

CHAPTER 547

H.B. No. 1969

AN ACT

relating to motor vehicle registrations and inspections; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 382.037, Health and Safety Code, is amended by amending Subsections (d), (e), (f), (g), and (h), and adding Subsections (i), (j), (k), (l), (m), and (n) to read as follows:

(d) ~~[A program initiated under this section may not include registration-based enforcement unless the State Department of Highways and Public Transportation elects to include the program in its registration enforcement system.]~~

[(e)] On adoption of a resolution by the board and after proper notice, the *Texas Department of Transportation* [~~State Department of Highways and Public Transportation~~] shall implement a system that requires, as a condition of registering a motor vehicle under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), in a county that is included in a vehicle emissions inspection and maintenance program under Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), that *the vehicle, unless the vehicle is not covered by the system or is being registered in conjunction with the vehicle's first sale as that term is defined by Section 7, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the Texas air quality state implementation plan* [~~the owner of the vehicle hold a valid vehicle emissions inspection certificate issued for the vehicle under that Act within the 12 months preceding the application for registration~~]. The *Texas Department of Transportation* [~~State Department of Highways and Public Transportation~~] shall implement such a system when it is required by any provision of federal or state law, including any provision of the Texas air quality state implementation plan. The board may require or accept verification of compliance other than a vehicle inspection certificate. The alternative verification of compliance shall be in a form determined through joint rule making by the board and the *Texas Department of Transportation* [~~State Department of Highways and Public Transportation~~].

(e) [(f)] The board may assess fees for vehicle emissions-related inspections performed at inspection or reinspection facilities authorized and licensed by the board in amounts reasonably necessary to recover the costs of developing, administering, evaluating, and enforcing the vehicle emissions inspection and maintenance program. If the program relies on privately operated or contractor-operated inspection or reinspection stations, an appropriate portion of the fee as determined by board rule may be retained by the station owner or operator to recover the cost of performing the inspections and provide a reasonable margin of profit. Any portion of the fee collected by the board is a Clean Air Act fee under Section 382.0622.

(f) [(g)] The board shall examine the efficacy of annually inspecting diesel vehicles for compliance with applicable federal emission standards, compliance with an opacity or other emissions-related standard established by board rule, or both and shall implement that inspection program if the board determines the program would minimize emissions. For purposes of this subsection, a diesel engine not used in a vehicle registered for use on public highways is not a diesel vehicle.

(g) [(h)] The board may not establish vehicle fuel content standards to provide for vehicle fuel content for clean motor vehicle fuels other than those standards promulgated by the United States Environmental Protection Agency unless specifically authorized by the legislature or unless it is demonstrated to be necessary for the attainment of federal ozone ambient air quality standards or, following appropriate health studies and in consultation with the Texas Department of Health, it is determined to be necessary for the protection of public health.

(h) *If the Texas Department of Transportation adopts a system under Subsection (d), the department by rule shall:*

(1) *require, for a vehicle that is to be registered in a county covered by a biennial emissions testing program, that in an even-numbered year the owner of a vehicle of an even-numbered model year, and in an odd-numbered year the owner of a vehicle of an odd-numbered model year, submit to the department a valid vehicle emissions inspection certificate issued for that vehicle within 90 days preceding the date on which the person applies for the registration; and*

(2) *require the owner of a vehicle that is to be registered in an area covered by an annual emissions testing program to submit to the department a valid emissions inspection certificate issued for that vehicle within 90 days preceding the date on which the person applies for the registration.*

(i) *If the Texas Department of Transportation implements a system under Subsection (d), the department shall collect and record the type of fuel used by each vehicle registered in a county covered by a vehicle emissions inspection and maintenance program.*

(j) *The board by rule may establish a voluntary program to issue certificates of training in vehicle emission control system repair to qualified persons who successfully complete testing programs or procedures or training programs approved by the board and by rule may assess a registration fee to recover costs of the program. Fees collected under this subsection shall be remitted to the comptroller for deposit in the clean air fund and may be used only for the purposes of this section.*

(k) *The board by rule may establish classes of vehicles that are exempt from vehicle emissions inspections and by rule may establish procedures to allow and review petitions for the exemption of individual vehicles, according to criteria established by board rule. Rules adopted by the board under this subsection must be consistent with federal law. The board by rule may establish fees to recover the costs of administering this subsection. Fees collected under this subsection shall be remitted to the comptroller for deposit in the clean air fund and may be used only for the purposes of this section.*

(l) *The board by rule may require a vehicle that is exempt from the payment of registration fees and issued specially designated license plates under Section 3aa, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3aa, Vernon's Texas Civil Statutes), or that is registered in another state or in a county in this state that is not included in a vehicle emissions testing and maintenance program, to comply with a vehicle emissions inspection and maintenance program if the vehicle is primarily operated, as defined by board rule, in a county that is included in the vehicle emissions inspection and maintenance program.*

