

TRANSPORTATION CODE
CHAPTER 548. COMPULSORY INSPECTION OF VEHICLES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 548.001. DEFINITIONS. In this chapter:

(1) "Commercial motor vehicle" means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if:

(A) the vehicle, including a school activity bus as defined in Section 541.201, or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;

(B) the vehicle, including a school activity bus as defined in Section 541.201, is designed or used to transport more than 15 passengers, including the driver; or

(C) the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

(2) "Commission" means the Public Safety Commission.

(3) "Conservation commission" means the Texas Natural Resource Conservation Commission.

(4) "Department" means the Department of Public Safety.

(5) "Farm vehicle" has the meaning assigned by the federal motor carrier safety regulations.

(6) "Federal motor carrier safety regulation" has the meaning assigned by Section 644.001.

(7) "Inspection station" means a facility certified to conduct inspections of vehicles under this chapter.

(8) "Inspector" means an individual certified to conduct inspections of vehicles under this chapter.

(9) "Nonattainment area" means an area so designated within the meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section 7407).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.120, 30.122(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1061, Sec. 17, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 4, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 663, Sec. 4, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 359, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 16.01, eff. Sept. 1, 2003.

Sec. 548.002. DEPARTMENT RULES. The department may adopt rules to administer and enforce this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.003. DEPARTMENT CERTIFICATION AND SUPERVISION OF INSPECTION STATIONS. (a) The department may certify inspection stations to carry out this chapter and may instruct and supervise the inspection stations and mechanics for the inspection of vehicles and equipment subject to this chapter.

(b) The department shall certify at least one inspection station for each county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.004. DEPARTMENT CERTIFICATION OF INSPECTION STATIONS FOR POLITICAL SUBDIVISIONS AND STATE AGENCIES. (a) The department may certify a vehicle maintenance facility owned and operated by a political subdivision or agency of this state as an inspection station.

(b) An inspection station certified under this section is subject to the requirements of this chapter applicable to another inspection station, except as otherwise provided by this chapter.

(c) The facility may inspect only a vehicle owned by the political subdivision or state agency. An officer, employee, or inspector of the subdivision or agency may not place an inspection certificate received from the department under this section on a vehicle not owned by the subdivision or agency.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.005. INSPECTION ONLY BY STATE-CERTIFIED AND SUPERVISED INSPECTION STATION. A compulsory inspection under this chapter may be made only by an inspection station, except that the department may:

(1) permit inspection to be made by an inspector under terms and conditions the department prescribes; and

(2) authorize the acceptance in this state of a

certificate of inspection and approval issued in another state having a similar inspection law.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.006. ADVISORY COMMITTEE. (a) An advisory committee consisting of six members shall:

(1) advise the department on the department's rules relating to the operation of the emissions testing program under Subchapter F;

(2) make recommendations to the department relating to the content of rules involving the operation of the emissions testing program; and

(3) perform any other advisory function requested by the department in administering Subchapter F.

(b) The members of the commission shall appoint three members of the committee as follows:

(1) one person to represent inspection station owners and operators;

(2) one person to represent manufacturers of motor vehicle emissions inspection devices; and

(3) one person to represent the public interest.

(c) Each member of the conservation commission shall appoint one member of the committee. The member appointed by the presiding officer of the conservation commission shall serve as the presiding officer of the committee.

(d) Committee members serve staggered three-year terms.

(e) A vacancy on the committee is filled in the same manner as other appointments to the committee.

(f) A member of the committee is not entitled to compensation, but is entitled to reimbursement of the member's travel expenses as provided in the General Appropriations Act for state employees.

(g) The committee may elect an assistant presiding officer and a secretary from among its members and may adopt rules for the conduct of its own activities.

(h) The committee is entitled to review and comment on rules to be considered for adoption by the commission or the department under Subchapter F before the rules are published.

Added by Acts 2001, 77th Leg., ch. 1075, Sec. 7, eff. Sept. 1, 2001.

Sec. 548.007. CONTRACTS AND INSTRUMENTS TO IMPLEMENT CERTAIN INSPECTION AND MAINTENANCE PROGRAMS. The department may execute any contract or instrument that is necessary or convenient to exercise its powers or perform its duties in implementing a motor vehicle emissions inspection and maintenance program under Section 382.302, Health and Safety Code.

Added by Acts 2003, 78th Leg., ch. 203, Sec. 3, eff. June 10, 2003.

SUBCHAPTER B. VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION AND REINSPECTION

Sec. 548.051. VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION. (a) A motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state, must have the following items inspected at an inspection station or by an inspector:

(1) tires;

(2) wheel assembly;

(3) safety guards or flaps, if required by Section 547.606;

(4) brake system, including power brake unit;

(5) steering system, including power steering;

(6) lighting equipment;

(7) horns and warning devices;

(8) mirrors;

(9) windshield wipers;

(10) sunscreening devices, unless the vehicle is exempt from sunscreen device restrictions under Section 547.613;

(11) front seat belts in vehicles on which seat belt anchorages were part of the manufacturer's original equipment;

(12) tax decal, if required by Section 548.104(d)(1);

(13) exhaust system;

(14) exhaust emission system;

(15) fuel tank cap, using pressurized testing equipment approved by department rule; and

(16) emissions control equipment as designated by department rule.

(b) A moped is subject to inspection in the same manner as a motorcycle, except that the only items of equipment required to be

inspected are the brakes, headlamps, rear lamps, and reflectors, which must comply with the standards prescribed by Sections 547.408 and 547.801.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 29, eff. Sept. 1, 1999.

Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This chapter does not apply to:

(1) a trailer, semitrailer, pole trailer, or mobile home moving under or bearing a current factory-delivery license plate or current in-transit license plate;

(2) a vehicle moving under or bearing a paper dealer in-transit tag, machinery license, disaster license, parade license, prorated tab, one-trip permit, antique license, temporary 24-hour permit, or permit license;

(3) a trailer, semitrailer, pole trailer, or mobile home having an actual gross weight or registered gross weight of 4,500 pounds or less;

(4) farm machinery, road-building equipment, a farm trailer, or a vehicle required to display a slow-moving-vehicle emblem under Section 547.703;

(5) a former military vehicle, as defined by Section 502.275;

(6) a vehicle qualified for a tax exemption under Section 152.092, Tax Code; or

(7) a vehicle for which a certificate of title has been issued but that is not required to be registered.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.121(a), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 963, Sec. 1, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1423, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 19.006, eff. Sept. 1, 2001.

