

CHAPTER 87

H.B. No. 945

AN ACT

relating to the inspection of commercial motor vehicles; providing a penalty.

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

SECTION 1. Section 140(a), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Every motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state and operated on the highways of this state, shall have the tires, brake system (including power brake unit), lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering system (including power steering), wheel assembly, safety guards or flaps if required by Section 139A of this Act, tax decal if required by Section 141(d) of this Act, sunscreening devices unless the vehicle is exempt from sunscreen device restrictions under Section 134C(k) or (l) of this Act, exhaust system, and exhaust emission system inspected at state-appointed inspection stations or by State Inspectors as hereinafter provided. Provisions relating to the inspection of trailers, semitrailers, pole trailers, or mobile homes ~~[shall not]~~ apply *only* when *the actual gross weight or the registered [or] gross weight of such vehicles [and the load carried thereon] is greater than* four thousand five hundred (4,500) pounds ~~[or less]~~. Only the mechanism and equipment designated in this section may be inspected, and the owner shall not be required to have any other equipment or part of his motor vehicle inspected as a prerequisite for the issuance of an inspection certificate. At the time of inspection the owner or operator shall furnish evidence of financial responsibility. The evidence of financial responsibility may be shown in the manner specified under Section 1B(b), Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes). An inspection certificate may not be issued for a vehicle for which the owner or operator fails to furnish the required evidence of financial responsibility. An inspection facility or station is not liable to any person, including a third party, for issuing an inspection certificate in reliance on evidence of financial responsibility submitted to the facility or station. If the inspection facility or station is the seller of a motor vehicle, the inspection facility or station may rely on an oral insurance binder.

SECTION 2. Article XV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 140A to read as follows:

Sec. 140A. **COMPULSORY INSPECTION OF COMMERCIAL MOTOR VEHICLES.**
(a) *In this section:*

(1) "Commercial motor vehicle" means any self-propelled or towed vehicle, except a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, used on a public highway to transport passengers or property when:

(A) the vehicle or combination of vehicles has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds;

(B) the vehicle is designed to transport more than 15 passengers, including the driver;
or

(C) the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the regulations issued under the federal Hazardous Materials Transportation Act (49 U.S.C. app. Sections 1801-1813).

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

(3) "Farm vehicle" has the meaning assigned by the Federal Motor Carrier Safety Regulations under Title 49, Code of Federal Regulations.

(4) "Federal safety regulations" means the Federal Motor Carrier Safety Regulations under Title 49, Code of Federal Regulations.

(b)(1) The commission shall establish an inspection program for commercial motor vehicles that meets the requirements of the federal safety regulations.

(2) Under the program, a commercial motor vehicle that is registered in this state shall be required to pass an annual inspection of all safety equipment required by the federal safety regulations.

(3) A commercial motor vehicle inspected under the program established under this section is also subject to the inspection requirements established in Section 140 of this Act.

(c) After the fifth day following the expiration of the period designated for the inspection, a person may not operate a commercial motor vehicle registered in this state unless it is equipped as required by the federal safety regulations and displays a valid certificate of inspection issued under the program established under this section.

(d) The department may issue a unique inspection certificate for a commercial motor vehicle inspected under the program established under this section.

(e) Except as provided by this subsection, Sections 141 and 142 of this Act apply to the inspection program established under this section. The fee for compulsory inspection of a commercial motor vehicle under the program established under this section is \$50. Of each fee, \$10 shall be paid to the department and shall, after the deduction of \$2.50 of each fee, which shall be deposited by the department in the general revenue fund, be deposited in the motor vehicle inspection fund for the purpose of paying the expense of administration of this law.

(f) The department may require each official inspection station to make an advance payment of \$10 for each certificate to be issued under this section, and the money so received shall, after the deduction of \$2.50 of each fee, which shall be deposited by the department in the general revenue fund, be deposited in the motor vehicle inspection fund. No further payment may be required of a station for a certificate under this section. Refunds for unissued certificates shall be made in the same manner as provided for other certificate refunds.

SECTION 3. Section 141(b), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Any owner of an official inspection station who by himself, agent, servant, or employee, violates any provision of Section 140, 141, 142, or 142A of this Act or any rule adopted under Section 140A or Article XV of this Act, or requires the repair of any mechanism or equipment other than that set forth in the uniform standards of safety items to be inspected as established, ~~commits an offense [shall upon conviction, be punished by a fine not exceeding Two Hundred Dollars (\$200)].~~

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 25, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 945 on April 26, 1993: Yeas 135, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on April 21, 1993: Yeas 30, Nays 0.

Approved May 4, 1993.

Effective May 4, 1993.