

## **BILL ANALYSIS**

Senate Research Center  
82R411 TRH-F

S.B. 197  
By: West  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Automotive emissions enforcement efforts in north central Texas, have uncovered evidence of pervasive fraud among inspection stations in the region. Based on a review of data collected by the North Central Texas Council of Governments and the Texas Commission on Environmental Quality, analysts estimate that 20 percent of all light duty cars and trucks in the region display improper, fraudulent, counterfeit, or fictitious inspection certificates.

In Dallas County alone, enforcement officials detected 22,618 Vehicle Identification Number mismatches with on-board diagnostic systems. Twelve percent of all inspection stations in Dallas County were improperly conducting at least 10 percent of all emissions tests. The fee requirement for certification of inspectors and inspections stations is so nominal that they provide no meaningful deterrent effect. Additionally, even in the most egregious circumstances, the penalty for fraudulent activity is limited to a Class C misdemeanor.

S.B. 197 strengthens accountability and oversight of vehicle inspection stations and vehicle inspectors, and requires a vehicle inspection station to post bond as a condition of certification.

As proposed, S.B. 197 amends current law relating to the compulsory inspection of motor vehicles and provides penalties.

### **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 Section 548.3065, Transportation Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Provides that for purposes of Subsection (a), rather than except as otherwise provided by this section, the procedures for determining and administering an administrative penalty against a person charged with violating this chapter are the same as those prescribed by Section 643.251 (Administrative Penalty) for determining and administering an administrative penalty against a motor carrier under that section. Makes nonsubstantive changes.

(c-1) Authorizes the Texas Commission on Environmental Quality (TCEQ) to impose an administrative penalty on a person in the amount of \$500 for each violation of this subchapter or a rule adopted by TCEQ under this subchapter.

SECTION 2. Amends Subchapter G, Chapter 548, Transportation Code, by adding Section 548.4045, as follows:

Sec. 548.4045. BOND REQUIRED. (a) Requires that an application for certification as an inspection station or an inspector be accompanied by a surety bond in the amount of \$500, payable to this state and conditioned on the future compliance with this chapter and

rules adopted by the Department of Public Safety of the State of Texas (DPS) or TCEQ under this chapter.

(b) Authorizes 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 employs the inspector is located to bring suit in the name of this state to recover on the bond.

SECTION 3. Amends Section 548.601, Transportation Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that except as provided by Subsection (b-1) or as otherwise specified in this chapter, an offense under this section is a Class C misdemeanor.

(b-1) Provides that an offense under Subsection (a)(1), (a)(5), or (a)(6) is a Class A misdemeanor.

SECTION 4. Amends Subchapter I, Chapter 548, Transportation Code, by adding Section 548.6015, as follows:

Sec. 548.6015. CIVIL PENALTIES. (a) Provides that an inspection station that violates a provision of this chapter or a rule of DPS issued under this chapter is liable for a civil penalty of not less than \$250 or more than \$500 for each violation. Authorizes the district or county attorney for the county in which the inspection station is located or the attorney general to bring suit in the name of this state to collect the penalty.

(b) Provides that an inspector who violates a provision of this chapter or a rule of DPS issued under this chapter is liable for a civil penalty of not less than \$250 or more than \$500 for each violation. Authorizes the district or county attorney for the county in which the inspection station is located or the attorney general to bring suit in the name of this state to collect the penalty.

SECTION 5. (a) Makes application of the change in law made by this Act to Sections 548.3065 and 548.601, Transportation Code, prospective.

(b) Makes application of the changes in law made by this Act in connection with an application for certification as a vehicle inspection station or a vehicle inspector prospective.

SECTION 6. Effective date: September 1, 2011.