Sec. 548.053. REINSPECTION OF VEHICLE REQUIRING ADJUSTMENT, CORRECTION, OR REPAIR. (a) If an inspection discloses the necessity for adjustment, correction, or repair, an inspection station or inspector may not issue an inspection certificate until the adjustment, correction, or repair is made. The owner of the vehicle may have the adjustment, correction, or repair made by a qualified person of the owner's choice, subject to reinspection. The vehicle shall be reinspected once free of charge within 15 days after the date of the original inspection, not including the date the original inspection is made, at the same inspection station after the adjustment, correction, or repair is made.

(b) A vehicle that is inspected and is subsequently involved in an accident affecting the safe operation of an item of inspection must be reinspected following repair. The reinspection must be at an inspection station and shall be treated and charged as an initial inspection.

(c) If a vehicle subject to this chapter is damaged to the apparent extent that it would require repair before passing inspection, the investigating officer shall remove the inspection certificate from the vehicle windshield and give the operator of the vehicle a dated receipt. The vehicle must be reinspected not later than the 30th day after the date shown on the receipt.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER C. PERIODS OF INSPECTION; PREREQUISITES TO ISSUANCE OF INSPECTION CERTIFICATE

Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as provided by Section 548.102, the department shall require an annual inspection. The department shall set the periods of inspection and may make rules with respect to those periods.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.102. TWO-YEAR INITIAL INSPECTION PERIOD FOR PASSENGER CAR OR LIGHT TRUCK. (a) The initial inspection period is two years for a passenger car or light truck that:

(1) is sold in this state;

(2) has not been previously registered in this or another state; and

(3) on the date of sale is of the current or preceding model year.

(b) This section does not affect a requirement that a motor vehicle emission inspection be conducted during an initial inspection period in a county covered by an inspection and maintenance program approved by the United States Environmental Protection Agency under Section 548.301 and the Clean Air Act (42 U.S.C. Section 7401 et seq.).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN VEHICLES. The department may extend the time within which the resident owner of a vehicle that is not in this state when an inspection is required must obtain an inspection certificate in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF INSPECTION CERTIFICATE. (a) The commission shall adopt uniform standards of safety applicable to each item required to be inspected by Section 548.051. The standards and the list of items to be inspected shall be posted in each inspection station.

(b) An inspection station or inspector may issue an inspection certificate only if the vehicle is inspected and found to be in proper and safe condition and to comply with this chapter and the rules adopted under this chapter.

(c) An inspection station or inspector may inspect only the equipment required to be inspected by Section 548.051 and may not:

(1) falsely and fraudulently represent to an applicant that equipment required to be inspected must be repaired, adjusted, or replaced before the vehicle will pass inspection; or

(2) require an applicant to have another part of the vehicle or other equipment inspected as a prerequisite for issuance of an inspection certificate.

(d) An inspection station or inspector may not issue an inspection certificate for a vehicle equipped with:

(1) a carburetion device permitting the use of liquefied gas alone or interchangeably with another fuel, unless a valid liquefied gas tax decal issued by the comptroller is attached to the lower right-hand corner of the front windshield of the vehicle on the passenger side; or

(2) a sunscreening device prohibited by Section 547.613, except that the department by rule shall provide procedures for issuance of an inspection certificate for a vehicle exempt under Section 547.613(c).

(e) The department shall adopt rules relating to inspection of and issuance of an inspection certificate for a moped.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS PREREQUISITE TO ISSUANCE OF INSPECTION CERTIFICATE. (a) An inspection station or inspector may not issue an inspection certificate for a vehicle unless the owner or operator furnishes evidence of financial responsibility at the time of inspection. Evidence of financial responsibility may be shown in the manner specified under Section 601.053(a). A personal automobile insurance policy used as evidence of financial responsibility must be written for a term of 30 days or more as required by Article 5.06, Insurance Code.

(b) An inspection station is not liable to a person, including a third party, for issuing an inspection certificate in reliance on evidence of financial responsibility furnished to the station. An inspection station that is the seller of a motor vehicle may rely on an oral insurance binder.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER D. INSPECTION OF COMMERCIAL MOTOR VEHICLES

Sec. 548.201. COMMERCIAL MOTOR VEHICLE INSPECTION PROGRAM. (a) The commission shall establish an inspection program for commercial motor vehicles that:

(1) meets the requirements of federal motor carrier safety regulations; and

(2) requires a commercial motor vehicle registered in this state to pass an annual inspection of all safety equipment required by the federal motor carrier safety regulations.

(b) A program under this section also applies to any:

(1) vehicle or combination of vehicles with a gross weight rating of more than 10,000 pounds that is operated in interstate commerce and registered in this state;

(2) school activity bus, as defined in Section 541.201, that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds, or is designed to transport more than 15 passengers, including the driver; and

(3) school bus that will operate at a speed authorized by Section 545.352(b)(5)(A).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1061, Sec. 18, eff. Sept. 1, 1997; Acts

1999, 76th Leg., ch. 663, Sec. 5, eff. June 18, 1999.

Sec. 548.202. GENERAL APPLICABILITY OF CHAPTER TO COMMERCIAL MOTOR VEHICLES. This chapter applies to a commercial motor vehicle inspection program established under Section 548.201 except as otherwise provided.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.203. EXEMPTIONS. The commission by rule may exempt a type of commercial motor vehicle from the application of this subchapter if the vehicle:

- (1) was manufactured before September 1, 1995;
- (2) is operated only temporarily on a highway of this state and at a speed of less than 30 miles per hour; and
- (3) complies with Section 548.051 and each applicable provision in Title 49, Code of Federal Regulations.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.122(b), eff. Sept. 1, 1997.

