

**REVISOR'S REPORT**

**TRANSPORTATION CODE  
TITLES 1, 2, 3, 4, 6, AND 7**

**VOLUME VI**

**A NONSUBSTANTIVE REVISION  
OF THE STATUTES RELATING TO  
TRANSPORTATION**

Including

Carriers

Aviation

Navigation

Roadways

**Vehicles and Traffic**

To be submitted to the **74th Legislature**  
as part of the  
Texas Legislative Council's  
Statutory Revision Program

Austin, Texas  
March **1995**

## FOREWORD

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Under the new classification scheme adopted by the council, our statutes will eventually consist of 26 codes. To date, the council has produced and the legislature has enacted the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Election Code (which was a substantive revision), Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, Natural Resources Code, Parks and Wildlife Code, Property Code, Tax Code (Title 1 of which was a substantive revision), and Water Code. The council staff also assisted the state bar in the Penal Code and Family Code projects, which were substantive revisions, and revised miscellaneous criminal procedure provisions into Title 2 of the Code of Criminal Procedure.

Titles 1, 2, 3, 4, 6, and 7, Transportation Code, are a nonsubstantive revision of the Texas statutes relating to transportation. Because of the wide range of subjects that the council staff determined should be included in the code, the source law for the code is not compiled in Vernon's Texas Civil Statutes as a single group of statutes.

The code is divided into titles, subtitles, chapters, subchapters, and sections. Sections are numbered decimally, and the number to the left of the decimal point is the same as the chapter number. Gaps in chapter and section numbering are for future expansion.

The council staff encourages examination and review of the code by any interested person. Meticulous care has been taken within the staff to include in the proposed code all source law assigned to the code and to ensure that no substantive change has been made in the law. However, a complete and adequate outside review is necessary.

The revisor's report is arranged to facilitate review. The report states the Revised Law, which is the text of the proposed new language, and then provides the Source Law, which is the text of the current law from which the revised law is taken. If further explanation of either the revised law or the source law is required, a Revisor's Note is included after the source law. All substance in the source law should be revised in the revised law or the reason for its omission should be explained in a revisor's note.

Because of the extensive reorganization of many statutes, and even sentences within a statute, it may be helpful for a reviewer to refer to the source law as printed in Vernon's Texas Civil Statutes (so that the quoted source law may be seen in present context) and to the disposition table (showing where the current statutes appear, as revised, in the code). The disposition table is printed as Appendix C to the revisor's report.

The revision will require conforming amendments to several statutes not included in the code. These amendments are printed in

Appendix A to the revisor's report. Appendix A also includes a section listing the laws that will be repealed when the code takes effect and a section stating the legislature's intent that the code be a nonsubstantive revision.

Titles 1, 2, 3, 4, 6, and 7, Transportation Code, are proposed to become effective September 1, 1995.

In reviewing the proposed titles to the Transportation Code, the reader should keep in mind the following:

(1) The Code Construction Act (Chapter 311, Government Code) applies to the code. That Act sets out certain principles of statutory construction applicable to new codes and also provides some definitions. The Act is printed as Appendix B to the revisor's report.

(2) The proposed code is written in modern American English. Where possible, the present tense is used; the active rather than the passive voice is preferred; and the singular is used in preference to the plural.

(3) This is a nonsubstantive revision. The staff's authority does not include improving the substance of law. The sole purpose of this draft is to compile all the relevant law, arrange it in a logical fashion, and rewrite it without altering its meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

This project is under the direction of Jonathan Davis, Legislative Counsel, of the council staff. Questions, comments, or suggestions may be directed to him at P.O. Box 12128, Capitol Station, Austin, Texas 78711, or at telephone number (512) 463-1143.

1 two separate means of applying the brakes  
 2 are connected in any way, they shall be so  
 3 constructed that failure of any one part of  
 4 the operating mechanism shall not leave the  
 5 motor vehicle without brakes on at least  
 6 two wheels. Any motor vehicle or  
 7 combination of motor vehicles, trailer, or  
 8 semitrailer or other vehicle, shall be  
 9 equipped with brakes upon one or more of  
 10 such vehicles adequate to stop such  
 11 combination of vehicles in dry weather upon  
 12 a reasonably level surface within a  
 13 distance of forty-five (45) feet from the  
 14 spot where such brakes are first applied  
 15 when such vehicle or combination of  
 16 vehicles are traveling at a rate of speed  
 17 of twenty (20) miles per hour.

