BILL ANALYSIS

Senate Research Center

78R6634 JD-F

S.B. 978

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Infrastructure Development and Security

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As Filed

DIGEST AND PURPOSE

Since 1953, vehicle safety inspections have been conducted by independent inspection stations certified by the Department of Public Safety (DPS). These stations inspect vehicles, issue DPS certificates, record the transactions, and provide DPS with the inspection records. All the inspection records are paper-based, except for records in emissions testing counties. To access a vehicle's inspection result or compile inspection data, one must perform manual research through inspection stations' data files. As proposed, S.B. 978 provides for automating the vehicle inspection process, requiring certain security measures to protect collected data. S.B. 978 pays for the automation by increasing the cost of inspection certificates sold to inspectors. The bill also allows inspectors to increase inspection fees equally.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 548A, Transportation Code, by adding Section 548.007, as follows:

Sec. 548.007. AUTOMATION OF INSPECTION PROCEDURES. (a) Requires the Department of Public Safety (DPS) to develop and administer procedures to automate the compulsory motor vehicle inspection system and compliance and enforcement under this chapter.

(b) Authorizes DPS to require the applicant to participate in the automated inspection system as a condition of receiving certification as an inspection station.

(c) Requires the automated inspection system to include asymmetric cryptosystem security protection or a digital signature for each inspector who accesses the system and to assure compliance with and enforcement of the system through technology that provides current data using a remote process and can be read using existing or new technologies.

(d) Authorizes DPS to require the applicant to agree to certain conditions as a condition of receiving inspector certification.

(e) Provides that the use of asymmetric cryptosystem security protection under this section is subject to criminal laws pertaining to fraud and computer crimes, including Chapter 32 (Fraud) and 33 (Computer Crimes), Penal Code.

(f) Authorizes DPS to enter into one or more contracts with another person to implement this section.

(g) Prohibits a contractor, contracted by DPS to implement the automated inspection system, from disclosing to any person, other than DPS, data related to the system and collected by the contractor.

(h) Defines "asymmetric cryptosystem" and "digital signature."

SECTION 2. Amends Chapter 548H, Transportation Code, by adding Section 548.508, as follows:

Sec. 548.508. FEES FOR AUTOMATED INSPECTION SYSTEM. (a) Authorizes DPS, in addition to any other fee authorized by this subchapter, to impose certain fees for each safety inspection certificate sold to an inspection station.

(b) Authorizes an inspection station to impose a fee for each inspection performed under this chapter, not to exceed the amount of any fee imposed under Subsection (a), in addition to fees authorized in Sections 548.501 (Inspection Fees Generally), 548.503 (Initial Two-Year Inspection of Passenger Car or Light Truck), and 548.504 (Inspection of Commercial Motor Vehicle).

(c) Requires DPS to deposit fees collected under Subsection (a) to the credit of the automated inspection system account, an account in the general revenue fund authorized for appropriation only to DPS for the development, testing, implementation, and administration the automated inspection system under Section 548.007 (Automation of Inspection Procedures).

SECTION 3. Effective date: September 1, 2003.