

BILL ANALYSIS

S.B. 619
By: Staples
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 619 amends Section 621.001, Transportation Code, to include the definition of a "port of entry." The definition includes any place designated by executive order of the president of the United States to be a port of entry. It also states that a port of entry can be either publicly or privately owned. This bill also allows for noncommissioned employees to issue citations for weight violations while under the supervision of a commissioned officer of the Texas Department of Public Safety.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency. However, Section 5 allows for the enforcement action under certain circumstances for a violation of a rule adopted under this chapter.

ANALYSIS

SECTION 1. Amends Section 621.001, Transportation Code, to define "port of entry."

SECTION 2. Amends Section 621.101(c), Transportation Code, to provide that this section (regarding the maximum weight of vehicles) does not apply to a vehicle or combination of vehicles that operates exclusively in certain locations.

SECTION 3. Amends Section 621.408(b), Transportation Code, to authorize a noncommissioned employee, if the employee weighs a vehicle under Section 621.402 and determines that an enforcement action, such as the issuance of a citation, is warranted, to take enforcement action only if the employee is under the supervision of an officer of the Department of Public Safety. Deletes existing text authorizing only a supervising officer to take the action.

SECTION 4. Amends Section 644.001, Transportation Code, by adding Subdivision (7) to define "port of entry."

SECTION 5. Amends Section 644.103(d), Transportation Code, to authorize the noncommissioned employee, if the employee's inspection shows that an enforcement action, such as the issuance of a citation, is warranted for a violation of this title or a rule adopted under this title, including a federal safety regulation adopted under this chapter, to take enforcement action only if the employee is under the supervision of an officer of the department.

SECTION 6. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.