

Amend CSHB 2702 by adding a new Section \_\_\_ as follows and renumber all remaining sections appropriately.

(a) The Study Commission on Availability of Pre-Owned Heavy Duty Commercial Motor Vehicles is created as provided by this section.

(b) The commission is composed of three members as follows:

- (1) one member appointed by the governor;
- (2) one member appointed by the lieutenant governor;
- (3) one member appointed by the speaker of the house of representatives.

(c) Each member of the commission serves at the will of the person who appointed the member.

(d) The members of the commission shall select the presiding officer.

(e) A member of the commission is not entitled to receive compensation for service on the commission but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the commission, as provided by the General Appropriations Act.

(f) The commission may accept gifts and grants from any source to be used to carry out a function of the commission.

(g) The commission shall conduct public hearings and study public policy implications relating to any act by the Texas Department of Transportation that would close existing businesses in this state because of the ownership structure of businesses that sell pre-owned heavy duty trucks that weigh in excess of 11,000 pounds. The commission shall determine whether such actions by the department could impact the use and operation of rail and highway transportation facilities in this state by heavy duty trucks.

(h) The study shall include:

- (1) a review of the laws of other states regarding whether there are restrictions on ownership structure of businesses that sell heavy duty commercial trucks;
- (2) a review of whether safety of pre-owned heavy duty trucks on highways in this state could be compromised if the Texas Department of Transportation closes businesses that currently sell such trucks;

(3) a review of whether the Texas Department of Transportation's application of Section 2301.476 of the Occupations Code could negatively impact competition in the pre-owned heavy duty truck market as well as the impact that such a decision could have on small, independent pre-owned truck dealerships, and independent owner/operators of trucking businesses in this state;

(4) other issues that the commission considers relevant to protecting the public interest regarding safety and availability of pre-owned heavy duty trucks that operate on the highways of this state.

(i) Not later than December 1, 2006, the commission shall issue a report to the governor, lieutenant governor, speaker of the house of representatives, and the chair of the committee in the house and senate with jurisdiction of transportation issues. The report shall summarize the following:

- (1) any hearings conducted by the commission;
- (2) any studies conducted by the commission;
- (3) any legislation proposed by the commission; and,
- (4) any other findings and recommendations of the commission.