

BILL ANALYSIS

Senate Research Center

S.B. 391
By: Wentworth
State Affairs
3/6/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, the vehicle inspection process is potentially vulnerable to fraud. As proposed, S.B. 391 regulates the Texas Department of Public Safety's development and administration of the automation of the statewide vehicle safety inspection program, insuring inspector accountability and program integrity by providing for the use of security technologies for inspector identification.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 548A, Transportation Code, by adding Section 548.006, as follows:

Sec. 548.006. AUTOMATION OF INSPECTION PROCEDURES. (a) Requires the Department of Public Safety (department) to develop and administer procedures to automate the compulsory motor vehicle inspection system and its compliance and enforcement under this chapter.

(b) Authorizes the department, as a condition of certifying a person as an inspection station under this chapter, to require the applicant to participate in the automated inspection system.

(c) Requires the automated inspection system developed by the department to include asymmetric cryptosystem security protection (ACSP) or a digital signature for each inspector who accesses the system. Requires the automated inspection system to assure compliance with and enforcement of the system through technology that provides current data using a remote process and that can be read using existing or new technologies.

(d) Authorizes the department, as a condition of certifying a person as an inspector under this chapter, to require the applicant to agree to certain conditions.

(e) Provides that the use of ACSP under this section is subject to the criminal laws pertaining to fraud and computer crimes, including Chapters 32 and 33 (Fraud and Computer Crimes), Penal Code.

(f) Authorizes the department to enter into one or more contracts with another person to implement this section.

(g) Defines "asymmetric cryptosystem" and "digital signature."

SECTION 2. Amends Chapter 548H, Transportation Code, by adding Section 548.508, as follows:

Sec. 548.508. FEES FOR AUTOMATED INSPECTION SYSTEM. (a) Authorizes the department to impose a fee not to exceed \$1.25, to be reduced by 50¢ to 75¢ four years after the effective date of this Act, for each safety inspection certificate sold to an inspection station to provide funding for the automated inspection system required by Section 548.006, in addition to any other fee authorized by this subchapter.

(b) Authorizes an inspection station to impose a fee not to exceed the amount of any fee imposed under Subsection (a) for each inspection performed under this chapter, in addition to the fees authorized by Sections 548.501, 548.503, and 548.504.

(c) Requires the department to deposit fees collected under Subsection (a) to the credit of the automated inspection system account. Provides that the automated inspection system fund is an account in the general revenue fund. Authorizes the automated inspection system fund to be appropriated only to the department for the development, testing, implementation, and administration of the automated inspection system under Section 548.006.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1.

Amends page 3, line 6, to authorize the appropriation of funds from the automated inspection system account to the department for the purposes of testing the system.

Committee Amendment No. 2.

Amends page 1, line 9, to add the compliance and enforcement of the motor vehicle inspection system to the scope of the procedures for automation of the system required to be developed and administered by the Department of Public Safety.

Committee Amendment No. 3.

Amends page 1, line 15, to add additional requirements for the automated inspection system.

Committee Amendment No. 4.

Amends page 2, line 21, to add provisions relating to the fee for each safety inspection certificate.