18 Every motor vehicle when operated  
 19 upon a highway shall be equipped with a  
 20 horn in good working order capable of  
 21 emitting sounds audible under normal  
 22 conditions for a distance of not less than  
 23 two hundred (200) feet, and it shall be  
 24 unlawful for any vehicle to be equipped  
 25 with or for any person to use upon a  
 26 vehicle any bell, siren, compression or  
 27 exhaust whistle or for any person at any  
 28 time to use a horn otherwise than as a  
 29 reasonable warning or to make any  
 30 unnecessary or unreasonably loud or harsh  
 31 sound by means of a horn or other warning  
 32 device, except that vehicles operated in  
 33 the performance of duty by law enforcement  
 34 officers, fire departments and ambulances  
 35 may attach and use a bell, siren,  
 36 compression or exhaust whistle.

37 Every motor vehicle engaged in the  
 38 transportation of passengers for hire or  
 39 lease shall be equipped with at least one  
 40 quart of chemical type fire extinguisher in  
 41 good condition and conveniently located for  
 42 immediate use. . . .

43 **CHAPTER 548. COMPULSORY INSPECTION OF VEHICLES**

44 **SUBCHAPTER A. GENERAL PROVISIONS**

45 Sec. 548.001. DEFINITIONS . . . . . 3127  
 46 Sec. 548.002. DEPARTMENT RULES . . . . . 3129  
 47 Sec. 548.003. DEPARTMENT CERTIFICATION AND SUPERVISION OF  
 48 INSPECTION STATIONS . . . . . 3129  
 49 Sec. 548.004. DEPARTMENT CERTIFICATION OF INSPECTION STATIONS  
 50 FOR POLITICAL SUBDIVISIONS AND STATE  
 51 AGENCIES . . . . . 3131  
 52 Sec. 548.005. INSPECTION ONLY BY STATE-CERTIFIED AND SUPERVISED  
 53 INSPECTION STATION . . . . . 3132

54 [Sections 548.006-548.050 reserved for expansion]

1 Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR OR  
2 LIGHT TRUCK ..... 3174  
3 Sec. 548.504. INSPECTION OF COMMERCIAL MOTOR VEHICLE ..... 3176  
4 Sec. 548.505. EMISSIONS-RELATED INSPECTION ..... 3178  
5 Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR ..... 3180  
6 Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION ... 3180

7 [Sections 548.508-548.600 reserved for expansion]

8 **SUBCHAPTER I. VIOLATIONS AND OFFENSES**

9 Sec. 548.601. OFFENSE GENERALLY ..... 3181  
10 **Sec. 548.602. FAILURE TO DISPLAY INSPECTION CERTIFICATE ..... 3183**  
11 Sec. 548.603. DISPLAY OF FICTITIOUS INSPECTION CERTIFICATE .. 3184  
12 Sec. 548.604. PENALTY FOR CERTAIN VIOLATIONS ..... 3186  
13 Sec. 548.605. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE ..... 3187

14 **CHAPTER 548. COMPULSORY INSPECTION OF VEHICLES**

15 **SUBCHAPTER A. GENERAL PROVISIONS**

16 Revised Law

17 Sec. 548.001. DEFINITIONS. In this chapter:

18 (1) "Commercial motor vehicle" means a self-propelled  
19 or towed vehicle, other than a farm vehicle with a gross weight,  
20 registered weight, or gross weight rating of less than 48,000  
21 pounds, if:

22 (A) the vehicle or combination of vehicles has a  
23 gross weight, registered weight, or gross weight rating of more  
24 than 26,000 pounds;

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

27 (C) the vehicle is used to transport hazardous  
28 materials in a quantity requiring placarding by a regulation issued  
29 under the Hazardous Materials Transportation Act (49 U.S.C. Section  
30 1801 et seq.).

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

32 (3) "Conservation commission" means the Texas Natural  
33 Resource Conservation Commission.

1 August 31 of the odd-numbered year following the date  
2 of appointment. Thereafter, appointments of stations  
3 shall be made for two-year periods and the certificate  
4 fee for each such period shall be Thirty Dollars (\$30).  
5 All certificate fees shall be placed in a fund in the  
6 State Treasury to be known as the Motor Vehicle  
7 Inspection Fund and shall be used by the Department in  
8 the administration of this Act.

