

BILL ANALYSIS

S.B. 1588
By: Huffines
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties question whether vehicle safety inspection programs do enough to contribute to road safety to justify their existence. S.B. 1588 seeks to address this issue by eliminating regular mandatory vehicle safety inspections.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1588 amends, revises, and repeals Transportation Code provisions regarding certain mandatory vehicle safety inspections. The bill repeals provisions requiring a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in Texas, to have certain items inspected at an inspection station or by an inspector; establishing a general one-year inspection period and a two-year initial inspection period for a passenger car or light truck; establishing an extended inspection period for vehicles not in Texas when an inspection is required; relating to equipment-related prerequisites to the issuance of a passing vehicle inspection report; and setting vehicle inspection fees for the inspection of a motor vehicle and moped, for the collection and disposition of an inspection fee by a political subdivision or state agency, for the initial two-year inspection of a passenger car or light truck, and for the inspection of a commercial motor vehicle.

S.B. 1588 amends the Transportation Code to require an applicant for registration or renewal of registration of a motor vehicle to pay at the time of application, in addition to other fees imposed at the time of motor vehicle registration, an annual fee of \$9.25 for a noncommercial motor vehicle that is sold in Texas or purchased by a commercial fleet buyer for use in Texas, that has not been previously registered in Texas or any other state, and that on the date of sale is of the current model year or preceding model year; \$5.50 for each noncommercial motor vehicle that does not meet such conditions; and \$20 for each commercial motor vehicle. The bill requires the Texas Department of Motor Vehicles (TxDMV) or the county tax assessor-collector, as applicable, to remit the fee to the comptroller of public accounts at the time and in the manner prescribed by the comptroller. The bill requires the comptroller to deposit each \$9.25 fee received for certain noncommercial motor vehicles to the credit of the Texas mobility fund and to deposit out of each \$5.50 fee received for other noncommercial motor vehicles \$1.85 of each fee to the credit of the clean air account, 15 cents of each fee to the credit of the state highway fund to be used only by the Texas Department of Transportation for safety initiatives, and the remainder of each fee to the credit of the Texas mobility fund. The bill requires the comptroller

to deposit out of each \$20 fee received for a commercial motor vehicle \$10 of each fee to the credit of the Texas mobility fund and \$10 of each fee to the credit of the Texas emissions reduction plan fund. The bill requires TxDMV or the county tax assessor-collector, as applicable, that registers a motor vehicle that is subject to an emissions-related inspection fee to collect the fee at the time of registration of the motor vehicle. The bill requires TxDMV or the county tax assessor-collector to remit the fee to the comptroller at the time and in the manner prescribed by the comptroller.

S.B. 1588 authorizes the Department of Public Safety (DPS), as an exception to the requirement for a compulsory inspection to be made only by an inspection station, to authorize the acceptance in Texas of a certificate of inspection and approval issued by an inspector qualified under specified federal law acting as an employee or authorized agent of the owner of a commercial fleet and issued to a commercial motor vehicle that is part of the fleet and registered in Texas. The bill removes the specification that two of the four persons who represent inspection station owners and operators on the advisory committee established under statutory provisions relating to the inspection of vehicles be from counties conducting vehicle emissions testing and that two of those persons be from counties conducting safety only inspections. The bill revises a provision exempting certain vehicles from compulsory vehicle inspection requirements to instead exempt those vehicles from the requirement that they be equipped with front safety belts. The bill removes the requirement that a vehicle that is inspected and is subsequently involved in an accident affecting the safe operation of an item of inspection be reinspected following repair. The bill removes the requirement for the Public Safety Commission to establish an inspection program for commercial motor vehicles that meets the requirements of federal motor carrier safety regulations and that requires a commercial motor vehicle registered in Texas to pass an annual inspection of all safety equipment required by those regulations and removes provisions extending applicability of the program to certain vehicles. The bill instead authorizes the commission to establish an inspection program for commercial motor vehicles only if necessary to comply with the requirements of those federal regulations.

S.B. 1588 requires the Public Safety Commission to require a vehicle required to be inspected to pass the required inspection not earlier than 90 days before the date of expiration of the vehicle's registration or, if the vehicle is a used motor vehicle sold by a dealer, in the 180 days preceding the date the dealer sells the vehicle. The bill specifies that the inspection fee imposed by DPS for a vehicle inspected under the motor vehicle emissions inspection and maintenance program established by the commission is in addition to a fee adopted by the commission under the vehicle emissions inspection and maintenance program under the Health and Safety Code. The bill requires the fee to be collected as provided by the bill's provisions relating to the collection of an emissions-related inspection fee. The bill removes the authorization for DPS to provide a maximum vehicle inspection fee and the prohibition against DPS setting a minimum vehicle inspection fee. The bill removes as conduct constituting an offense involving a fictitious or counterfeit inspection certificate or insurance document that a person, with intent to circumvent the emissions inspection requirements, seeks an inspection of a vehicle at a station not certified to perform an emissions inspection if the person knows that the vehicle is required to be inspected. The bill removes as conduct constituting an offense of violating certain vehicle inspection requirements the operation or movement of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, or a combination of those vehicles, that is in a mechanical condition that endangers a person, including the operator or an occupant, or property. The bill repeals provisions relating to the authorization for a decentralized facility to perform certain vehicle inspections, an authorization of vehicle emissions inspection facilities to conduct safety inspections under certain circumstances, and the applicability of provisions relating to the compulsory inspection of vehicles.

S.B. 1588 amends the Health and Safety Code to require the portion of a fee imposed for vehicle emissions-related inspections performed at inspection or reinspection facilities authorized and licensed by the Texas Commission on Environmental Quality that is not authorized to be retained by an inspection station to be collected as provided by the bill's provisions relating to the

collection of an emissions-related inspection fee. The bill revises the criteria for a waiver from vehicle emissions inspection and maintenance program requirements for a vehicle on which at least \$100 has been spent to bring the vehicle into compliance under the program from a vehicle that DPS can verify was driven fewer than 5,000 miles since the last safety inspection and reasonably determines will be driven fewer than 5,000 miles during the period before the next required safety inspection to a vehicle that DPS can verify is driven an average of fewer than 5,000 miles each year.

S.B. 1588 requires DPS, not later than January 1, 2019, to submit to the lieutenant governor and the speaker of the house of representatives a report on certain changes in expenses and income of DPS that result from implementing the bill's provisions.

S.B. 1588 repeals the following Transportation Code provisions:

- the heading to Subchapter B, Chapter 548
- Section 548.051
- the heading to Subchapter C, Chapter 548
- Sections 548.101, 548.102, 548.103, and 548.104
- Sections 548.202 and 548.203
- Sections 548.301(d) and 548.3045(b)
- Sections 548.501, 548.502, 548.503, 548.504, 548.5055, 548.508, and 548.509

EFFECTIVE DATE

March 1, 2018.