SUBCHAPTER E. ISSUANCE, RECORDING, AND PROOF OF INSPECTION
CERTIFICATES AND VERIFICATION FORMS

Sec. 548.251. DEPARTMENT TO PROVIDE INSPECTION CERTIFICATES AND VERIFICATION FORMS. The department shall provide serially numbered inspection certificates and verification forms to inspection stations. The department may issue a unique inspection certificate for:

- (1) a commercial motor vehicle inspected under Section 548.201; or
- (2) a vehicle inspected under Subchapter F.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(c), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 5, eff. June 19, 1997.

Sec. 548.252. SAFEKEEPING AND CONTROL OF INSPECTION CERTIFICATES AND VERIFICATION FORMS. On being licensed, an inspector or owner of an inspection station shall:

- (1) provide for the safekeeping of inspection certificates and verification forms;
- (2) safeguard the certificates and forms against theft, loss, or damage;
- (3) control the sequence of issuance of the certificates and forms; and
- (4) ensure that the certificates and forms are issued in accordance with department rules.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.253. INFORMATION TO BE RECORDED ON ISSUANCE OF INSPECTION CERTIFICATE AND VERIFICATION FORM. An inspection station or inspector, on issuing an inspection certificate and verification form, shall:

- (1) make a record and report as prescribed by the department of the inspection and certificate issued; and
- (2) include in the inspection certificate and verification form the information required by the department for the type of vehicle inspected.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.254. VALIDITY OF INSPECTION CERTIFICATE. An inspection certificate is invalid after the end of the 12th month following the month in which the certificate is issued. An unused inspection certificate representing a previous inspection period may not be issued after the beginning of the next period.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.255. ATTACHMENT OR PRODUCTION OF INSPECTION CERTIFICATE. (a) An inspection certificate shall be attached to or produced for a vehicle in the manner required by department rule.

(b) The department shall:

- (1) require that a certificate for a motorcycle be attached to the rear of the motorcycle near the license plate; and
- (2) adopt rules with respect to display of an inspection certificate for a moped.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.256. VERIFICATION FORM REQUIRED TO REGISTER VEHICLE. (a) Before a vehicle that is brought into this state by a person other than a manufacturer or importer may be registered, the owner must have the vehicle inspected and have the inspection station record the following information on a verification form prescribed and provided by the department:

- (1) the vehicle identification number;
- (2) the number appearing on the odometer of the vehicle at the time of the inspection, if the vehicle has an

odometer; and

(3) other information the department requires.

(b) An inspection station may not issue the verification form unless the vehicle complies with the inspection requirements of this chapter.

(c), (d) Repealed by Acts 2005, 79th Leg., ch. 1125, Sec. 22. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 19(2), eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1423, Sec. 8, 9, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 967, Sec. 9, eff. Sept. 1, 2001; Acts 2005, 79th Leg., ch. 1125, Sec. 22, eff. Sept. 1, 2005.

Sec. 548.257. LOST, STOLEN, OR DESTROYED CERTIFICATE. (a) If an inspection certificate is lost, stolen, or destroyed during the period during which the certificate is valid, the vehicle must be reinspected and any applicable fee paid before a new certificate is issued, except that the vehicle is not subject to any emissions inspection. The replacement certificate is valid for the remaining period of validity of the original certificate.

(b) The department by rule shall specify the method for establishing that:

(1) the certificate has been lost, stolen, or destroyed; and

(2) the reinspection is within the period of validity of the lost, stolen, or destroyed certificate.

(c) As part of its rules under Subsection (b), the department shall adopt measures to ensure that the reinspection procedure provided by this section is not used fraudulently to avoid any required inspection.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 19.03, eff. Sept. 1, 2003.

Sec. 548.258. USE OF TEXASONLINE. (a) In this section, "TexasOnline" has the meaning assigned by Section 2054.003, Government Code.

(b) The department may adopt rules to require an inspection station to use TexasOnline to:

(1) purchase inspection certificates; or

(2) send to the department a record, report, or other information required by the department.

Added by Acts 2005, 79th Leg., ch. 1260, Sec. 22, eff. June 18, 2005; Acts 2005, 79th Leg., ch. 1292, Sec. 11, eff. June 18, 2005.

SUBCHAPTER F. MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE

Sec. 548.301. COMMISSION TO ESTABLISH PROGRAM. (a) The commission shall establish a motor vehicle emissions inspection and maintenance program for vehicles as required by any law of the United States or the state's air quality state implementation plan.

(b) The commission by rule may establish a motor vehicle emissions inspection and maintenance program for vehicles specified by the conservation commission in a county for which the conservation commission has adopted a resolution requesting the commission to establish such a program and for which the county and the municipality with the largest population in the county by resolution have formally requested a proactive air quality plan consisting of such a program.

(b-1) The commission by rule may establish a motor vehicle emissions inspection and maintenance program for vehicles subject to an early action compact as defined by Section 382.301, Health and Safety Code, that is consistent with the early action compact.

(c) A program established under Subsection (b) or (b-1) may include reregistration-based enforcement.

(d) A vehicle emissions inspection under this section may be performed by the same facility that performs a safety inspection if the facility is authorized and certified by the department to perform the vehicle emissions inspection and certified by the department to perform the safety inspection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(d), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 6, eff. June 19, 1997; Acts 2001, 77th Leg., ch. 1075, Sec. 8, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 203, Sec. 4, eff. June 10, 2003.

Sec. 548.3011. EMISSIONS TEST ON RESALE. (a) This section applies only to a vehicle:

(1) the most recent certificate of title for which or registration of which was issued in a county without a motor vehicle emissions inspection and maintenance program; and

(2) the ownership of which has changed and which has been the subject of a retail sale as defined by Section 2301.002, Occupations Code.

(b) Notwithstanding Subsection (a), this section does not apply to a vehicle that is a 1996 or newer model that has less than 50,000 miles.