9 Revisor's Note

10 Section 141(a), V.A.C.S. Article 6701d, requires  
11 the department to deposit the certificate fee in the  
12 motor vehicle inspection fund to be used to administer  
13 this chapter. The revised law omits the reference to  
14 the fund for the reason stated in Revisor's Note (4) to  
15 Section 548.501 of this code. In addition, the  
16 reference to the dedication of money deposited in the  
17 motor vehicle inspection fund is omitted. Section  
18 403.094(h), Government Code, provides that all  
19 statutory dedications of revenue enacted before August  
20 31, 1995, are void unless reenacted after September 1,  
21 1991. The dedication in Section 141(a), V.A.C.S.  
22 Article 6701d, was enacted in 1953 and was not  
23 reenacted after September 1, 1991. The revised law is  
24 drafted accordingly.

25 [Sections 548.508-548.600 reserved for expansion]

26 **SUBCHAPTER I. VIOLATIONS AND OFFENSES**

27 Revised Law

28 Sec. 548.601. OFFENSE GENERALLY. (a) A person who operates  
29 a motor vehicle in violation of this chapter or a rule adopted  
30 under this chapter commits an offense that is a misdemeanor.

31 (b) This section does not apply to operation of a vehicle  
32 that is:

- 33 (1) licensed in another state; and  
34 (2) being temporarily and legally operated under a  
35 reciprocity agreement. (V.A.C.S. Art. 6701d, Sec. 140(g) (part).)

1 Revised Law

2 Sec. 548.602. FAILURE TO DISPLAY INSPECTION CERTIFICATE.

3 (a) After the fifth day after the date of expiration of the period  
4 designated for inspection, a person may not operate:

5 (1) a motor vehicle registered in this state unless an  
6 inspection certificate is displayed on the vehicle; or

7 (2) a commercial motor vehicle registered in this  
8 state unless it is equipped as required by federal motor carrier  
9 safety regulations and displays an inspection certificate issued  
10 under the program established under Section 548.201.

11 (b) A peace officer who exhibits a badge or other sign of  
12 authority may stop a vehicle not displaying an inspection  
13 certificate on the windshield and require the owner or operator to  
14 produce an inspection certificate for the vehicle.

15 (c) It is a defense to prosecution under Subsection (a)(1)  
16 that an inspection certificate for the vehicle is in effect at the  
17 time of the arrest. (V.A.C.S. Art. 6701d, Secs. 140(e), 140A(c).)

18 Source Law

19 [Sec. 140]

20 (e) After the fifth (5th) day following the  
21 expiration of the period designated for the inspection,  
22 no person shall operate on the highways of this State  
23 any motor vehicle registered in this State unless a  
24 valid certificate of inspection is displayed thereon as  
25 required by this Section. Any peace officer who shall  
26 exhibit his badge or other signs of authority may stop  
27 any vehicle not displaying this inspection certificate  
28 on the windshield and require the owner or operator to  
29 produce an official inspection certificate for the  
30 Vehicle being operated. It is a defense to a  
31 prosecution under this section that a valid inspection  
32 certificate for the vehicle is in effect at the time of  
33 the arrest.

34 [Sec. 140A]

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

42 Revisor's Note

43 (1) Section 140(e), Article 6701d, refers to a

1 person who operates a vehicle "on the highways of this  
2 State." The quoted phrase is omitted from the revised  
3 law for the reason stated in Revisor's Note (1) to  
4 Section 548.001 of this code.

5 (2) Sections 140(e) and 140A(c), V.A.C.S.  
6 Article 6701d, refer to a valid certificate. The  
7 revised law omits "valid" as unnecessary because the  
8 word does not add to the clear meaning of the law. For  
9 example, a document purporting to be a certificate is  
10 no longer a certificate if it is expired and is not a  
11 certificate if it is a forgery.

12 (3) Section 140(e), V.A.C.S. Article 6701d,  
13 refers to prosecution "under this section." The  
14 revised law substitutes "under Subsection (a)(1)" to  
15 reflect where the provision is codified in this code.

16 (4) Section 140A(c), V.A.C.S. Article 6701d,  
17 refers to the program established "under this section."  
18 The revised law substitutes "under Section 548.201" to  
19 reflect where the provision is codified in this code.

20 Revised Law

21 Sec. 548.603. DISPLAY OF FICTITIOUS INSPECTION CERTIFICATE.

22 (a) A person commits an offense if the person:

23 (1) displays or causes or permits to be displayed an  
24 inspection certificate knowing it to be fictitious, issued for  
25 another vehicle, or issued without the required inspection having  
26 been made; or

27 (2) transfers an inspection certificate from a  
28 windshield or location to another windshield or location.

29 (b) The owner of a vehicle commits an offense if the  
30 vehicle:

31 (1) is operated or parked on a public highway; and

32 (2) displays an inspection certificate in violation of  
33 Subsection (a).