(m) *Except as provided by this subsection, a person who sells or transfers ownership of a motor vehicle for which a vehicle emissions inspection certificate has been issued is not liable for the cost of emission control system repairs that are required for the vehicle subsequently to receive an emissions inspection certificate. This subsection does not apply to repairs that are required because emission control equipment or devices on the vehicle were removed or tampered with before the sale or transfer of the vehicle.*

(n) *The board may conduct audits to determine compliance with this section and with any vehicle emissions inspection and certificate programs under Sections 141 and 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).*

SECTION 2. Section 382.038, Health and Safety Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) ~~The board [and the Department of Public Safety]~~ shall develop a challenge station program to provide for the reinspection of a motor vehicle at the option of the owner of the vehicle to ensure quality control of a vehicle emissions inspection and maintenance system.

(f) *The board may contract with one or more private entities to operate a program established under this section.*

(g) *In addition to other procedures established by the board, the board shall establish procedures by which a private entity with whom the board has entered into a contract to operate a program established under this section may agree to perform:*

(1) *testing at a fleet facility or dealership using mobile test equipment;*

(2) *testing at a fleet facility or dealership using test equipment owned by the fleet or dealership but calibrated and operated by the private entity's personnel; or*

(3) *testing at a fleet facility or dealership using test equipment owned and operated by the private entity and installed at the fleet or dealership facility.*

(h) *The fee for a test conducted as provided by Subsection (g) shall be set by the board in an amount not to exceed twice the fee otherwise provided by law or by rule of the board. An appropriate portion of the fee, as determined by the board, may be remitted by the private entity to the fleet facility or dealership.*

SECTION 3. Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (i) and adding Subsection (j) to read as follows:

(a) *Except as provided by this subsection, every owner of a motor vehicle, trailer or semitrailer used or to be used upon the public highways of this State shall apply each year to the Texas Department of Transportation [~~State Department of Highways and Public Trans-~~*

portation] through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided, that where a public highway separates lands under the dominion or control of the owner, the operation of such a motor vehicle by such owner, his agent or employee, across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. An all-terrain vehicle, with or without design alterations, may not be registered for operation on public highways, except that the State, a county, or a municipality may register an all-terrain vehicle for operation on public beaches and highways to maintain public safety and welfare. In lieu of highway motor vehicle registration, the owner of an all-terrain vehicle that is not authorized to operate on public beaches or highways and that is used or to be used on public property in this State shall apply each year to the *Texas Department of Transportation* [~~State Department of Highways and Public Transportation~~] through the County Tax Collector of the county in which he resides for off-highway registration of each vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion of the calendar year. *The Texas Department of Transportation through the County Tax Collector shall require an applicant for registration of a vehicle in a county that is not covered by a vehicle emissions inspection program to provide evidence that the applicant is a resident of that county. The Department by rule shall prescribe acceptable forms and types of evidence. Acceptable forms and types of evidence may include voter registration information, driver's license information, utility billing information, property tax payment information, a school tuition receipt, or evidence of compliance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes). The County Tax Collector, a deputy County Tax Collector, or a person acting on behalf of the County Tax Collector is not liable to any person for refusing to register a motor vehicle because of the person's failure to submit evidence of residency that complies with rules of the Department or for registering a motor vehicle under this section.*

(i) In implementing each system that requires a valid vehicle emissions inspection certificate as a condition of registering a vehicle in a county that is included in a vehicle emissions inspection and maintenance program under Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), the *Texas Department of Transportation* [~~State Department of Highways and Public Transportation~~] through the county tax collector in the county may not issue a registration for a vehicle unless the vehicle emissions inspection certificate for that vehicle *issued by an inspection station located in a county that is included in the vehicle emissions inspection and maintenance program within the applicable period required by Section 382.037(h), Health and Safety Code, or other verification of compliance, as provided by Section 382.037[(e)], Health and Safety Code, is submitted with the application for registration or renewal of registration. The county tax collector, a deputy county tax collector, or a person acting on behalf of the county tax collector is not liable to any person for refusing to register a motor vehicle because of the person's failure to submit the vehicle emissions inspection certificate, waiver, or other verification of compliance or for registering a motor vehicle under this section.*

(j)(1) *A county tax collector covered by Subsection (i) of this section shall collect the original emissions inspection certificates, waivers, and other verifications of compliance and on request of the Texas Natural Resource Conservation Commission shall submit the certificates, waivers, and the other verifications to the commission.*

(2) *Each county tax collector shall submit an annual report to the Texas Natural Resource Conservation Commission and the Texas Department of Transportation that shows:*

(A) *the number of registrations denied because of the applicant's failure to provide proof of residency in the county;*

