

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/09

Date

Honorable David Dewhurst
President of the Senate

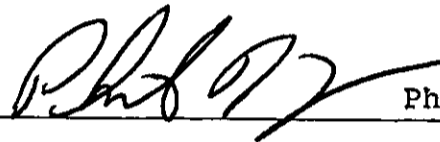
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 715 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.




Craig Estes



Phil King

Kip Averitt




Bill Callegari

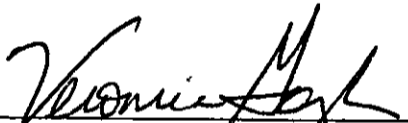


John Carona

Yvonne Davis



Eliot Shapleigh



Veronica Gonzales

Royce West

On the part of the Senate



Linda Harper-Brown

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to motor vehicle inspection stations that perform
3 emissions inspections using only the onboard diagnostic system of
4 inspected vehicles.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter F, Chapter 548, Transportation Code,
7 is amended by adding Section 548.3075 to read as follows:

8 Sec. 548.3075. LIMITED EMISSIONS INSPECTIONS. (a) In this
9 section, "limited emissions inspection" means an emissions
10 inspection of a motor vehicle conducted only by using the onboard
11 diagnostic system of the vehicle.

12 (b) A department rule that allows a qualified inspection
13 station to perform a limited emissions inspection of a motor
14 vehicle may not restrict the station to fewer than 150 inspections
15 per month.

16 SECTION 2. This Act takes effect December 31, 2010.

House Bill 715
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter F, Chapter 548, Transportation Code, is amended by adding Section 548.3075 to read as follows:

Sec. 548.3075. LIMITED EMISSIONS INSPECTIONS.

(a) In this section, "limited emissions inspection" means an emissions inspection of a motor vehicle conducted only by using the onboard diagnostic system of the vehicle.

(b) A department rule that allows a qualified inspection station to perform a limited emissions inspection of a motor vehicle may not restrict the station to fewer than 150 inspections per month.

No equivalent provision.

SENATE VERSION

Same as House version.

SECTION __. (a) Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE TIRES

Sec. 108.001. DEFINITION. In this chapter, "dealer" has the meaning assigned by Section 503.001, Transportation Code.

Sec. 108.002. RENDERING CERTAIN MOTOR VEHICLE TIRES UNUSABLE. (a) A business that sells new or used tires at retail for use on a motor vehicle shall render a tire held as inventory or purchased or received in exchange from a customer unusable if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety under Section 548.002, Transportation Code.

CONFERENCE

SECTION 1. Same as House version.

Same as House version.

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SENATE VERSION

CONFERENCE

(b) A business shall render a tire unusable for purposes of Subsection (a) by:

(1) puncturing a hole two inches across from the surface through the entire body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots; or

(2) taking any other action necessary to prevent the tire from being used on a motor vehicle.

(c) While the tires remain mounted on the motor vehicle, this section does not apply to tires mounted on the wheels of a motor vehicle that is:

(1) held as inventory by a dealer; or

(2) purchased or received in exchange by a dealer as part of a motor vehicle retail installment transaction.

Sec. 108.003. EXEMPTION FOR CERTAIN BUSINESSES. This chapter does not apply to a business that uses a used or scrap tire transporter that:

(1) is registered with the Texas Commission on Environmental Quality; and

(2) has provided the commission with a bond in an amount of at least \$100,000.

Sec. 108.004. RULEMAKING AUTHORITY. The Department of Public Safety may adopt rules to implement this chapter.

Sec. 108.005. CIVIL PENALTY. (a) A business that violates this chapter is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation.

(b) The attorney general or the appropriate district or

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county attorney may bring an action under this chapter in the name of the state in a district court in:

(1) Travis County, or

(2) the county in which the violation occurs.

(b) This section takes effect September 1, 2009.

No equivalent provision.

SECTION ____. The heading to Section 548.3065, Transportation Code, is amended to read as follows:
Sec. 548.3065. ADMINISTRATIVE AND CIVIL PENALTIES [~~PENALTY~~].

Same as House version.

No equivalent provision.

SECTION ____. Section 548.3065, Transportation Code, is amended by amending Subsection (c) and adding Subsections (c-1), (e), and (f) to read as follows:

Same as House version.

(c) ~~For purposes of Subsection (a) [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.~~

(c-1) The department may impose an administrative penalty on a person in the amount of \$500 for each violation of this subchapter or a rule adopted by the commission under this subchapter.

(e) An inspection station that violates a provision of this chapter or a rule of the department issued under this chapter is liable for a civil penalty of not less than \$250

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or more than \$500 for each violation. The district or county attorney for the county in which the inspection station is located or the attorney general may bring suit in the name of this state to collect the penalty.

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

(g) The imposition or collection of a penalty under this section does not preclude the department from taking administrative action against an inspection station or inspector for a violation of this chapter or a rule adopted under this chapter.

SECTION __. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4045 to read as follows:

Sec. 548.4045. BOND REQUIRED. (a) An application for certification as an inspection station or an inspector must 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 or the Texas Commission on Environmental Quality under this chapter.

(b) The attorney general or the district or county attorney

No equivalent provision.

Same as House version.

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for the county in which the inspection station is located or in which the inspection station that employs the inspector is located may bring suit in the name of this state to recover on the bond.

No equivalent provision.

SECTION __. Section 548.601, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

Same as House version.

(b) Except as provided by Subsection (b-1) or as [Unless] otherwise specified in this chapter, an offense under this section is a Class C misdemeanor.

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

No equivalent provision.

SECTION __. (a) The change in law made by this Act to Sections 548.3065 and 548.601, Transportation Code, applies only to a violation or an offense committed by a vehicle inspection station or a vehicle inspector on or after the effective date of this Act. A violation or an offense committed by a vehicle inspection station or a vehicle inspector before the effective date of this Act is governed by the law in effect when the violation or offense was committed, and the former law is continued in effect for that purpose.

Same as House version.

(b) The change in law made by this Act in connection with an application for certification as a vehicle inspection station or a vehicle inspector applies only to an application for certification that is filed on or after the effective date of this Act. An application for certification

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HOUSE VERSION

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

SENATE VERSION

as a vehicle inspection station or a vehicle inspector that is filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION __. *SECTION 1 of this Act takes effect December 31, 2010.* The remaining SECTIONS of this Act take effect September 1, 2009.

CONFERENCE

SECTION 2. *This Act takes effect December 31, 2010.*

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB715 by King, Phil (Relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code by prohibiting the restriction of less than 150 emissions inspections performed using only the onboard diagnostic system of the vehicle at an inspection station each month.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

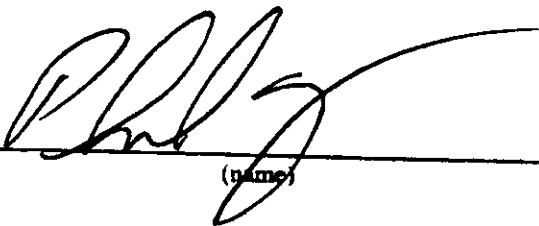
Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, SD, KJG, GG, LG, AI

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 715 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/30/09

(date)