

By: Seaman, Bohac

H.B. No. 341

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to regulation of motor carriers transporting household  
3 goods.

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

5 SECTION 1. Section 643.051, Transportation Code, is amended  
6 to read as follows:

7 Sec. 643.051. REGISTRATION REQUIRED. (a) A motor carrier  
8 may not operate a commercial motor vehicle, as defined by Section  
9 548.001, or a tow truck on a road or highway of this state unless the  
10 carrier registers with the department under this subchapter.

11 (b) A motor carrier may not operate a vehicle, regardless of  
12 size of the vehicle, to transport household goods for compensation  
13 unless the carrier registers with the department under this  
14 subchapter.

15 SECTION 2. Section 643.153(b), Transportation Code, is  
16 amended to read as follows:

17 (b) The department may adopt rules necessary to ensure that  
18 a customer of a motor carrier transporting household goods is  
19 protected from deceptive or unfair practices and unreasonably  
20 hazardous activities. The rules must:

21 (1) establish a formal process for resolving a dispute  
22 over a fee or damage;

23 (2) require a motor carrier to indicate clearly to a  
24 customer whether an estimate is binding or nonbinding and disclose

1 the maximum price a customer could be required to pay;

2 (3) create a centralized process for making complaints  
3 about a motor carrier that also allows a customer to inquire about a  
4 carrier's complaint record; and

5 (4) require a motor carrier transporting household  
6 goods to list a place of business with a street address in this  
7 state and the carrier's registration number issued under this  
8 article in any print advertising published in this state[+]

9 ~~[(5) require motor carriers that are required to~~  
10 ~~register under Subsection (c) to file proof of cargo insurance in~~  
11 ~~amounts to be determined by the department that do not exceed the~~  
12 ~~amount required for a motor carrier transporting household goods~~  
13 ~~under federal law and allow alternative evidence of financial~~  
14 ~~responsibility, through surety bonds, letters of credit, or other~~  
15 ~~means satisfactory to the department, for contractual obligations~~  
16 ~~to customers that do not exceed \$5,000 aggregate loss or damage to~~  
17 ~~total cargo shipped at any one time,~~

18 ~~[(6) require motor carriers that are required to~~  
19 ~~register under Subsection (c) to conspicuously advise consumers~~  
20 ~~concerning limitation of any carrier liability for loss or damage~~  
21 ~~as determined under Subdivision (7); and~~

22 ~~[(7) determine reasonable provisions governing~~  
23 ~~limitation of liability for loss or damage of motor carriers~~  
24 ~~required to register under Subsection (c), not to exceed 60 cents~~  
25 ~~per pound per article].~~

26 SECTION 3. Section 643.155(c), Transportation Code, is  
27 amended to read as follows:

1 (c) The committee shall[+]

2 [~~(1)~~] examine the rules adopted by the department under  
3 Sections 643.153(a) and (b) and make recommendations to the  
4 department on modernizing and streamlining the rules[+]

5 [~~(2) conduct a study of the feasibility and necessity  
6 of requiring any vehicle liability insurance for household goods  
7 carriers required to register under Section 643.153(c); and~~

8 [~~(3) recommend a maximum level of liability limitation  
9 under Section 643.153(b)(7) that does not exceed 60 cents per  
10 pound~~].

11 SECTION 4. Section 643.252(a), Transportation Code, is  
12 amended to read as follows:

13 (a) The department may suspend or revoke a registration  
14 issued under this chapter or place on probation a motor carrier  
15 whose registration is suspended if a motor carrier:

16 (1) fails to maintain insurance or evidence of  
17 financial responsibility as required by Section 643.101(a), (b),  
18 (c), or (d) [~~or 643.153(b)~~];

19 (2) fails to keep evidence of insurance in the cab of  
20 each vehicle as required by Section 643.103(b);

21 (3) fails to register a vehicle requiring  
22 registration;

23 (4) knowingly provides false information on any form  
24 filed with the department under this chapter; or

25 (5) violates a rule adopted under Section 643.063.

26 SECTION 5. Sections 643.253(a), (b), and (e),  
27 Transportation Code, are amended to read as follows:

1           (a) A person commits an offense if the person fails to:  
2               (1) register as required by Subchapter B [~~or Section~~  
3 ~~643.153(c)~~];  
4               (2) maintain insurance or evidence of financial  
5 responsibility as required by Subchapter C [~~or Section 643.153~~]; or  
6               (3) keep a cab card in the cab of a vehicle as required  
7 by Section 643.059.

8           (b) A person commits an offense if the person solicits the  
9 transportation of household goods for compensation and is not  
10 registered as required by Subchapter B [~~or Section 643.153~~].

11           (e) An offense under Subsection (b) or (d) is a misdemeanor  
12 punishable by a fine of not less than \$200 or more than \$1,000 per  
13 violation.

14           SECTION 6. Section 643.153(c), Transportation Code, is  
15 repealed.

16           SECTION 7. This Act takes effect September 1, 2005.