

By: Bailey

H.B. No. 2368

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the enforcement of commercial motor vehicle safety  
3 standards.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 644, Transportation Code,  
6 is amended by adding Section 644.106 to read as follows:

7 Sec. 644.106. IMMINENT HAZARD. (a) If the department  
8 determines that a violation of this chapter, a violation of a rule  
9 adopted under this chapter, or a combination of such violations  
10 presents an imminent hazard to safety, the department shall:

11 (1) order a motor vehicle that is subject to this  
12 chapter or the operator of the vehicle out of service; or

13 (2) order a person required to register under this  
14 chapter to cease all or part of the person's commercial motor  
15 vehicle operations in this state.

16 (b) In issuing an order under Subsection (a)(1), the  
17 department may not impose a restriction on the person beyond that  
18 required to abate the hazard.

19 (c) In this section, "imminent hazard" means a condition of  
20 a vehicle, person, or commercial motor vehicle operation that  
21 substantially increases the likelihood of serious injury or death  
22 if not discontinued immediately.

23 SECTION 2. Section 644.151(b), Transportation Code, is  
24 amended to read as follows:

1           (b) An offense under this section is a Class B [~~C~~]  
2 misdemeanor.

3           SECTION 3. Section 644.152(a), Transportation Code, is  
4 amended to read as follows:

5           (a) A person who does not permit an inspection authorized by  
6 Section 644.104 is liable to the state for a civil penalty in an  
7 amount not to exceed \$2,000 [~~\$1,000~~].

8           SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2003.