

1-1 By: Seaman, Bohac (Senate Sponsor - Armbrister) H.B. No. 341
1-2 (In the Senate - Received from the House April 14, 2005;
1-3 April 18, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 11, 2005, reported
1-5 favorably by the following vote: Yeas 7, Nays 0; May 11, 2005,
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to regulation of motor carriers transporting household
1-10 goods.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 643.051, Transportation Code, is amended
1-13 to read as follows:

1-14 Sec. 643.051. REGISTRATION REQUIRED. (a) A motor carrier
1-15 may not operate a commercial motor vehicle, as defined by Section
1-16 548.001, or a tow truck on a road or highway of this state unless the
1-17 carrier registers with the department under this subchapter.

1-18 (b) A motor carrier may not operate a vehicle, regardless of
1-19 size of the vehicle, to transport household goods for compensation
1-20 unless the carrier registers with the department under this
1-21 subchapter.

1-22 SECTION 2. Section 643.153(b), Transportation Code, is
1-23 amended to read as follows:

1-24 (b) The department may adopt rules necessary to ensure that
1-25 a customer of a motor carrier transporting household goods is
1-26 protected from deceptive or unfair practices and unreasonably
1-27 hazardous activities. The rules must:

1-28 (1) establish a formal process for resolving a dispute
1-29 over a fee or damage;

1-30 (2) require a motor carrier to indicate clearly to a
1-31 customer whether an estimate is binding or nonbinding and disclose
1-32 the maximum price a customer could be required to pay;

1-33 (3) create a centralized process for making complaints
1-34 about a motor carrier that also allows a customer to inquire about a
1-35 carrier's complaint record; and

1-36 (4) require a motor carrier transporting household
1-37 goods to list a place of business with a street address in this
1-38 state and the carrier's registration number issued under this
1-39 article in any print advertising published in this state[+]

1-40 ~~[(5) require motor carriers that are required to~~
1-41 ~~register under Subsection (c) to file proof of cargo insurance in~~
1-42 ~~amounts to be determined by the department that do not exceed the~~
1-43 ~~amount required for a motor carrier transporting household goods~~
1-44 ~~under federal law and allow alternative evidence of financial~~
1-45 ~~responsibility, through surety bonds, letters of credit, or other~~
1-46 ~~means satisfactory to the department, for contractual obligations~~
1-47 ~~to customers that do not exceed \$5,000 aggregate loss or damage to~~
1-48 ~~total cargo shipped at any one time,]~~

1-49 ~~[(6) require motor carriers that are required to~~
1-50 ~~register under Subsection (c) to conspicuously advise consumers~~
1-51 ~~concerning limitation of any carrier liability for loss or damage~~
1-52 ~~as determined under Subdivision (7); and]~~

1-53 ~~[(7) determine reasonable provisions governing~~
1-54 ~~limitation of liability for loss or damage of motor carriers~~
1-55 ~~required to register under Subsection (c), not to exceed 60 cents~~
1-56 ~~per pound per article].~~

1-57 SECTION 3. Section 643.155(c), Transportation Code, is
1-58 amended to read as follows:

1-59 (c) The committee shall[+]

1-60 ~~[(1)]~~ examine the rules adopted by the department
1-61 under Sections 643.153(a) and (b) and make recommendations to the
1-62 department on modernizing and streamlining the rules[+]

1-63 ~~[(2) conduct a study of the feasibility and necessity~~
1-64 ~~of requiring any vehicle liability insurance for household goods]~~

2-1 ~~carriers required to register under Section 643.153(c), and~~
2-2 ~~[(3) recommend a maximum level of liability limitation~~
2-3 ~~under Section 643.153(b)(7) that does not exceed 60 cents per~~
2-4 ~~pound].~~

2-5 SECTION 4. Section 643.252(a), Transportation Code, is
2-6 amended to read as follows:

2-7 (a) The department may suspend or revoke a registration
2-8 issued under this chapter or place on probation a motor carrier
2-9 whose registration is suspended if a motor carrier:

2-10 (1) fails to maintain insurance or evidence of
2-11 financial responsibility as required by Section 643.101(a), (b),
2-12 (c), or (d) [~~or 643.153(b)~~];

2-13 (2) fails to keep evidence of insurance in the cab of
2-14 each vehicle as required by Section 643.103(b);

2-15 (3) fails to register a vehicle requiring
2-16 registration;

2-17 (4) knowingly provides false information on any form
2-18 filed with the department under this chapter; or

2-19 (5) violates a rule adopted under Section 643.063.

2-20 SECTION 5. Sections 643.253(a), (b), and (e),
2-21 Transportation Code, are amended to read as follows:

2-22 (a) A person commits an offense if the person fails to:

2-23 (1) register as required by Subchapter B [~~or Section~~
2-24 ~~643.153(e)~~];

2-25 (2) maintain insurance or evidence of financial
2-26 responsibility as required by Subchapter C [~~or Section 643.153~~]; or

2-27 (3) keep a cab card in the cab of a vehicle as required
2-28 by Section 643.059.

2-29 (b) A person commits an offense if the person solicits the
2-30 transportation of household goods for compensation and is not
2-31 registered as required by Subchapter B [~~or Section 643.153~~].

2-32 (e) An offense under Subsection (b) or (d) is a misdemeanor
2-33 punishable by a fine of not less than \$200 or more than \$1,000 per
2-34 violation.

2-35 SECTION 6. Section 643.153(c), Transportation Code, is
2-36 repealed.

2-37 SECTION 7. This Act takes effect September 1, 2005.

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