



Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

July 30, 2001

Registration and Title Bulletin # 099-01

TO: All County Tax Assessor-Collectors

SUBJECT: Texas Vehicle Emissions Test on Resale, HB 2134, 77th Legislative Session

PURPOSE

To provide information concerning amendments to the Transportation Code §501.0276, §502.009, §502.1535, §548.3011, §548.3012, and §548.306, concerning the "emissions test on resale" requirement as provided by HB 2134, 77th Legislative Session.

DETAILS

Vehicle Emissions Inspection Requirement

Beginning with the first safety inspection, any 2-24 year old gasoline powered motor vehicle previously registered in county without a motor vehicle emissions inspection and maintenance program, which is being registered or titled in a county with a motor vehicle emissions inspection and maintenance program (affected county), must pass an approved vehicle emissions test in the county in which it is to be titled or registered. The vehicle is not eligible for a title receipt, a certificate of title, or registration unless proof is presented that the vehicle has passed the emissions test. The proof required may be in the form of a Vehicle Inspection Report (VIR) or other proof of program compliance as authorized by the Texas Department of Public Safety (DPS). The VIR must be issued no earlier than the 90th day before the date on which the owner's application for certificate of title or registration is filed with the county assessor-collector.

Denial of Title Application/Registration

Transportation Code §501.0276 provides for the denial of a title receipt or certificate of title for failure to provide proof of emissions testing. A county assessor-collector may not issue a title receipt and the department may not issue a certificate of title for a vehicle subject to emissions test on resale (§548.3011) unless proof that the vehicle has passed a vehicle emissions test is presented to the county assessor-collector with the application for certificate of title. Transportation Code § 502.1535 provides for evidence of vehicle emissions inspection. A county tax assessor-collector may not register a motor vehicle subject to emissions test on resale (§548.3011) unless proof that the vehicle has passed a vehicle emissions test is presented to the county tax assessor-collector with the application for registration.

Compliance

Transportation Code §502.009 was amended to provide that the Texas Department of Public Safety would ensure compliance with the vehicle emissions inspection and maintenance program through a vehicle inspection sticker-based enforcement system except as provided by §502.009 or §548.3011 (relating to emissions test on resale).

Transportation Code §548.3011 provides for an emissions test on resale. This section applies only to a vehicle:

- (1) the most recent certificate of title for which or registration of which was issued in a county without a motor vehicle emissions inspection and maintenance program; and
- (2) the ownership of which has changed and which has been the subject of a retail sale as defined by Section 1.03, Texas Motor Vehicle Commission Code (Article 4413 (36), Vernon's Texas Civil Statutes).

This section does not apply to a vehicle that is a 1996 or newer model that has less than 50,000 miles.

Exemptions - Proof Required

Transportation Code §548.3012 provides for an exemption if the vehicle is not used primarily in the county of registration. This applies only to a vehicle that:

- (1) is to be registered in a county with a motor vehicle emissions inspection and maintenance program; and
- (2) will be used in that county for fewer than 60 days during the registration period for which registration is sought.

The owner of a vehicle may obtain an exemption from the vehicle emissions test requirements by submitting to the county assessor-collector an affidavit stating that the named vehicle will be used in the county of registration for fewer than 60 calendar days during the registration year. The proof required may be in the form of a VIR affidavit or other proof of program compliance as authorized by the DPS.

County Adjacent to an Affected County

Transportation Code §548.306 was amended to apply to a motor vehicle registered or operated for more than 60 days per calendar year in:

- (1) a county or a portion of a county designated by department rule in accordance with Section 548.301 (emissions inspection and maintenance); or
- (2) a county adjacent to a county designated as an affected county.

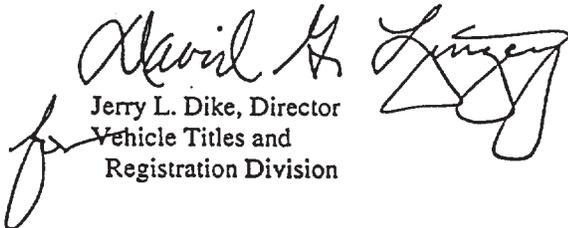
Notice to Vehicle Owner

If a vehicle registered in a county adjacent to an affected county is detected operating and exceeding acceptable emissions limitations in an affected county, the Texas Department of Public Safety shall provide notice to the registered owner of the vehicle. This notice will explain how the owner must proceed to obtain and pass a verification emissions inspection. If the registered owner of the vehicle fails to comply, a notation will be placed on the vehicle record and re-registration of a vehicle must be denied until proof the vehicle has passed a verification emissions inspection.

The effective date of this legislation is September 1, 2001. A signed copy of this legislation is attached.

If you have any questions or need additional information, please contact your local VTR Regional Office. You may also contact me at 512/465-7570 or David Linzey, Director of Headquarter Operations, at 512/465-7719. Thank you.

Sincerely,


Jerry L. Dike, Director
Vehicle Titles and
Registration Division

JLD:jg

Attachments

cc: TNRCC
Law Enforcement
Texas Department of Public Safety
Dealer Associations
VTR Administration