(c) A vehicle subject to this section is not eligible for a title receipt under Section 501.024, a certificate of title under Section 501.027, or registration under Chapter 502 in a county with a motor vehicle emissions inspection and maintenance program unless proof is presented with the application for certificate of title or registration, as appropriate, that the vehicle, not earlier than the 90th day before the date on which the new owner's application for certificate of title or registration is filed with the county clerk or county assessor-collector, as appropriate, has passed an approved vehicle emissions test in the county in which it is to be titled or registered.

(d) The proof required by Subsection (c) may be in the form of a Vehicle Inspection Report (VIR) or other proof of program compliance as authorized by the department.

Added by Acts 2001, 77th Leg., ch. 1075, Sec. 9, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.834, eff. Sept. 1, 2003.

Sec. 548.3012. EXEMPTION: VEHICLE NOT USED PRIMARILY IN COUNTY OF REGISTRATION. (a) This section applies only to a vehicle that:

(1) is to be registered in a county with a motor vehicle emissions inspection and maintenance program; and

(2) will be used in that county for fewer than 60 days during the registration period for which registration is sought.

(b) The owner of a vehicle described by Subsection (a) may obtain for that vehicle an exemption from the vehicle emissions test requirements of this subchapter by submitting to the county assessor-collector an affidavit stating that the named vehicle will be used in the county of registration for fewer than 60 calendar days during the registration period for which registration is sought.

Added by Acts 2001, 77th Leg., ch. 1075, Sec. 9, eff. Sept. 1, 2001.

Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND REQUIREMENTS. The commission shall:

(1) adopt standards for emissions-related inspection criteria consistent with requirements of the United States and the conservation commission applicable to a county in which a program is established under this subchapter; and

(2) develop and impose requirements necessary to ensure that an inspection certificate is not issued to a vehicle subject to a program established under this subchapter unless the vehicle has passed a motor vehicle emissions inspection at a facility authorized and certified by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(e), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 7, eff. June 19, 1997.

Sec. 548.303. PROGRAM ADMINISTRATION. The commission shall administer the motor vehicle emissions inspection and maintenance program under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(f), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 8, eff. June 19, 1997.

Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS INSPECTIONS. (a) The department may authorize and certify inspection stations as necessary to implement the emissions-related inspection requirements of the motor vehicle emissions inspection and maintenance program established under this subchapter if the station meets the department's certification requirements.

(b) The department shall provide inspection certificates for distribution and issuance at inspection stations certified by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(g), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 9, eff. June 19, 1997.

Sec. 548.3045. APPOINTMENT OF DECENTRALIZED FACILITY. (a) The department may issue an inspection station certificate to a decentralized facility authorized and licensed by the department under Section 548.304 if the facility meets the certification

requirements of that section and the department.

(b) A decentralized facility issued a certificate under Subsection (a) is authorized to perform an inspection under this subchapter or Subchapter B.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(h), eff. Sept. 1, 1997.

Sec. 548.306. EXCESSIVE MOTOR VEHICLE EMISSIONS. (a) This section applies to a motor vehicle registered or operated for more than 60 days per calendar year in:

(1) a county or a portion of a county designated by department rule in accordance with Section 548.301; or

(2) a county adjacent to a county described in Subdivision (1).

(b) The registered owner of a motor vehicle commits an offense if the vehicle, in an area described by Subsection (a), emits:

(1) hydrocarbons, carbon monoxide, or nitrogen oxide in an amount that is excessive under United States Environmental Protection Agency standards or standards provided by department rule; or

(2) another vehicle-related pollutant that is listed by a department rule adopted to comply with Part A, National Emission Standards Act (42 U.S.C. Sections 7602-7619), or rules of the United States Environmental Protection Agency in an amount identified as excessive under that rule.

(c) The department shall provide a notice of violation to the registered owner of a vehicle that is detected violating Subsection (b). The notice of violation must be made by personal delivery to the registered owner or by mailing the notice to the registered owner at the last known address of the owner. The department shall include in the notice the date and location of the violation detected and instructions for the registered owner explaining how the owner must proceed to obtain and pass a verification emissions inspection and to make any repair to the vehicle necessary to pass the inspection and explaining any extension or assistance that may be available to the owner for making any necessary repair. Notice by mail is presumed delivered on the 10th day after the date the notice is deposited in the mail.

(d) A registered owner of a vehicle commits an offense if:

(1) notice is delivered to the owner under Subsection (c); and

(2) the owner fails to comply with any provision of the notice before the 31st day after the date the notice is delivered.

(e) An offense under this section is a misdemeanor punishable by a fine of not less than \$1 and not more than \$350. If a person has previously been convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$1,000.

(f) It is an affirmative defense to an offense under this section that the registered owner of the vehicle, before the 31st day after the date the owner receives a notice of violation:

(1) after a verification emissions inspection indicated that the vehicle did not comply with applicable emissions standards, repaired the vehicle as necessary and passed another verification emissions inspection; and

(2) has complied with rules of the department concerning a violation under this section.

(g) The department may contract with a private person to implement this section. The person must comply with terms, policies, rules, and procedures the department adopts to administer this section.

(h) The Texas Department of Transportation may deny reregistration of a vehicle if the registered owner of the vehicle has received notification under Subsection (c) and the vehicle has not passed a verification emissions inspection.

(i) A hearing for a citation issued under this section shall be heard by a justice of the peace of any precinct in the county in which the vehicle is registered.

(j) Enforcement of the remote sensing component of the vehicle emissions inspection and maintenance program may not involve any method of screening in which the registered owner of a vehicle found to have allowable emissions by remote sensing technology is charged a fee.

(k) The department by rule may require that a vehicle determined by on-road testing to have excessive emissions be

assessed an on-road emissions testing fee not to exceed the emissions testing fee charged by a certified emissions testing facility.

