeal by this Act of Sections 548.602
2 and 548.605, Transportation Code, apply only to an offense
3 committed on or after March 1, 2015. An offense committed before
4 March 1, 2015, is governed by the law in effect on the date the
5 offense was committed, and the former law is continued in effect for
6 that purpose. For purposes of this section, an offense was
7 committed before March 1, 2015, if any element of the offense
8 occurred before that date.

9 SECTION _____. To the extent of any conflict, this Act
10 prevails over another Act of the 83rd Legislature, Regular Session,
11 2013, relating to nonsubstantive additions to and corrections in
12 enacted codes.

ADOPTED

MAY 21 2013


Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: Roger West

1 Amend Floor Amendment No. 1 by West to H.B. 2305 by striking
2 the SECTIONS added to the bill by item (4) of the amendment that
3 amend Section 502.0023, Transportation Code, and substituting the
4 following:

5 SECTION ____ . Section 502.0023, Transportation Code, is
6 amended by adding Subsection (j) to read as follows:

7 (j) A motor vehicle, semitrailer, or trailer registered
8 under this section is subject to the inspection requirements of
9 Chapter 548 as if the vehicle, semitrailer, or trailer were
10 registered without extended registration. The department and the
11 Department of Public Safety shall by rule establish a method to
12 enforce the inspection requirements of Chapter 548 for motor
13 vehicles, semitrailers, and trailers registered under this
14 section. The department may assess a fee to cover the department's
15 administrative costs of implementing this subsection.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2305 by Rodriguez, Eddie (Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2305, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from Clean Air Account 151
2014	(\$800,000)
2015	\$0
2016	\$0
2017	\$0
2018	\$0

Fiscal Analysis

The bill would amend the Transportation Code to prohibit an inspection station from issuing a passing vehicle inspection report for a vehicle equipped a compressed natural gas container unless the owner of the vehicle can demonstrate the container is still within its manufacturer's recommended service life and has met certain inspection requirements, and the vehicle is a fleet

vehicle for which the fleet operator employs a technician certified to inspect the container. The bill would require the Department of Public Safety to adopt rules to implement these provisions of the bill by January 1, 2014. It is assumed the costs associated with implementing these provisions of the bill could be absorbed within existing resources.

The bill would also amend the Code of Criminal Procedure, Education Code, Government Code, Health and Safety Code, Occupations Code, and Transportation Code to establish a combined vehicle safety and vehicle registration sticker.

The bill would require the Department of Public Safety (DPS) and the Department of Motor Vehicles (DMV) to replace the current Texas dual inspection/registration sticker system with a single registration sticker. The bill would stipulate a vehicle may not be registered without proof of a safety and/or emission inspection, either electronically or via a printed inspection report.

The bill would require vehicle owners to complete vehicle safety inspections prior to their registration renewal. The bill would stipulate a vehicle owner may obtain an inspection certificate not earlier than 90 days before the date of expiration of the vehicle's registration.

The bill would require DPS, in consultation with the Texas Commission on Environmental Quality (TCEQ), to implement a system for both safety and air quality inspections. The bill would direct DPS to provide notice to the DMV of non-compliant vehicles. The bill would require DMV and DPS to enter into an agreement regarding timely data submissions by DPS. TCEQ presumably would no longer track and report data on vehicles that fail the emissions test.

The bill would require DPS to maintain an electronic database to which inspections stations must electronically submit, upon completion of an inspection, the inspected vehicle's vehicle identification number and whether the vehicle passed the inspections.

The bill would require DPS to adopt rules regarding the issuance of inspection reports. The bill would require DPS to provide to inspection stations equipment and supplies necessary to comply with the rules adopted by DPS pertaining to the issuance of inspection reports.

The bill would stipulate that prior to a vehicle being registered, the DMV or the county assessor-collector registering the vehicle shall verify the vehicle passed its inspection in the inspection database.

The bill would require \$5.50 of each passenger car or light truck inspection fee and \$10 of each commercial vehicle inspection fee to be remitted to the state at the time of the inspection. The bill would require the DMV or the county assessor-collector that register a vehicle that is subject to an inspection fee to remit the state portion directly to the Comptroller.

The bill would amend the Government Code to remove the \$20 administrative fee for driving with an expired report. The bill would amend the Health and Safety Code to require DPS to adopt procedures for inspection stations to submit reports to an inspections database regarding vehicles that did not pass vehicle inspection.

The bill would amend the Transportation Code to clarify that a commercial vehicle with extended registrations shall be subject to the inspection requirements specified in the bill as if the commercial vehicle were registered without an extended registration.

