AN ACT

relating to the compulsory inspection of motor vehicles; providing penalties.

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

SECTION 1. Section 548.3065, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) For purposes of Subsection (a) [except as otherwise provided by this section], the procedures for determining and administering an administrative penalty [under this section] against a person charged with violating this chapter are the same as those prescribed by Section 643.251 for determining and administering an administrative penalty against a motor carrier under that section.

(c-1) The conservation commission may impose an administrative penalty on a person in the amount of not more than $500 for each violation of this subchapter or a rule adopted by the conservation commission under this subchapter.

SECTION 2. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4045 to read as follows:

Sec. 548.4045. BOND REQUIRED FOR CERTAIN INSPECTION STATIONS. (a) This section applies only to an inspection station that:

(1) is located in a county in which the conservation
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commission has established a motor vehicle emissions inspection and maintenance program under Subchapter F; and

(2) has been convicted of a violation of this chapter relating to an emissions inspection.

(b) An application for certification as an inspection station must be accompanied by a surety bond in the amount of $5,000, payable to this state and conditioned on the future compliance with this chapter and rules adopted by the department or the conservation commission under this chapter.

(c) The attorney general or the district or county attorney for the county in which the inspection station is located or in which the inspection station that employs the inspector is located may bring suit in the name of this state to recover on the bond.

SECTION 3. Section 548.506, Transportation Code, is amended to read as follows:

Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. An applicant for certification as an inspector must submit with the applicant's first application a fee of $25 [$10] for certification until August 31 of the even-numbered year following the date of certification. To be certified after August 31 of that year, the applicant must pay $25 [$10] as a certificate fee for each subsequent two-year period.

SECTION 4. Section 548.507, Transportation Code, is amended to read as follows:

Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION.

(a) Except as provided by Subsection (b) or (c), after [When] an applicant for certification as an inspection station is notified
that the application will be approved, the applicant must pay a fee of $100 (§20) for certification until August 31 of the odd-numbered year after the date of appointment. To be certified after August 31 of that year, the applicant must pay a fee of $100 (§20) for certification for each subsequent two-year period.

(b) If an applicant for certification as an inspection station has been convicted of a violation of this chapter relating to an emissions inspection under Subchapter F, after notification that the application will be approved, the applicant must pay a fee of $500 for certification until August 31 of the odd-numbered year after the date of appointment. To be certified after August 31 of that year, the applicant must pay a fee of $100 for certification for each subsequent two-year period.

(c) If an applicant for certification as an inspection station has been convicted of two or more violations of this chapter relating to an emissions inspection under Subchapter F, after notification that the application will be approved, the applicant must pay a fee of $1,500 for certification until August 31 of the odd-numbered year after the date of appointment. To be certified after August 31 of that year, the applicant must pay a fee of $100 for certification for each subsequent two-year period.

SECTION 5. Subchapter I, Chapter 548, Transportation Code, is amended by adding Section 548.6015 to read as follows:

Sec. 548.6015. CIVIL PENALTIES. (a) An inspection station that violates a provision of this chapter relating to an emissions inspection under Subchapter F is liable for a civil penalty of not less than $250 or more than $500 for each violation. The district
or county attorney for the county in which the inspection station is located or the attorney general may bring suit in the name of this state to collect the penalty.

(b) An inspector who violates a provision of this chapter relating to an emissions inspection under Subchapter F is liable for a civil penalty of not less than $50 or more than $150 for each violation. The district or county attorney for the county in which the inspection station that employs the inspector is located or the attorney general may bring suit in the name of this state to collect the penalty.

(c) A penalty imposed under this section is in lieu of a civil or administrative penalty imposed under another provision of this chapter for the same violation.

SECTION 6. Subchapter I, Chapter 548, Transportation Code, is amended by adding Sections 548.6035 and 548.6036 to read as follows:

Sec. 548.6035. FRAUDULENT EMISSIONS INSPECTION OF MOTOR VEHICLE. (a) A person commits an offense if, in connection with a required emissions inspection of a motor vehicle, the person knowingly:

(1) places or causes to be placed on a motor vehicle an inspection certificate, if:

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

(B) the person has not inspected the vehicle;

(2) manipulates an emissions test result;

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

(4) bypasses or circumvents a fuel cap test.

(b) A first offense under Subsections (a)(1)-(3) is a Class
B misdemeanor.

(c) Except as provided by Subsection (d), a second or
subsequent offense under Subsections (a)(1)-(3) is a Class A
misdemeanor.

(d) If it is found on trial of an offense under Subsections
(a)(1)-(3) that the person committing the offense acted with the
intent to defraud or harm another person, the offense is a state
jail felony.

(e) An offense under Subsection (a)(4) is a Class C
misdemeanor.

(f) It is a defense to prosecution under Subsection (a)(4)
that the analyzer used by the person developed a functional problem
during the emissions inspection of the fuel cap that prevented the
person from properly conducting the fuel cap test portion of the
emissions inspection.

Sec. 548.6036. ACTIONS OF EMPLOYEE. (a) Except as
provided by Subsection (b), an inspection station is not subject to
an administrative or civil penalty or criminal prosecution under
this subchapter for an act of an employee of the inspection station
if the inspection station requires the employee to sign a written
agreement to abide by the provisions of:

(1) this chapter;

(2) Chapter 382, Health and Safety Code; and
(3) all rules adopted under those chapters.

(b) An inspection station is subject to prosecution under this subchapter for an act of an employee of the inspection station if the inspection station:

(1) has received written notification from the department or another agency that the employee has committed an offense under this chapter; and

(2) continues to allow the employee to perform inspections under this chapter.

SECTION 7. (a) The Department of Public Safety of the State of Texas and the Texas Department of Motor Vehicles shall conduct a study regarding the feasibility of and best practices for using an electronic motor vehicle inspection system to consolidate the inspection and registration of motor vehicles in this state.

(b) Not later than December 1, 2012, the Department of Public Safety of the State of Texas and the Texas Department of Motor Vehicles shall report the results of the study conducted under this section to the standing committees in the senate and the house of representatives that have primary jurisdiction over transportation.

SECTION 8. (a) The change in law made by this Act to Section 548.3065, Transportation Code, applies only to a violation or an offense committed on or after the effective date of this Act. A violation or an offense committed before the effective date of this Act is governed by the law in effect when the violation or offense was committed, and the former law is continued in effect for that purpose.
(b) The changes in law made by Section 548.4045, Transportation Code, as added by this Act, and Sections 548.506 and 548.507, Transportation Code, as amended by this Act, in connection with an application for certification as a vehicle inspection station or a vehicle inspector apply only to an application for certification that is filed on or after the effective date of this Act. An application for certification as a vehicle inspection station or a vehicle inspector that is filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2011.
S.B. No. 197

David Dewhurst  
President of the Senate

I hereby certify that S.B. No. 197 passed the Senate on May 11, 2011, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendments on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 197 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:  
17 Jun '11

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 O’CLOCK  
JUN 17 2011  
Angie  
Secretary of State