(1) The department by rule may establish procedures for reimbursing a fee for a verification test required by Subsection (c) if the owner demonstrates to the department's satisfaction that:

(1) the vehicle passed the verification emissions test not later than the 30th day after the date the vehicle owner received notice that the vehicle was detected as having excessive emissions; and

(2) the vehicle did not receive any repair, modification, alteration, or additive to the fuel, fuel tank, fuel delivery system, engine, exhaust system, or any attached emissions control components that would have, or could have, caused the vehicle to experience improved emissions performance between the date of detection and the date of the verification emissions test. Added by Acts 1997, 75th Leg., ch. 1069, Sec. 10, eff. June 19, 1997. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 30, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1075, Sec. 10, eff. Sept. 1, 2001.

Sec. 548.3065. ADMINISTRATIVE PENALTY. (a) In lieu of criminal proceedings for a violation of Section 548.306, the department may impose an administrative penalty against a person who knowingly violates this chapter or a rule adopted by the commission under this chapter.

(b) The amount of the administrative penalty may not exceed \$1,000 for each violation. The aggregate penalty for multiple violations may not exceed \$10,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) Except as otherwise provided by this section, the procedures for determining and administering an administrative penalty under this section against a person charged with violating this chapter are the same as those prescribed by Section 643.251 for determining and administering an administrative penalty against a motor carrier under that section.

(d) An administrative penalty collected under this section shall be deposited in a special account in the general revenue fund and may be used only by the department.

Added by Acts 2001, 77th Leg., ch. 1075, Sec. 11, eff. Sept. 1, 2001.

Sec. 548.307. ALTERNATIVE TESTING METHODOLOGY FOR CERTAIN COUNTIES. The commission by rule may establish procedures for testing and enforcing vehicle emissions standards by use of alternative testing methodology that meets or exceeds United States Environmental Protection Agency requirements in a county participating in an early action compact under Subchapter H, Chapter 382, Health and Safety Code.

Added by Acts 2003, 78th Leg., ch. 203, Sec. 5, eff. June 10, 2003.

SUBCHAPTER G. CERTIFICATION OF INSPECTION STATION OR INSPECTOR

Sec. 548.401. CERTIFICATION GENERALLY. A person may perform an inspection or issue an inspection certificate only if certified to do so by the department under rules adopted by the department. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.402. APPLICATION FOR CERTIFICATION AS INSPECTION STATION. (a) To operate as an inspection station, a person must apply to the department for certification. The application must:

(1) be filed with the department on a form prescribed and provided by the department; and

(2) state:

(A) the name of the applicant;

(B) if the applicant is an association, the names and addresses of the persons constituting the association;

(C) if the applicant is a corporation, the names and addresses of its principal officers;

(D) the name under which the applicant transacts or intends to transact business;

(E) the location of the applicant's place of business in the state; and

(F) other information required by the department, including information required by the department for identification.

(b) The application must be signed and sworn or affirmed by:

(1) if the applicant is an individual, the owner; or

(2) if the applicant is a corporation, an executive officer or person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of the person's authority.

(c) An applicant who has or intends to have more than one place of business in this state must file a separate application for each place of business.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.403. APPROVAL AND CERTIFICATION AS INSPECTION STATION. (a) The department may approve an application for certification as an inspection station only if:

(1) the location complies with department requirements; and

(2) the applicant complies with department rules.

(b) On approval of an application, the department shall issue to the applicant an inspection station certificate. The certificate is valid for each person in whose name the certificate is issued and for the transaction of business at the location designated in the certificate. A certificate is not assignable.

(c) An inspection station certificate shall be conspicuously displayed at the station for which the certificate was issued.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.4035. ENTRY ONTO PREMISES. (a) A member, employee, or agent of the department may enter an inspection station during normal business hours to conduct an investigation, inspection, or audit of the inspection station or an inspector to determine whether the inspection station or inspector is in compliance with:

(1) this chapter;

(2) department rules under this chapter; or

(3) Chapter 382, Health and Safety Code.

(b) A member, employee, or agent of the department who enters an inspection station for a purpose described by Subsection (a):

(1) shall notify the manager or person in charge of the inspection station of the presence of the member, employee, or agent;

(2) shall present the manager or person in charge of the inspection station with proper credentials identifying the member, employee, or agent as a member, employee, or agent of the department; and

(3) is entitled to have access to emissions testing equipment, inspection records, and any required inspection station certificate or inspector certificate.

(c) A member, employee, or agent of the department who enters an inspection station to conduct an investigation, inspection, or audit under Subsection (a) must observe the inspection station's rules relating to safety, security, and fire protection.

(d) Subsection (b) does not prohibit the department from conducting an undercover investigation or a covert audit of an inspection station.

Added by Acts 2001, 77th Leg., ch. 1169, Sec. 1, eff. Sept. 1, 2001.

Sec. 548.404. APPLICATION FOR CERTIFICATION AS INSPECTOR. An application for certification as an inspector shall:

(1) be made on a form prescribed and provided by the department; and

(2) state:

(A) the name of the applicant;

(B) the address of the applicant's residence and place of employment;

(C) the applicant's driver's license number; and

(D) other information required by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.405. DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATE. (a) The department may deny a person's application for a certificate, revoke or suspend the certificate of a person, inspection station, or inspector, place on probation a person who holds a suspended certificate, or reprimand a person who holds a certificate if:

(1) the station or inspector conducts an inspection, fails to conduct an inspection, or issues a certificate:

(A) in violation of this chapter or a rule

adopted under this chapter; or

(B) without complying with the requirements of this chapter or a rule adopted under this chapter;

(2) the person, station, or inspector commits an offense under this chapter or violates this chapter or a rule adopted under this chapter;

(3) the applicant or certificate holder does not meet the standards for certification under this chapter or a rule adopted under this chapter;

(4) the station or inspector does not maintain the qualifications for certification or does not comply with a certification requirement under Subchapter G;

(5) the certificate holder or the certificate holder's agent, employee, or representative commits an act or omission that would cause denial, revocation, or suspension of a certificate to an individual applicant or certificate holder;

(6) the station or inspector does not pay a fee required by Subchapter H; or

(7) the inspector or owner of an inspection station is convicted of a:

(A) felony or Class A or Class B misdemeanor;

(B) similar crime under the jurisdiction of another state or the federal government that is punishable to the same extent as a felony or a Class A or Class B misdemeanor in this state; or

(C) crime under the jurisdiction of another state or the federal government that would be a felony or a Class A or Class B misdemeanor if the crime were committed in this state.

