

BILL ANALYSIS

Senate Research Center

C.S.S.B. 978
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Infrastructure Development and Security
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Committee Report (Substituted)

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. C.S.S.B. 978 authorizes DPS to execute contracts and instruments to implement the chapter's requirements and establishes the structure regarding the motor vehicle inspection account. This bill also provides for automating the vehicle inspection process and requires certain security measures to protect collected data. C.S.S.B. 978 establishes the cost of inspection certificates sold to inspectors which funds the automated inspection system.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 548.009, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 548, Transportation Code, by adding Sections 548.007-548.009, as follows:

Sec. 548.007. **CONTRACTS; INSTRUMENTS.** Authorizes the Department of Public Safety (DPS) to execute contracts and instruments necessary or convenient to perform DPS powers or duties under this chapter.

Sec. 548.008. **MOTOR VEHICLE INSPECTION ACCOUNT.** (a) Authorizes DPS to use certain fund raising methods to carry out DPS duties under this chapter.

(b) Requires money received by DPS under this chapter to be deposited in the motor vehicle inspection account in the general revenue fund. Authorizes DPS to use money in the account for any necessary expenses incurred in carrying out its duties under this chapter.

Sec. 548.009. **AUTOMATION OF INSPECTION PROCEDURES.** (a) Requires DPS to develop and administer procedures to automate the compulsory motor vehicle inspection system under this chapter.

(b) Requires the automated inspection system to include network and data security protection authorized to consist of certain characteristics.

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

(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 the authentication token, digital signature, or

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) Requires DPS, by rule, to require a motor vehicle registered in a county using the automated compulsory motor vehicle inspection system to be inspected in any county using the same system.

(h) [sic] Defines “asymmetric cryptosystem,” “digital signature,” “token authentication (two factor) access,” “user ID/password authentication,” and “voiceprint authentication.”

SECTION 2. Amends Subchapter H, Chapter 548, Transportation Code, by adding Section 548.510, as follows:

Sec. 548.510. 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 to provide funding for the automated inspection system required by Section 548.009.

(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 motor vehicle inspection account, an account in the general revenue fund authorized for appropriation only to DPS for the development, implementation, and administration of the compulsory inspection of vehicles under this chapter

SECTION 3. Effective date: September 1, 2003.