

By: Gallegos

S.B. No. 795

A BILL TO BE ENTITLED

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AN ACT

relating to the punishment for a corporation or association convicted of an offense involving the criminally negligent inspection, maintenance, or operation of a commercial motor vehicle.

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

SECTION 1. Section 12.51, Penal Code, is amended by amending Subsections (b) and (c) and adding Subsection (f) to read as follows:

(b) If a corporation or association is adjudged guilty of an offense that provides a penalty including imprisonment, or that provides no specific penalty, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed:

(1) \$20,000 if the offense is a felony of any category;

(2) \$10,000 if the offense is a Class A or Class B misdemeanor;

(3) \$2,000 if the offense is a Class C misdemeanor;  
~~[or]~~

(4) \$50,000 if, as a result of an offense classified as a felony or Class A misdemeanor, an individual suffers serious bodily injury or death; or

(5) \$100,000 if, as a result of criminally negligent conduct involving the inspection, maintenance, or operation of a

1 commercial motor vehicle, an individual suffers death.

2 (c) In lieu of the fines authorized by Subsections (a),  
3 (b)(1), (b)(2), [~~and~~] (b)(4), and (b)(5), if a court finds that the  
4 corporation or association gained money or property or caused  
5 personal injury or death, property damage, or other loss through  
6 the commission of a felony or Class A or Class B misdemeanor, the  
7 court may sentence the corporation or association to pay a fine in  
8 an amount fixed by the court, not to exceed double the amount gained  
9 or caused by the corporation or association to be lost or damaged,  
10 whichever is greater.

11 (f) In this section, "commercial motor vehicle" means a  
12 self-propelled or towed vehicle that is used on a public highway to  
13 transport cargo if the vehicle or combination of vehicles has a  
14 gross weight, registered weight, or gross weight rating of more  
15 than 26,000 pounds.

16 SECTION 2. (a) This Act takes effect September 1, 2003.

17 (b) The change in law made by this Act applies only to an  
18 offense committed on or after September 1, 2003. An offense  
19 committed before September 1, 2003, is covered by the law in effect  
20 when the offense was committed, and the former law is continued in  
21 effect for that purpose. For purposes of this subsection, an  
22 offense was committed before September 1, 2003, if any element of  
23 the offense was committed before that date.