(b) For purposes of Subsection (a)(7), a person is convicted of an offense if a court enters against the person an adjudication of the person's guilt, including an order of probation or deferred adjudication.

(c) If the department suspends a certificate because of a violation of Subchapter F, the suspension must be for a period of not less than six months. The suspension may not be probated or deferred.

(d) Until an inspector or inspection station whose certificate is suspended or revoked receives a new certificate, has the certificate reinstated, or has the suspension expire, the inspector or station may not be directly or indirectly involved in an inspection operation.

(e) An immediate family member of an inspector or owner of an inspection station whose certificate is suspended or revoked may not be granted a certificate under this subchapter if the location of the family member's place of business is the same as that of the inspector or owner whose certificate is suspended or revoked unless the family member proves that the inspector or owner whose certificate is suspended or revoked has no involvement with the family member's place of business.

(f) Subsection (a) applies to:

(1) each member of a partnership or association issued a certificate under this subchapter;

(2) each director or officer of a corporation issued a certificate under this subchapter; and

(3) a shareholder who receives compensation from the day-to-day operation of the corporation in the form of a salary.

(g) The department may not suspend, revoke, or deny all certificates of a person who holds more than one inspection station certificate based on a suspension, revocation, or denial of one of that person's inspection station certificates without proof of culpability related to a prior action under this subsection.

(h) The department shall develop, by September 1, 2002, a penalty schedule consisting of warnings, re-education, suspensions, and revocations based on the severity and frequency of offenses committed under Chapter 548, Transportation Code, and rules adopted by the department under this chapter.

(i) The department shall develop, by September 1, 2002, a penalty schedule consisting of suspensions and revocations based on the severity and frequency of offenses committed in the emissions testing of motor vehicles under Section 382.202, Health and Safety Code, and Chapter 548, Subchapter F, of this code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1069, Sec. 11, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 31, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1169, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th

Leg., ch. 1276, Sec. 10.008(d), eff. Sept. 1, 2003.

Sec. 548.406. CERTIFICATE HOLDER ON PROBATION MAY BE REQUIRED TO REPORT. The director may require the holder of a suspended certificate who is placed on probation to report regularly to the department on a matter that is the basis of the probation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.407. HEARING ON DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATE. (a) Before an application for certification as an inspection station or inspector is denied, the director or a person the director designates shall give the person written notification of:

- (1) the proposed denial;
- (2) each reason for the proposed denial; and
- (3) the person's right to an administrative hearing to determine whether the evidence warrants the denial.

(b) Before a certificate of appointment as an inspector or inspection station is revoked or suspended, the director or a person the director designates shall give written notification to the inspector or inspection station of the revocation or the period of suspension. The notice shall include:

- (1) the effective date of the revocation or the period of the suspension, as applicable;
- (2) each reason for the revocation or suspension; and
- (3) a statement explaining the person's right to an administrative hearing to determine whether the evidence warrants the revocation or suspension.

(c) Notice under Subsection (a) or (b) must be made by personal delivery or by mail to the last address given to the department by the person.

(d) The department may provide that a revocation or suspension takes effect on receipt of notice under Subsection (b) if the department finds that the action is necessary to prevent or remedy a threat to public health, safety, or welfare. Violations that present a threat to public health, safety, or welfare include:

(1) issuing an inspection certificate with knowledge that the issuance is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently representing to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) issuing an inspection certificate:
(A) without authorization to issue the certificate; or

(B) without inspecting the vehicle;

(4) issuing an inspection certificate for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(5) knowingly issuing an inspection certificate:
(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(6) refusing to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(7) charging for an inspection an amount greater than the authorized fee;

(8) a violation of Subchapter F;

(9) a violation of Section 548.603; or

(10) a conviction of a felony or a Class A or B misdemeanor that directly relates to or affects the duties or responsibilities of a vehicle inspection station or inspector or a conviction of a similar crime under the jurisdiction of another state or the federal government.

(e) For purposes of Subsection (d)(10), a person is convicted of an offense if a court enters against the person an adjudication of the person's guilt, including an order of probation or deferred adjudication.

(f) To obtain an administrative hearing on a denial, suspension, or revocation under this section, a person must submit

a written request for a hearing to the director not later than the 20th day after the date notice is delivered personally or is mailed.

(g) If the director receives a timely request under Subsection (f), the director shall provide the person with an opportunity for a hearing as soon as practicable. A hearing on a revocation or suspension under Subsection (d) that takes effect on receipt of the notice must be held not later than 14 days after the department receives the request for hearing. The revocation or suspension continues in effect until the hearing is completed if the hearing is continued beyond the 14-day period:

(1) at the request of the inspector or inspection station; or

(2) on a finding of good cause by a judge, administrative law judge, or hearing officer.

(h) If the director does not receive a timely request under Subsection (f), the director may deny the application, revoke or suspend a certificate, or sustain the revocation or suspension of a certificate without a hearing.

(i) Except as provided by Subsection (g), the hearing must be held not earlier than the 11th day after the date written notice of the hearing and a copy of the charges is given to the person by personal service or by certified mail to the last address given to the department by the person.

(j) The director or a person designated by the director shall conduct the hearing and may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, or documents. If the hearing is conducted by a person designated by the director, the director may take action under this section on a recommendation of the designated person.

(k) On the basis of the evidence submitted at the hearing, the director may deny the application or revoke or suspend the certificate.

(l) If an administrative law judge of the State Office of Administrative Hearings conducts a hearing under this section and the proposal for decision supports the position of the department, the proposal for decision may recommend a denial of an application or a revocation or suspension of a certificate only. The proposal may not recommend a reprimand or a probated or otherwise deferred disposition of the denial, revocation, or suspension. If the administrative law judge makes a proposal for a decision to deny an application or to suspend or revoke a certificate, the administrative law judge shall include in the proposal a finding of the costs, fees, expenses, and reasonable and necessary attorney's fees the state incurred in bringing the proceeding. The director may adopt the finding for costs, fees, and expenses and make the finding a part of the final order entered in the proceeding. Proceeds collected from a finding made under this subsection shall be paid to the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1069, Sec. 12, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 32, eff. Sept. 1, 1999.

