

- SUBJECT:** Establishing automated compulsory motor vehicle inspection system
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 6 ayes — B. Turner, Berman, Gutierrez, Isett, P. King, Villarreal
1 nay — Hupp
2 absent — Keel, Driver
- SENATE VOTE:** On final passage, March 26 — voice vote (Fraser recorded nay)
- WITNESSES:** (*On companion bill, HB 107:*)
For — Brenda Ackarman-Sioson

Against — None

On — Ricky D. Smith, Texas Department of Public Safety
- BACKGROUND:** Transportation Code, ch. 548 establishes guidelines for compulsory inspections of motor vehicles. The Department of Public Safety (DPS) certifies inspection stations and may instruct and supervise stations and mechanics regarding inspections. The Texas Natural Resource Conservation Commission (TNRCC) is responsible for vehicle emissions inspection and maintenance programs, and emissions inspections may be performed at the same facility as safety inspections if the facility is authorized and certified by DPS to perform emissions inspections.

A non-attainment area is defined by the federal Clean Air Act, sec. 107(d) as any area that does not meet or that contributes to ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard.
- DIGEST:** CSSB 391 would require DPS to develop and administer procedures to automate the compulsory motor vehicle inspection system and its compliance with emissions inspection and maintenance and to establish

guidelines for system fees for 22 non-attainment and near non-attainment counties.

The bill would define “asymmetric cryptosystem” as a computer-based system that used two different but mathematically-related keys or passwords, one of which encrypted information and the other of which decrypted that information and was designed to make it impossible to determine a password or key if only one was known. DPS would have to include in the system an asymmetric cryptosystem security protection or digital signature for each inspector who accessed the system.

DPS could require an applicant for inspection certification to participate in the automated system as a condition of certification. DPS could require an applicant to agree that the person’s asymmetric cryptosystem password or key or digital signature was the same as a person’s written signature for inspection purposes and that the person was legally responsible for any inspection performed under the password, key, or digital signature.

The use of asymmetric cryptosystem security protection would be subject to fraud and computer crimes laws.

DPS could enter into one or more contracts with another person to implement the automated inspection system. If DPS entered into a contract, the contractor could not disclose any data related to or collected for the automated inspection system.

DPS could impose a fee of up to \$1.00 for each safety inspection certificate sold to an inspection station in an affected county. DPS would have to deposit collected fees into the automated inspection system account, an account in the general revenue fund that only could be appropriated to DPS for the development, testing, implementation, and administration of the automated system.

The bill would take effect September 1, 2001.

SUPPORTERS
SAY:

CSSB 391 is necessary to make vehicle inspections more efficient. Currently, vehicle inspection data collection, reporting, and monitoring is done manually on paper, which creates a very time and labor-consuming

process for DPS and the inspection stations. According to DPS, about 250,000 inspections are performed every week in the state of Texas, and dealing with the related paperwork makes effective and timely responses to law enforcement and consumer inquiries extremely difficult. DPS has tried scanning and data entry to try and reduce the paperwork burden, but nothing has been successful. Having a fully-automated system would be the most efficient way to operate vehicle inspections.

The need for an automated inspection system is a public safety issue. The true benefits of the system would come from being able to plan for and manage potential problems and safety responses. An automated system could compare equipment issues to accidents and possibly could help prevent serious public safety threats like the Firestone tire tragedy and could help ensure that appropriate vehicle inspections took place.

An automated inspection system would enhance program integrity. Only trained and certified inspectors could perform inspections, and inspection fraud could be identified and eliminated more easily by creating the ability to monitor suspicious trends.

The \$1.00 fee increase would be appropriate. It would be tied completely to the system and the services provided and would not be a hidden tax targeted toward some unspecified purpose. Also, it would apply only in non-attainment and near non-attainment counties, which represent about two-thirds of the total statewide inspections, but which contain only about one-half of the total inspection stations.

If the state does not demonstrate effectiveness in emissions inspections to the federal government, Texas could lose up to \$750 million in federal highway funds. The automated system established by SB 391 would assist in meeting clear air standards.

**OPPONENTS
SAY:**

The efficiency gained with an automated inspection system would not outweigh the burden to consumers of an increase in inspection fees. It would be an unfair to consumers who would have to pay the increased fee for unproven benefits. This potentially could create a windfall for DPS and private vendors without appropriate accountability. If inspection efficiency needs improvement, a pilot program should be considered rather than

implementing a system at a cost to the consumer. The state already imposes too many fees, and the Legislature has been voting to add new ones or raise existing fees at a furious pace this session.

NOTES:

The committee substitute made several changes to the Senate-passed version, including designating certain counties as affected and reducing the fee from \$1.25 to \$1.00.

According to the fiscal note, the estimated cost of approximately \$9.6 million per year to establish and maintain an automated system would be offset by the \$1.00 fee per inspection in the affected counties to cover start-up and operating costs.

In 1999, the 76th Legislature enacted a similar bill, HB 2794 by Gutierrez, but Governor George W. Bush vetoed the bill, citing objections to a fee increase for inspections.