(B) *the number of registrations denied because of the applicant's failure to provide an original emissions inspection certificate or a valid waiver; and*

(C) *an itemized accounting of the costs to the county of administering this subsection and Subsections (a) and (i) of this section.*

SECTION 4. Title 116, Revised Statutes, is amended by adding Articles 6675b-4, 6675b-4A, and 6675b-4B to read as follows:

Art. 6675b-4. UNREGISTERED VEHICLE IN CERTAIN COUNTIES. (a) *In a county covered by a vehicle emissions inspection and maintenance program as required by the Texas air quality state implementation plan, the owner of a motor vehicle that has not been registered as required by law commits an offense if the vehicle is operated or parked on a public roadway. An offense under this subsection is punishable by a fine of not less than \$100 or more than \$200.*

(b) *In a county covered by a vehicle emissions inspection and maintenance program, a vehicle that has not been registered as required by law and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the vehicle is operated or parked.*

Art. 6675b-4A. VEHICLES IN CERTAIN COUNTIES TO HAVE OWN NUMBER PLATE AND SEAL. (a) *In a county covered by a vehicle emissions inspection and maintenance program as required by the Texas air quality state implementation plan, the owner of a motor vehicle to which is attached or on which is displayed a number plate or seal issued for a different vehicle commits an offense if the motor vehicle is operated or parked on a public roadway.*

(b) *Except as provided by Subsection (c) of this article, an offense under this article is punishable by a fine of not less than \$100 or more than \$200.*

(c) *An offense under this article is a Class B misdemeanor if the owner knows that the number plate or seal is for a different vehicle.*

(d) *In a county covered by a vehicle emissions inspection and maintenance program, a motor vehicle to which is attached or on which is displayed a number plate or seal issued for a different vehicle and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the motor vehicle is operated or parked.*

Art. 6675b-4B. WRONG OR UNCLEAN NUMBER PLATE IN CERTAIN COUNTIES. (a) *In a county covered by a vehicle emissions inspection and maintenance program as required by the Texas air quality implementation plan, the owner of a motor vehicle on which is displayed a number plate or seal that is assigned to the vehicle for a registration year other than the current year or that is homemade or fictitious commits an offense if the motor vehicle is operated or parked on a public roadway.*

(b) *All letters, numbers, and other identification marks shall be kept clear and distinct and free from grease or other blurring matter so that they may be plainly seen at all times during daylight.*

(c) *Except as provided by Subsection (d) of this article, an offense under this article is punishable by a fine of not less than \$100 or more than \$200.*

(d) *An offense under this article is a Class B misdemeanor if the owner knows that the number plate or seal is not assigned for the current year or is homemade or fictitious.*

(e) *A motor vehicle on which is displayed a number plate that is prohibited by this article and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the vehicle is operated or parked.*

SECTION 5. Section 141(d), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subdivision (5) to read as follows:

(5)(A) *The owner of a motor vehicle on which is displayed an inspection certificate in violation of Subdivision (2) of this subsection commits an offense if the vehicle is operated or parked on a public highway.*

(B) *Except as provided by Paragraph (C) of this subdivision, an offense under this subdivision is punishable by a fine of not less than \$100 or more than \$200.*

(C) *An offense under this subdivision is a Class B misdemeanor if the inspection certificate is a vehicle emissions inspection certificate and the owner knows that the certificate is prohibited by Subdivision (2) of this subsection.*

(D) *A motor vehicle on which is displayed a vehicle emissions inspection certificate in violation of Subdivision (2) of this subsection and that is operated or parked on a*

public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the vehicle is parked or operated.

SECTION 6. Section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) The Public Safety Commission shall continue to administer the [A] motor vehicle emissions inspection and maintenance program instituted under this Act until the date that a vehicle emissions inspection program administered [shall be terminated upon receipt of a request consisting of a resolution adopted] by the Texas Natural Resource Conservation Commission is implemented in accordance with the federal Clean Air Act. The executive director of the Texas Natural Resource Conservation Commission shall notify the Public Safety Commission of the date on which the vehicle emissions inspection program administered by the Texas Natural Resource Conservation Commission will become effective.

SECTION 7. Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A county tax assessor-collector who is required by Section 2(j), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), to collect a vehicle emissions inspection certificate, other verification of compliance, or a valid waiver from an applicant for registration of a vehicle shall collect and retain for the county a fee of 50 cents for each emissions inspection certificate or other verification collected.

(a-2) A county tax assessor-collector, other than a county tax assessor-collector covered by Subsection (a-1) of this section, who is required by Section 2(a), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), to require an applicant for registration to provide evidence that the applicant is a resident of that county shall collect and retain for the county a fee of 25 cents for each registration.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1969 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 22, 1993, by a viva-voce vote.

Approved June 8, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.