Sec. 548.408. JUDICIAL REVIEW OF ADMINISTRATIVE ACTION. (a) A person dissatisfied with the final decision of the director may appeal the decision by filing a petition as provided by Subchapter G, Chapter 2001, Government Code.

(b) The district or county attorney or the attorney general shall represent the director in the appeal, except that an attorney who is a full-time employee of the department may represent the director in the appeal with the approval of the attorney general.

(c) The court in which the appeal is filed shall:

(1) set the matter for hearing after 10 days' written notice to the director and the attorney representing the director; and

(2) determine whether an enforcement action of the director shall be suspended pending hearing and enter an order for the suspension.

(d) The court order takes effect when served on the director.

(e) The director shall provide a copy of the petition and court order to the attorney representing the director.

(f) A stay under this section may not be effective for more than 90 days after the date the petition for appeal is filed. On the expiration of the stay, the director's enforcement action shall be reinstated or imposed. The department or court may not extend the stay or grant an additional stay.

(g) Judicial review of the final decision of the director is under the substantial evidence rule.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 33, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1169, Sec. 3, eff. Sept. 1, 2001.

Sec. 548.409. COMPLAINTS. (a) The department shall adopt rules regarding the efficient handling and investigation of complaints by citizens, applicants, inspectors, and inspection stations against an employee or agent of the department who may investigate the compliance of an inspection station or inspector regarding Subchapter F or rules adopted under Subchapter F or this subchapter.

(b) The rules must provide for a fair, expeditious, and equitable investigation and resolution to complaints received by the department.

Added by Acts 2001, 77th Leg., ch. 1169, Sec. 4, eff. Sept. 1, 2001.

SUBCHAPTER H. INSPECTION AND CERTIFICATION FEES

Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as provided by Sections 548.503 and 548.504, the fee for inspection of a motor vehicle other than a moped is \$12.50. The fee for inspection of a moped is \$5.75. The fee for a verification form issued as required by Section 548.256 is \$1.

(b) An inspection station shall pay to the department \$5.50 of each fee for an inspection. The department may require the station to make an advance payment of \$5.50 for each inspection certificate provided to the station. If advance payment is made:

(1) no further payment may be required on issuance of a certificate;

(2) the inspection station may waive the fee due from the owner of an inspected vehicle who is issued a certificate to which the advance payment applies;

(3) the department shall refund to the inspection station \$5.50 for each unissued certificate that the station returns to the department in accordance with department rules; and

(4) the conservation commission shall pay to the department \$2 for each unissued certificate that the station returns to the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 34, eff. Sept. 1, 1999.

Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE AGENCY. A political subdivision or state agency for which the department certifies an inspection station under Section 548.004:

(1) shall pay to the department an advance payment of \$5.50 for each inspection certificate provided to it; and

(2) may not be required to pay the compulsory inspection fee.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or light truck under Section 548.102 shall be set by the department by rule on or before September 1 of each year. A fee set by the department under this subsection must be based on the costs of producing certificates, providing inspections, and administering the program, but may not be less than \$21.75.

(b) The department shall require an inspection station to make an advance payment of \$14.75 for a certificate to be issued under this section. Additional payment may not be required of the station for the certificate. The inspection station may waive the fee due from the owner of the vehicle inspected. A refund for an unissued certificate shall be made in the same manner as provided for other certificate refunds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 35, eff. Sept. 1, 1999.

Sec. 548.504. INSPECTION OF COMMERCIAL MOTOR VEHICLE. (a) The fee for inspection of a commercial motor vehicle under the program established under Section 548.201 is \$50.

(b) The inspection station shall pay to the department \$10 of each fee for inspection of a commercial motor vehicle. The department may require the station to make an advance payment of \$10 for a certificate to be issued under this section. If advance payment is made:

(1) no additional payment may be required of the station for the certificate; and

(2) a refund for an unissued certificate shall be made in the same manner as provided for other certificate refunds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.505. EMISSIONS-RELATED INSPECTION FEE. (a) The department by rule may impose an inspection fee for a vehicle inspected under Section 548.301(a) in addition to the fee provided by Section 548.501, 548.502, 548.503, or 548.504. A fee imposed under this subsection must be based on the costs of:

- (1) producing certificates;
- (2) providing inspections; and
- (3) administering the program.

(b) The department may provide a maximum fee for an inspection under this subchapter. The department may not set a minimum fee for an inspection under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(i), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 13, eff. June 19, 1997.

Sec. 548.5055. TEXAS EMISSION REDUCTION PLAN FEE.

Text of section effective until August 31, 2010

(a) In addition to other fees required by this subchapter, to fund the Texas emissions reduction plan established under Chapter 386, Health and Safety Code, the department shall collect for every commercial motor vehicle required to be inspected under Subchapter D, a fee of \$10.

(b) The department shall remit fees collected under this section to the comptroller at the time and in the manner prescribed by the comptroller for deposit in the Texas emission reduction plan fund.

(c) This section expires August 31, 2010.

Added by Acts 2001, 77th Leg., ch. 967, Sec. 10, eff. Sept. 1, 2001. Amended by Acts 2005, 79th Leg., ch. 1125, Sec. 21, eff. Sept. 1, 2005.

Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. An applicant for certification as an inspector must submit with the applicant's first application a fee of \$10 for certification until August 31 of the even-numbered year following the date of certification. To be certified after August 31 of that year, the applicant must pay \$10 as a certificate fee for each subsequent two-year period.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION. When an applicant for certification as an inspection station is notified that the application will be approved, the applicant shall pay a fee of \$30 for certification until August 31 of the odd-numbered year after the date of appointment. To be certified after August 31 of that year, the applicant must pay a fee of \$30 for certification for each subsequent two-year period.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.508. DISPOSITION OF FEES. Except as provided by Sections 382.037 and 382.0622, Health and Safety Code, and Section 548.5055, each fee collected by the department under this subchapter shall be deposited to the credit of the Texas mobility fund.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 11.07, eff. Sept. 1, 2003.

