

CHAPTER 847

H.B. No. 1610

AN ACT

relating to the fee collected for the compulsory safety inspection of a motor vehicle.

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

SECTION 1. Subsections (c), (c-1), and (f), Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) The fee for compulsory inspection of a motor vehicle other than a moped, to be made under this Section, shall be Seven Dollars and Seventy-five Cents (\$7.75). The fee for compulsory inspection of a moped, to be made under this Section, shall be Five Dollars (\$5.00). Two Dollars and Seventy-five Cents (\$2.75) of each fee shall be paid to the Department and shall be placed in the Motor Vehicle Inspection Fund for the purpose of paying the expense of the administration of this law and the payment of supplemental retirement benefits as provided by law. The Department may require each official inspection station to make an advance payment of Two Dollars and Seventy-five Cents (\$2.75) for each inspection certificate furnished to it, and the money so received shall be placed in the Motor Vehicle Inspection Fund, and no further payment to the Department shall be required upon issuance of the certificate. If such advance payment has been made, the Department shall refund to the inspection station the amount of Two Dollars and Seventy-five Cents (\$2.75) for each unissued certificate which the inspection station returns to the Department in accordance with rules and regulations promulgated by the Department. *An inspection station may waive the fee otherwise due from the owner of a vehicle inspected under this Section if the inspection station has rendered in advance to the Department the payment of Two Dollars and Seventy-five Cents (\$2.75) for the certificate applied to a vehicle with respect to which the owner's fee has been so waived.*

(c-1) Notwithstanding the provisions of Subsection (c) of Section 140 of this Act and Subsection (c) of this section, a passenger car or light truck that is sold in this state, has not been previously registered in this or another state, and on the date of sale is of the current or the immediately preceding model year is subject to an initial inspection that expires at the end of two years. The fee for compulsory inspection under this subsection is Fifteen Dollars (\$15). The Department shall require each official inspection station to make an advance payment of Ten Dollars (\$10) for a certificate to be issued under this subsection, and the money so received shall, except as provided by Section 25.405, Title 110B, Revised Statutes, be placed in the Motor Vehicle Inspection Fund. No further payment may be required of a station for a certificate under this subsection. Refunds for unissued certificates shall be made in the same manner as provided for other certificate refunds. This subsection does not preclude motor vehicle emission inspections from being conducted during an initial certification period under this subsection in counties covered by a federal Environmental Protection Agency-approved inspection and maintenance program pursuant to Subsection (d) of Section 142 of this Act and the federal Clean Air Act (42 U.S.C. Section 7401 et seq.). *An inspection station may waive the fee otherwise due from the owner of a vehicle inspected under this Subsection.*

(f) The Director may deny an application for a license or revoke or suspend an outstanding certificate of any inspection station or the certificate of any person to inspect vehicles, in addition to action taken under Subsection (g) of this section, for any of the following reasons:

(1) issuing a certificate without required adjustments, corrections, or repairs having been made when an inspection disclosed the necessity for those adjustments, corrections, or repairs;

(2) refusing to allow the owner of the vehicle to have required corrections or adjustments made by any qualified person he may choose;

(3) issuing an inspection certificate without having made an inspection of the vehicle;

(4) knowingly or wilfully issuing an inspection certificate for a vehicle without the required items of inspection or with items which were not at the time of issuance in good condition and in conformity with the laws of this state or in compliance with rules of the Commission;

~~(5) failure to charge the required fee for inspection;~~

(5) [(6)] charging more than the required inspection fee;

(6) [(7)] issuing an inspection certificate without being certified to do so by the Department;

(7) [(8)] proof of unfitness of applicant or licensee under standards set out in this Act or in Commission rules;

(8) [(9)] material misrepresentation in any application or any other information filed under this Act or Commission rules;

(9) [(10)] wilful failure to comply with this Act or any rule promulgated by the Commission under the provisions of this Act;

(10) [(11)] failure to maintain the qualifications for a license; or

(11) [(12)] any act or omission by the licensee, his agent, servant, employee, or person acting in a representative capacity for the licensee which act or omission would be cause to deny, revoke, or suspend a license to an individual licensee.

When there is cause to deny an application for a certificate of any inspection station or the certificate of any person to inspect vehicles or revoke or suspend the outstanding certificate, the Director shall, in less than thirty (30) days before refusal, suspension, or revocation action is taken, notify the person, in writing, in person, or by certified mail at the last address supplied to the Department by the person, of the impending refusal, suspension, or revocation, the reasons for taking that action, and of his right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the refusal, suspension, or revocation action proposed to be taken by the Director. If, within twenty (20) days after the personal notice of the notice is sent or notice has been deposited in the United States mail, the person has not made a written request to the Director for this administrative hearing, the Director, without a hearing, may suspend or revoke or refuse to issue any certificate. On receipt by the Director of a written request of the person within the twenty-day (20-day) period, an opportunity for an administrative hearing shall be afforded as early as is practicable. In no case shall the hearing be held less than ten (10) days after written notification, including a copy of the charges, is given the person by personal service or by certified mail sent to the last address supplied to the Department by the applicant or certificate holder. The administrative hearing in these cases shall be before the Director or his designee. The Director or his designee shall conduct the administrative hearing and may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, or documents. On the basis of the evidence submitted at the hearing, the Director acting for himself or upon the recommendation of his designee may refuse the application or suspend or revoke the certificate.

Any person dissatisfied with the action of the Director, without filing a motion for rehearing, may appeal the action of the Director by filing a petition within thirty (30) days after the action is taken in a district court in the county where the person resides or in a district court of Travis County, and the court is vested with jurisdiction, and it shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Director and the attorney representing the Director. The court in which the petition of appeal is filed shall determine whether any action of the Director shall be suspended pending hearing and enter its order accordingly, which shall be operative when served upon the Director, and the Director shall provide the attorney representing the Director with a copy of the petition and order. The Director shall be represented in these appeals by the district or county attorney of the county, or the attorney general, or any of their assistants.

SECTION 2. 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 April 15, 1987, by the following vote: Yeas 136, Nays 0, 1 present, not voting. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.