

By: Gattis, Rose

H.B. No. 754

A BILL TO BE ENTITLED

AN ACT

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relating to transportation of loose materials.

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

SECTION 1. Section 725.003(c), Transportation Code, is amended to read as follows:

(c) An offense under this section is a misdemeanor punishable by a fine of [+

~~[(1)]~~ not less than \$25 or more than [~~\$200 for a first conviction; and~~

~~[(2) not less than \$200 or more than]~~ \$500 [~~for a second or subsequent conviction]~~].

SECTION 2. Section 725.021, Transportation Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Except as provided by Subsection (e), the [~~The~~] load shall be covered and the covering firmly secured at the front and back, unless the load:

(1) is completely enclosed by the load-carrying compartment; or

(2) does not blow or spill over the top of the load-carrying compartment.

(e) If the vehicle is a commercial motor vehicle and the load is dirt, sand, gravel, or refuse, the load shall be covered and the covering firmly secured at the front and back or shall be

1 completely enclosed by the load-carrying compartment. For purposes  
2 of this section, "commercial motor vehicle" means a motor vehicle,  
3 trailer, or semitrailer used primarily in the business of  
4 transporting property.

5 SECTION 3. (a) The change in law made by this Act applies  
6 only to an offense committed on or after the effective date of this  
7 Act. For purposes of this section, an offense is committed before  
8 the effective date of this Act if any element of the offense occurs  
9 before that date.

10 (b) An offense committed before the effective date of this  
11 Act is governed by the law in effect when the offense was committed,  
12 and the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2005.