The DMV notes implementing the provisions of the bill would require the following actions on the part of the agency: work with DPS and TCEQ to adopt rules to implement the program; make certain programmatic changes to the DMV's automated systems, website and forms; and provide

notice to County Tax Assessor-Collectors, law enforcement and other agency partners. It is assumed the DMV could implement the provisions of the bill within current appropriations.

DPS notes implementing the provisions of the bill would require the following actions on the part of the agency: create and update program content; modify Information Technology (IT) software applications; and communicate and train agency staff. The agency estimates that it would need to hire Information Technology contractors. DPS also notes it would need to collaborate with DMV and TCEQ to implement the provisions required by the bill. It is assumed DPS could implement these actions within current appropriations.

TCEQ notes the bill would require a revision to the state's Inspections and Maintenance Implementation Plan, certain rulemaking and policy changes, and the development of new analyzer and software specification. It is assumed TCEQ could implement these actions within current appropriations. TCEQ estimates the agency would also need to modify its analyzer equipment, resulting in a one-time cost of \$800,000 in fiscal year 2014 out of the Clean Air Account #151.

The Comptroller notes that the bill would not alter the amount of motor vehicle inspection fee revenue that the state would receive. However, the Comptroller notes bill would alter the manner by which the fee revenue would be collected and remitted to the state treasury. Currently, inspection stations remit inspection revenues to DPS, which then remits the revenue to the state treasury. The bill would require revenues to be remitted to the state treasury by the DMV or county-assessor collectors at the time of the vehicle registration.

The bill would also create several new criminal offenses. Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the state due to longer terms of probation, or longer terms of confinement in county jail, state jail, or prison. For this analysis, it is assumed the number of offenders convicted or whose cases would now be dismissed under the provisions of the bill would not result in a significant impact on the programs and workload of state correctional agencies.

The bill would require DMV, DPS, and TCEQ to adopt rules to implement the bill by March 1, 2014. The bill would require DPS to create the vehicle inspection database by March 1, 2014. All provisions of the bill would take effect by September 1, 2015.

Methodology

The Texas Commission on Environmental Quality reports the bill would require modifications to the software resident on four vehicle emissions analyzers. The agency estimates the cost of these modifications would be \$800,000 (\$200,000 x four analyzers) in fiscal year 2014.

Technology

The Texas Commission on Environmental Quality estimates the software resident on four vehicle emissions analyzers would require modifications at \$200,000 per analyzer platform (\$800,000 in total) in fiscal year 2014.

Local Government Impact

Local entities could see a negative fiscal impact due to the potential loss of revenue from fees collected for the Low Income Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program. The bill would require an indeterminate number of counties to modify the testing hardware used for vehicle diesel emissions analyzers owned by local entities. Additionally, county courts would see a decrease in fees associated with charges relating to inspection certificates. Reduced funding for local governments would vary but is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 582 Commission on Environmental Quality, 608 Department of Motor Vehicles, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 601 Department of Transportation

LBB Staff: UP, AG, AI, JAW, TG, TL, MH, MMe, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 13, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2305 by Rodriguez, Eddie (Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Transportation Code to prohibit an inspection station from issuing an inspection certificate for a vehicle equipped a compressed natural gas container unless the owner of the vehicle can demonstrate the container is still within its manufacturer's recommended service life and has met certain inspection requirements, and the vehicle is a fleet vehicle for which the fleet operator employs a technician certified to inspect the container. The bill would require the Department of Public Safety to adopt rules to implement the provisions of the bill by January 1, 2014. It is assumed the costs associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect immediately upon a two-thirds vote of all members of both chambers; otherwise, the bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, AG, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 30, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2305 by Rodriguez, Eddie (Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Transportation Code to prohibit an inspection station from issuing an inspection certificate for a vehicle equipped a compressed natural gas container unless the owner of the vehicle can demonstrate the container is still within its manufacturer's recommended service life and has met certain inspection requirments, and the vehicle is a fleet vehicle for which the fleet operator employs a technician certified to inspect the container. The bill would require the Department of Public Safety to adopt rules to implement the provisions of the bill by January 1, 2014. It is assumed the costs associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect immediately upon a two-thirds vote of all members of both chambers; otherwise, the bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, AG, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2305 by Rodriguez, Eddie (Relating to inspection of compressed natural gas containers on motor vehicles.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to add the compressed natural gas container on certain vehicles using compressed natural gas to the list of items required for inspection at an inspection station or by an inspector. It is assumed the provisions of the bill could be implemented within current appropriations. The bill would take effect immediately upon a two-third vote of all members in both chambers; otherwise, the bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, AG, AI, JAW