SUBCHAPTER I. VIOLATIONS AND OFFENSES

Sec. 548.601. OFFENSE GENERALLY. (a) A person, including an inspector or an inspection station, commits an offense if the person:

(1) issues an inspection certificate with knowledge that the issuance is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently represents to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) misrepresents:

(A) material information in an application in violation of Section 548.402 or 548.403; or

(B) information filed with the department under this chapter or as required by department rule;

(4) issues an inspection certificate:

(A) without authorization to issue the certificate; or

(B) without inspecting the vehicle;

(5) issues an inspection certificate for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or

corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(6) knowingly issues an inspection certificate:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(7) refuses to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(8) charges for an inspection an amount greater than the authorized fee; or

(9) performs an act prohibited by or fails to perform an act required by this chapter or a rule adopted under this chapter.

(b) Unless otherwise specified in this chapter, an offense under this section is a Class C misdemeanor.

(c) A designated representative of the department may issue a notice of an offense or a notice to appear to a person, including an inspector or inspection station, who violates this chapter or a rule adopted under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1069, Sec. 14, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 36, eff. Sept. 1, 1999.

Sec. 548.602. FAILURE TO DISPLAY INSPECTION CERTIFICATE. (a) After the fifth day after the date of expiration of the period designated for inspection, a person may not operate:

(1) a motor vehicle registered in this state unless a current and appropriate inspection certificate is displayed on the vehicle; or

(2) a commercial motor vehicle registered in this state unless it is equipped as required by federal motor carrier safety regulations and displays an inspection certificate issued under the program established under Section 548.201.

(b) A peace officer who exhibits a badge or other sign of authority may stop a vehicle not displaying an inspection certificate on the windshield and require the owner or operator to produce an inspection certificate for the vehicle.

(c) It is a defense to prosecution under Subsection (a)(1) that an inspection certificate for the vehicle is in effect at the time of the arrest.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1069, Sec. 15, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 37, eff. Sept. 1, 1999.

Sec. 548.603. FICTITIOUS OR COUNTERFEIT INSPECTION CERTIFICATE OR INSURANCE DOCUMENT. (a) A person commits an offense if the person:

(1) displays or causes or permits to be displayed an inspection certificate or insurance document knowing that the certificate or document is counterfeit, tampered with, altered, fictitious, issued for another vehicle, issued for a vehicle failing to meet all emissions inspection requirements, or issued in violation of:

(A) this chapter, rules adopted under this chapter, or other law of this state; or

(B) a law of another state, the United States, the United Mexican States, a state of the United Mexican States, Canada, or a province of Canada;

(2) transfers an inspection certificate from a windshield or location to another windshield or location;

(3) 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 under Section 548.301;

(4) knowingly does not comply with an emissions inspection requirement for a vehicle; or

(5) displays on a vehicle an inspection certificate that was obtained knowing that the vehicle does not meet all emissions inspection requirements for the vehicle.

(b) A person commits an offense if the person:

(1) makes or possesses, with the intent to sell, circulate, or pass, a counterfeit inspection certificate or insurance document; or

(2) possesses any part of a stamp, dye, plate, negative, machine, or other device that is used or designated for use in making a counterfeit inspection certificate or insurance document.

(c) The owner of a vehicle commits an offense if the owner knowingly allows the vehicle to be registered or operated while the vehicle displays an inspection certificate in violation of Subsection (a).

(d) An offense under Subsection (a) or (c) is a Class B misdemeanor. An offense under Subsection (b) is a third degree felony unless the person acts with the intent to defraud or harm another person, in which event the offense is a second degree felony.

(e) In this section:

(1) "Counterfeit" means an imitation of a document that is printed, engraved, copied, photographed, forged, or manufactured by a person not authorized to take that action under:

(A) this chapter, rules adopted under this chapter, or other law of this state; or

(B) a law of another state, the United States, the United Mexican States, a state of the United Mexican States, Canada, or a province of Canada.

(2) "Inspection certificate" means a document that is printed, manufactured, or made by the department or an authorized agent of the department for issuance after a vehicle passes an inspection performed under this chapter.

(3) "Insurance document" means a standard proof of motor vehicle insurance coverage that is:

(A) in a form prescribed by the Texas Department of Insurance or by a similarly authorized board, agency, or authority of another state; and

(B) issued by an insurer or insurer's agent who is authorized to write motor vehicle insurance coverage.

(4) "Person" includes an inspection station or inspector.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 851, Sec. 2

(f) Notwithstanding Subsection (c), an offense under Subsection (a)(1) that involves a fictitious inspection certificate is a Class B misdemeanor.

Text of subsec. (f) as added by Acts 1997, 75th Leg., ch. 1069, Sec.

16

(f) A motor vehicle on which a vehicle emissions inspection certificate is displayed in violation of Subsection (a) and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of this state or a political subdivision of this state in which the vehicle is operated or parked.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.123(j), (k), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 851, Sec. 2, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1069, Sec. 16, eff. June 19, 1997.

Sec. 548.604. PENALTY FOR CERTAIN VIOLATIONS. (a) A person commits an offense if the person operates or moves a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, or a combination of those vehicles, that is:

(1) equipped in violation of this chapter or a rule adopted under this chapter; or

(2) in a mechanical condition that endangers a person, including the operator or an occupant, or property.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 548.605. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE. (a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.

(b) The court shall:

(1) dismiss a charge of driving with an expired inspection certificate if:

(A) the defendant remedies the defect within 10 working days; and

(B) the inspection certificate has not been expired for more than 60 days; and

(2) assess an administrative fee not to exceed \$10 when the charge of driving with an expired inspection certificate has been remedied.

(c) Notwithstanding Subsection (b)(1)(B), the court may dismiss a charge of driving with an expired inspection certificate that has been expired for more than 60 days. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 688, Sec. 1, eff. Sept. 1, 1999.